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Needs Assessment Report: ROMANIA

Guaranteeing Rights and Charter Enforcement
(GRACE) project

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Table of Contents

Executive Summary	4
Methodology	6
1. INTRO: What does the Charter stand for?.....	7
a) Origins	8
b) Scope.....	8
c) Why is the Charter important in general?.....	8
2. STATE OF PLAY: Standing of the Charter in the Romanian national legal system	9
a) Snapshot of the Romanian fundamental rights context	10
i. Key milestones for the development of the Romanian human rights architecture	10
ii. Current picture based on key findings of international reports on Romania	11
iii. Equality and non-discrimination	12
iv. Freedom of association	13
v. Freedom of assembly	14
vi. Freedom of expression	14
b) Legal status of the EU Charter as a part of the Romanian law	15
3. SYSTEM: the Romanian fundamental rights ecosystem	17
a) The fundamental rights ecosystem	18
b) Institutional approaches in the implementation of the Charter in the national context – strategies, policies, programming.....	19
b.1. Ex ante impact assessment on fundamental rights in the law-making procedures.....	19
b.2. Technical scrutiny during the law-making procedures	20
b.3. Ex post evaluations in relation to normative acts.....	20
c) Application of the Charter by human rights institutions	21
d) Use of the Charter by the judiciary and quasi-judiciary bodies.....	21
e) The Charter and the academia.....	24
f) The use of the Charter by the civil society organisations	24
g) EU funds architecture - The Charter in impact assessment and as HEC	25
h) The use of the Charter by local public administration	25
i) Substantive application of relevant Charter provisions – Equality as case study	26
4. SPECIFICITY - Visibility of the Charter – awareness raising, training - promotion of Charter tools	29
5. STRATEGY: conclusions and recommendations	33
Short term priorities	35
Medium term priorities	35
Long term priorities	36
va. Concept for training of local and public administration representatives.....	37
b. Concept for training of CSOs representatives	37

Executive Summary

This **Needs Assessment Report** provides an analysis of the application of the EU Charter of Fundamental Rights (the Charter) in Romania as for 2026 in the context of GRACE project's overarching objective to strengthen the implementation, promotion, and awareness of the EU Charter of Fundamental Rights in Greece as well as in Bulgaria and Romania. Through a coordinated and comparative approach, the project undertakes in-depth, rights-specific, target-group-specific, and country-specific assessments that will inform the design of tailored training programmes and advocacy campaigns in each national context. The needs assessments across the three countries focus on three areas:

- **Non-discrimination**, including multiple discrimination, hate crime and hate speech (Article 21 Charter);
- **Freedom of expression and the right to information**, with emphasis on media pluralism and journalistic freedoms (Article 11 Charter); and
- **Freedom of assembly and of association**, with a focus on civic space and the enabling environment for civil society (Article 12 Charter).

These areas reflect common fundamental rights challenges, identified in previous rule of law reports from the European Commission and other information material by EU bodies (Eurobarometer surveys, FRA reports etc).

The **Needs Assessment Report on Romania** represents a novelty given that the Romanian literature does not include so far a comprehensive report on the integration of the Charter in the Romanian human rights infrastructure and on its enforcement in Romania. Because of this informational gap, the analysis is not limited to providing a legalistic snapshot of the formal implementation of the Charter. The **Needs Assessment Report** is built on the common template used for the three Member States and provides a comprehensive overview of the current legal, institutional, and policy landscape related to the Charter, identifying key challenges, gaps, promising practices and opportunities for improving its substantial use and effective application. The findings are presented from the perspective of a shared four-pillar structure:

- **State of Play** - the legal and policy frameworks;
- **System** - mapping the roles of national stakeholders and institutional mechanisms;

➤ **Specificity** - the awareness, use, and perceived added value of the Charter;

➤ **Strategy** - the specific training needs of targeted groups and the key findings.

