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Member States' best practices on the Charter

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Romania



Romania

Use and awareness of the Charter in your country

Government policies that promote the use and awareness of the Charter among the legislator, the administration, law enforcement bodies and the judiciary

The Constitutional Court has established reliance on the Charter as an emergent practice in [its case-law](#). Ordinary courts also tend to refer to the Charter provisions in their judgments. This tendency is linked to the increase in the number of courses and seminars on topics related to the rights conferred on magistrates in various forms.

The National Institute of Magistracy (*Institutul Național al Magistraturii*) has developed programmes under which information is provided on EU law and CJEU case-law in close connection with ECHR case-law, with particular focus on judicial cooperation. Future prosecutors as well as future judges attend such courses. Judges and prosecutors in office attend such courses as part of their continuing training. A [recent example](#) in this respect is a webinar regarding the use of the Charter in asylum procedures.

The Charter is included in the curriculum of law faculties and other universities in Romania as well as in the curricula implemented by the National Institute of Magistracy.

Other Romanian public authorities use the Charter provisions in policy making (for example, employment and unemployment policies; sustainable development policies) or when providing the grounds for the application of penalties (see, for example, the practice of the National Council for Combatting Discrimination (*Consiliul Național pentru Combaterea Discriminării*)). Charterpedia and, in general, the data provided by the European Union Agency for Fundamental Rights in all forms are very useful instruments which are relied on, for instance, in the work of the Ministry of Internal Affairs (*Ministerul Afacerilor Interne*). The Ministry of Internal Affairs has its own training units which provide training on human rights for the law enforcement authorities. These training courses revolve around all international instruments for protection of human rights, including the Charter.

Among the measures required to meet the precondition for “Effective application and implementation of the EU Charter of Fundamental Rights”, the Ministry of European Funds (*Ministerul Fondurilor Europene*) is also responsible for ensuring that effective mechanisms are put in place to ensure compliance with the EU Charter of Fundamental Rights, as provided for in Annex III to the proposal for the Common Provisions Regulation (CPR). In this respect, the General Directorate for Programming and System Coordination (*Direcția Generală Programare și Coordonare Sistem*) has prepared the Guidelines for the application of the EU Charter of Fundamental Rights in the implementation of European Structural and Investment Funds ([Guidelines](#)), which aim at assisting both the staff of the Ministry of European Funds (*Ministerul Fondurilor Europene*), the competent ministries entrusted with the management of European funds, the agencies and other public authorities at the programming and implementing stages, for the 2021–2027 financial years, and the potential beneficiaries applying for financing from EU funds in the effective application and implementation of the provisions of the EU Charter of Fundamental Rights. The ministry considers that regular dialogue on the application of the Charter and the EU granting institutional assistance in this respect are important.

Tools that help better understand the Charter and when it applies

Charterpedia and in general FRA materials regarding the Charter are useful instruments. For example, the Ministry of Internal Affairs stated that they use FRA materials.

Use and promotion of Charter tools developed by other EU countries or by other stakeholders in the EU

See reply to question No 2 – instruments developed by FRA are relevant and used.

Cooperation with stakeholders to promote the use and awareness of the EU Charter of fundamental rights

Examples of cooperation between rights defenders and national authorities that contribute to a better awareness and use of the Charter

The webinar organised recently, i.e. in June 2020, by the National Institute of Magistracy regarding the use of the Charter in asylum procedures is an example of such cooperation. Several national and international NGOs attended this event, along with the Bucharest Bar.

In 2019 and 2020, the Romanian Institute for Human Rights (*Institutul Român pentru Drepturile Omului*) developed and provided a series of courses designed for a variety of professional categories which, given the specificity of their work, are called on to become aware of and to apply human rights. The courses concerned the Charter provisions. They were thoroughly reviewed and debated during the courses designed for the border police (organised within the General Police Inspectorate (*Inspectoratul General al Poliției*) and other three territorial inspectorates: Timișoara, Giurgiu, Constanța) on the topic of human rights in the context of irregular migration (with particular reference to Articles 2, 3, 4, 6, and 35 of the Charter).

The courses provided in 2019 may be consulted [here](#).

Moreover, with regard to the issue of prevention of torture and inhuman and degrading punishment and treatment, the Charter provisions were included in the courses developed for the agents of the National Centres for Detention and Remand in Custody Pending Trial.

On the occasion of a course organised to mark the 10th anniversary of the adoption of the Charter, the Charter provisions, in particular those regarding privacy and protection of personal data, were debated during discussion workshops directed at teachers and school inspectors in Vâlcea County.

In 2020, the Charter was promoted through training sessions directed at police officers from the National Centres for Detention and Remand in Custody Pending Trial, border police inspectorates and lawyers.

The courses provided in 2020 may be consulted [here](#).

Examples of cooperation between national authorities and academia that contribute to a better awareness and use of the Charter

All the above-mentioned courses, which were organised by the Romanian Institute for Human Rights, were put together in partnership with public institutions and partners from the educational/academic environment, as follows:

- The Institute for Public Order Studies (*Institutul de Studii pentru Ordinea Publică*) (Prevention of torture and inhuman and degrading treatment for the staff of the National Centres for Detention and Remand in Custody Pending Trial);
- The Romanian Border Police (*Poliția Română de Frontieră*), the General Inspectorate for Immigration (*Inspectoratul General pentru Imigrări*), the Anticorruption Directorate (*Direcția Anti-corupție*) of the Ministry of Internal Affairs (under the joint action plan of the General Anticorruption Directorate (*Direcția Generală Anticorupție - DGA*) – the General Inspectorate of the Romanian Border Police (*Inspectoratul General al Poliției de Frontieră Române - IGPF*) – the General Inspectorate for Immigration - IGI for preventing corruption in the context of irregular immigration)
- Secondary schools, schools, national teacher training centres involved in the training of teachers from the

national education system

See also the reply to question No 1 – The Charter is included in the curriculum of EU law and public international law subjects of the law faculties in Romania.

Examples of non-governmental initiatives that promote the use and awareness of the Charter in your country

- [The Romanian Institute for Human Rights](#) constantly promotes the use of the Charter and awareness of the rights provided for therein.
- The Union of Civil Liberties Union for Europe is an NGO with offices in several states, including Romania. [The website](#) is translated into Romanian and contains guidance on the use of the Charter.

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