The **Needs Assessment Report** on Romania looks at the **state of play** of the fundamental rights ecosystem supposed to ensure the effective integration of the Charter in the Romanian human rights architecture, including as horizontal conditionality in the context of EU funding. In this regard, beyond the legal standing of the Charter in the domestic legal framework, its more political, inspirational role as Europeanisation vector and its role as conditionality in the use of EU funding, the report looked at the way in which the main national actors with a role in observing and promoting the Charter incorporate it in their internal policies, including initial or continuing professional education of the staff as well as in their work and how the Charter is reflected in the work of these stakeholders.

The **Needs Assessment Report** on Romania concludes that while the overall compliance and integration of the Charter in the national legal ecosystem are secured, they remain formal and underdeveloped. The challenge identified is not of normative nature, it lays instead on the failure of the practical implementation and the limited understanding of the added value of the Charter, including in the case of practitioners which might benefit of the use of the Charter. Given that the Romanian fundamental rights architecture remains focused on the national constitutional guarantees and the ECHR, the engagement of the authorities with the Charter is severely limited whether we look at the legislative bodies, central and local executive authorities, constitutional and regular courts, independent regulatory and oversight institutions, the National Human Rights Institute, the equality body or the Ombuds.

The continuing and coherent promotion of the Charter is still lagging behind and this leads to the limited use of the Charter by the various institutions. **The system analysis** of the relevant mechanisms for the implementation of the Charter show that it is not a part of the legislative, administrative or judicial culture so far. The reported systemic lack of training on the Charter leads to a failure to operationalise the Charter and use it in order to enrich the existing human rights framework, by adding to the interpretation of rights and using it as a unifying / inspiring structure for policies and legislation.

Romania does not have a national coordination mechanism on human rights or a leading institution acting under a national strategy or national action plan. The fragmented, often ad hoc and reactive approach to human rights commitments is reflected also by the establishment of two different responsible entities in relation to the Charter - the Charter Focal Point within the Ministry of Justice on one side and in the Ministry of European Funds coordination unit on the other.

The overall picture of the Romanian human rights architecture in the analysis results in a puzzle: on one side the ratification of all key treaties and conventions, the primacy of international human rights norms explicitly recognised in the Constitution, a domestic legislation intended to observe the ECHR and the EU law, on the other national human rights institutions which are under-developed and have limited competencies, the absence of a national human rights strategy or action plan, a political and legal culture which approaches human rights as external conditionalities and as legitimacy stamps without establishing the environment needed for the rights to be proactively protected, exercised, enforced. This failure in translating human rights norms from theory into practical exercising of the rights, to operationalise international standards into norms and policies as well as in the design and implementation of policy interventions is a systemic failure which affects the absorption and implementation of the EU Charter as well. Human rights in general are perceived as a foreign import and the Charter is furthermore isolated as an EU-limited instrument. The legal education and the professional training of judges, prosecutors, lawyers, civil servants briefly refer to the Charter in the context of EU Law courses, without taking into account its horizontal potential.

The failure to incorporate Charter considerations in the legal education horizontally and the lack of continuous training of the legal professionals and civil servants downstream has a consequence in translation of the Charter into sector-specific strategies, policies or programmes.

In spite of a legal obligation, the research conducted for the Needs Assessment Report on Romania shows that Charter considerations are mostly absent from ex ante decision-making or are checked formalistically. The ex ante impact assessment embedded with the Consultative Council is designed as an initial screening tool and focuses on identifying the expected economic, budgetary, social, administrative and environmental effects of the proposed regulatory intervention, as well as its compliance with EU law mentioning the Charter explicitly, but there are no signs of follow up so far. In the application phase, the institutions responsible

for monitoring and safeguarding fundamental rights lack the institutional capacity to apply the Charter effectively.

In the legislative and executive decision-making context, the application of the Charter seems to be defined by institutional neglect. In the judicial context, the application of the Charter is used in a rather technical and reactive manner. In the context of European funds, the Charter is defined by limited operationalisation and awareness.

In terms of the **specificity** of the visibility and awareness, the special 2025 Eurobarometer survey shows that while general awareness of the Charter has increased in the Union, a significant proportion of people in Romania remain insufficiently informed about the content of Charter rights and about where to turn in cases of alleged violations; Romania features the lowest proportion of awareness of the Charter (27%), with only 5% of the respondents having heard of the Charter and knowing what it is, as well as the highest number of incorrect answers regarding the Charter.

The deficit identified goes beyond the mere lack of knowledge, the lack of a coherent approach and failure to operationalise the Charter, it is a systemic challenge at the national level derived from approaching human rights and fundamental freedoms as external conditionalities imposed by external actors, such as the US or the European Commission, to be formally signed off and not as national values and guiding principles for building a rule of law based community.

To conclude, in spite of its potential capacity to function as a unifying, overarching framework for human rights and a modernizing framework, connecting constitutional, European and international human rights standards into a coherent rights and freedoms structure, the Charter remains underused and there is significant room for improvement into bringing the Charter at home in Romania. This is merely reflecting the overall pattern of the human rights framework in Romania which is defined by the gaps between rhetorical commitments and formal guarantees but with limitations in the real-world enforcement derived from persistent structural weaknesses. The short, medium and long term recommendations are built in the context of the GRACE project, focusing on the specific training needs of targeted groups and the key findings to guide the design and development of advocacy ensuing activities. They might be also relevant in the context of a national strategy of taking the Charter seriously.

Methodology

This **Needs Assessment Report** was conducted within the framework of the GRACE project and it deployed a mixed methodological approach (quantitative and qualitative) aimed at identifying existing challenges, institutional gaps, and capacity shortages related to the promotion and implementation of the Charter of Fundamental Rights by the relevant stakeholders, namely the national and local administration, as well as members of civil society. The methodology was developed based on the Four-Step 4-S approach, a structured and targeted methodological approach purposely created to guide the carrying out of the needs assessments in Bulgaria, Greece and Romania under the GRACE Project. It combines the following major steps:

- **State of Play**, offering an in-depth analysis of the legal and policy frameworks in each of the three rights-areas;
- **System**, mapping the roles of national stakeholders and institutional mechanisms relevant to Charter implementation;
- **Specificity**, analysing empirical evidence on the awareness, use, and perceived added value of the Charter among national actors; and

Strategy, outlining the specific training needs of targeted groups and the key findings to guide the design and development of advocacy ensuing activities. The thematic areas explored were mainly the four identified areas (non-discrimination, freedom of expression and information and freedom of assembly and of association).

The research in the background of the needs assessment was developed in the period February-March 2026 based on multiple sources of data to ensure and enhance the reliability and validity of the findings, that is, desk research, requests of public information as data collection, semi-structured interviews with relevant stakeholders selected from different professional sectors and institutional backgrounds:

- ✓ Desk research of national legislation, national strategies, case law, including the Charter case law database, policies, country reports published by European institutions, international organisations, international and European monitoring bodies, the national human rights institution, the ombuds institution, other independent bodies and civil society networks, depicting the current framework, academic articles, state of research on the use of the Charter in Romania,
- ✓ Semi-structured interviews carried out informally with key stakeholders in national human rights institutions and legal training institutions, academia, civil society organisations and national FRANET team selected from different professional sectors and institutional backgrounds,
- ✓ Questionnaires filed as requests for public information in February 2026 with the key stakeholders, the scope being to map existing initiatives and needs. Requests of information regarding the use of the Charter were filed with:
- ✓ MIPE – Ministerul Investițiilor și Proiectelor Europene – Ministry of Investments and European Projects
- ✓ MoJ – Ministerul Justiției – Ministry of Justice
- ✓ CNCD – Consiliul Național pentru Combaterea Discriminării – National Council for Combating Discrimination
- ✓ IRDO – Institutul Român pentru Drepturile Omului – Romanian Institute for Human Rights
- ✓ Avocatul Poporului – Avocatul Poporului – Ombudsman (People's Advocate)
- ✓ Consiliul Legislativ – Consiliul Legislativ – Legislative Council
- ✓ CSM – Consiliul Superior al Magistraturii – Superior Council of Magistracy
- ✓ INM – Institutul Național al Magistraturii – National Institute of Magistracy
- ✓ Ministerul Public – Ministerul Public – Public Ministry (Prosecution Service)
- ✓ UNBR – Uniunea Națională a Barourilor din România – National Union of Bar Associations of Romania
- ✓ INA – Institutul Național de Administrație – National Institute of Administration
- ✓ ANFP – Agenția Națională a Funcționarilor Publici – National Agency of Civil Servants
- ✓ INPPA – Institutul Național pentru Pregătirea și Perfecționarea Avocaților – National Institute for the Training and Improvement of Lawyers
- ✓ Asociația Municipiilor din România – Association of Municipalities of Romania
- ✓ Asociația Comunelor din România – Association of Communes of Romania
- ✓ Asociația Orașelor din România – Association of Towns of Romania
- ✓ CES – Consiliul Economic și Social – Economic and Social Council
- ✓ CNA – Consiliul Național al Audiovizualului – National Audiovisual Council

1. INTRO

What does the Charter stand for?

What does the Charter stand for?

a) Origins

The **Charter of Fundamental Rights** of the European Union (the Charter) is a legally binding document which has the same legal value as the EU Treaties. The Charter acts as a bill of rights in relation to European Union institutions and to Member States when implementing EU law.

The Charter was developed by a group of politicians and experts convened as the European Convention, it was proclaimed on 7 December 2000 by the European Parliament, the Council of Ministers, and the European Commission, and entered into force on 1 December 2009 when the Treaty of Lisbon entered into force.

b) Scope

The Charter articulated in its 54 articles, the civil, political, economic, and social rights for EU citizens and residents organised in key chapters: Dignity, Freedoms, Equality, Solidarity, Citizens' Rights, and Justice. The overall purpose of the EU Charter is to consolidate and enshrine the rights and freedoms of EU citizens.

Article 51(1) of the Charter explains the application of the Charter to the EU's institutions, to bodies established under EU law in all their actions and to the EU's Member States when implementing EU laws, for example when EU countries adopt or apply a national law implementing an EU directive or when national authorities apply an EU regulation directly. Hence, the Charter does not extend the competencies of the Union - a right provided for in the Charter has to be also established in the Treaties in order to be enacted by the Union and individuals can take a Member State to court for failure to observe the Charter only if the right in question is infringed in the context of implementation of binding EU law.

Member States have a duty to respect the rights and observe the principles of the Charter when acting within the scope of binding EU law. Where the Charter provisions are sufficiently precise and unconditional, they can have a direct effect at the national level – for instance in national courtrooms. Notably, in C-40/21 T.A.C. împotriva Agenției Naționale de Integritate (ANI) (2023), the Court of Justice considered that the Charter provisions, Articles 49(3) on proportionality of penalties, 47 on effective judicial protection and 15(1) on freedom to work applied to conflict-of-interest rules apply given that the national legislation was not seen as purely internal. The Court found that rule of law and anti-corruption mechanisms operate within an EU law framework. These obligations arise in the broader framework of EU values under Article 2 TEU and mechanisms like the Cooperation and Verification Mechanism (CVM) established by the European Commission. When Romania enforces conflict-of-interest rules and penalties, it is giving effect

to obligations flowing from that EU decision, thus implementing EU law, hence there is sufficient link to apply the Charter.¹

c) Why is the Charter important in general?

The Charter is a relatively new instrument whose visibility is only recently increasing. It builds on the key European human rights and fundamental freedoms such as the European Convention on Human Rights (ECHR), the European Social Charter, the jurisprudence of the European Court of Justice as well as of the European Court of Human Rights, the general principles of EU law and it also integrates elements derived from the constitutional traditions of Member States.

The Charter protects individuals and legal entities against actions by the EU institutions that infringe fundamental rights. For example, if EU legislation violates the Charter provisions it can be invalidated by the Court of Justice of the EU (CJEU), the court acting as the guardian of the Charter. Member States have an explicit duty to promote the Charter's application. If a national authority breaches rights under the Charter when implementing EU law, the national judges (under the guidance of the Court of Justice of the EU if needed) have the power to ensure that the Charter is respected.

The Charter comes with the strength of EU law, which often has direct effect and, in principle, must be granted supremacy over national law.

While a comparison between the Charter and the ECHR would show general equivalence in coverage of substantive rights, there are selected provisions on which the Charter is more advanced. For example, the Charter provides for rights not included in the ECHR or in the European Social Charter such as: human dignity (Art.1), integrity of the person (Art. 3), right to choose occupation (Art.15), right to conduct a business (Art.16), right to asylum (Art.18), cultural, religious and linguistic diversity (Art. 22), protection of the child (Art.24), protection of elderly (Art.25), integration of persons with disabilities (Art.26), solidarity and employment related rights (Arts.27-36), environmental protection (Art.37), consumer protection (Art.38). Also distinct are the EU context-specific citizens' rights from Articles 39-46. The Charter also includes rights with a more extensive wording than the equivalent ECHR protection as it is the case of personal data (Art.8), right to marry and found family (Art.9), right to assembly and association (12), right to education (Art.14), effective remedy and fair trial (Art.47), ne bis in idem (Art.50). The Charter provisions on data protection, guarantees on bioethics, environment protection or consumer protection or transparent administration reflect the modernity of the document.

The [Fundamental Rights Agency](#) of the European Union (FRA) has produced the EU Charter app with the text of the Charter in all EU languages and related information including a [Charterpedia](#) with national and European case law on every Charter provision, e-guidance and a case law database.

¹ CJUE, C-40/21, T.A.C. împotriva Agenției Naționale de Integritate (ANI) (4 May 2023).

2. STATE OF PLAY

Standing of the Charter in the Romanian national legal system

Standing of the Charter in the Romanian national legal system

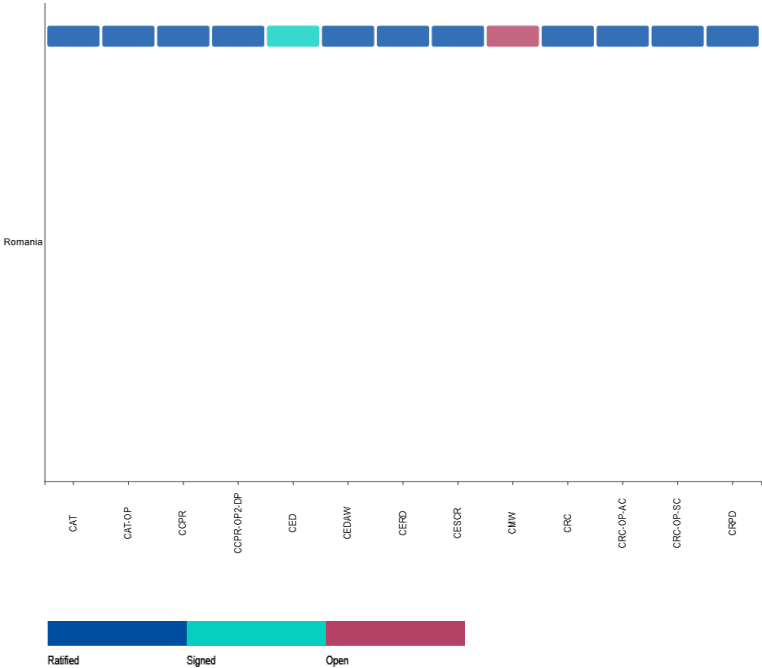
a) Snapshot of the Romanian fundamental rights context

i. Key milestones for the development of the Romanian human rights architecture

The first milestone in the development of the Romanian fundamental rights architecture, carving the main constitutional and legislative framework, was built in the early 90es in order to signal the transition from the Communist regime to a democracy and rule of law regime. In its quest for legitimacy, the political elite adopted all relevant international and European human rights treaties and conventions, with a particular emphasis on adopting the European Convention on Human Rights. The political leadership prioritised joining the Council of Europe. The Constitution provides for civil, political, economic, social and cultural rights in the wording similar to the one from international treaties. Also in the early 90es key institutions mandated to protect rights were established: the Constitutional Court (Curtea Constituțională, CCR) which can review and invalidate legislation violating human rights enshrined in the Constitution, the Ombuds (Avocatul Poporului, AP) handling complaints of human rights violations against public authorities, the judiciary meant to ensure judicial review and protection. Legislation meant to ensure redress for violations perpetrated before 1989 was adopted as well as legislation meant to enforce key constitutional tenets defining a rule of law regime. This was a rather formalistic endorsement as for example while the European or international treaties were signed and ratified, the additional protocols allowing for complaints mechanisms for oversight in case the rights espoused were not observed had not been ratified meaning that de facto Romanian citizens have limited access to international complaints mechanisms other than the ECtHR or the UN treaty bodies.²

The initial ratification of CoE or UN human rights treaties in the early 90es was followed by a more cautious acceptance of individual complaints mechanisms or of inquiry procedures. Many of the complaints mechanisms have been signed but not ratified, for example the CRPD Optional Protocol.³

Status of acceptance of United Nations treaties by country and by treaty⁴



2 . Council of Europe treaties still open to signature for Romania include: [European Convention on the Legal Status of Migrant Workers](#) , [European Convention on the Exercise of Children's Rights](#) , [Protocol to the European Interim Agreement on Social Security other than Schemes for Old Age, Invalidity and Survivors](#),[European Interim Agreement on Social Security Schemes relating to Old Age, Invalidity and Survivors](#), [Protocol to the European Convention on Social and Medical Assistance](#), [European Agreement on Regulations governing the Movement of Persons between Member States of the Council of Europe](#) [Protocol to the European Code of Social Security](#), [European Convention on Social and Medical Assistance](#), [Additional Protocol to the Convention on Human Rights and Biomedicine concerning Genetic Testing for Health Purposes](#), [Protocol amending the European Social Charter](#), [Council of Europe Convention on Access to Official Documents](#) , [Protocol to the European Interim Agreement on Social Security Schemes relating to Old Age, Invalidity and Survivors](#), [European Interim Agreement on Social Security other than Schemes for Old Age, Invalidity and Survivors](#), [Additional Protocol to the European Social Charter](#) , [Additional Protocol to the European Social Charter Providing for a System of Collective Complaints](#).

3 . A list of treaties which Romania has signed and ratified is available on the Ministry of Foreign Affairs website [in Romanian](#) at: <https://www.mae.ro/node/1384> or in English in the UN Treaty Body database at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Country-ID=143&Lang=en. Notable human rights mechanisms not adhered to include: the Optional Protocol to the International Covenant on Economic and Social Rights, the International Convention for the Rights of Migrant Workers, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the collective complaints mechanism for the European Social Charter with the Committee on Economic and Social Rights, and the Optional Protocol to the Convention on the Rights of the Child.

4 EFRIS. Conventions/Monitoring mechanisms: Treaties, [Romania](#).

The second milestone in the development of the Romanian fundamental rights architecture was triggered by the preparations for Romania's accession to the European Union which entailed further fine tuning of the national legislation and of the institutional setup. The accession meant that the Constitution was amended, legislation on combating discrimination was adopted, the national equality body established, sectoral legislation amended in order to transpose the acquis and meet the criteria for accession. The result is however a patchwork with the appearance of a comprehensive and complex human rights regime from the perspective of formal commitments, but lacking the actual translation of these commitments into a proactive, systemic approach to human rights and fundamental freedoms.

Both milestones in the development of the Romanian human rights regime and the resulting patchwork of norms and institutions underline the structural weakness of the Romanian human rights framework - a comprehensive yet formal ecosystem which misses on the transformative power of human rights if taken seriously. The paradox is that in spite of what seems to be a strong formal integration and alignment with European human rights law, Romania remains constantly one of the Member States from which a high number of cases reach the Strasbourg Court.

The institutional human rights framework in Romania is fragmented between different institutions: the courts, including the Constitutional Court, the Ombuds institution (Avocatul Poporului), the National Council for Combating Discrimination (Consiliul Național pentru Combaterea Discriminării, CNCD), the Romanian Institute for Human Rights (Institutul Român pentru Drepturile Omului, IRDO). No national human rights institution is accredited as „A status” under the UN Paris Principles.⁵ The features of this framework include limited mandates of national human rights institutions, limited resources, lack of effectiveness of redress mechanisms, a silo approach given the absence of dialogue or cooperation between the institutions, the lack of policies to increase the internal capacity in relation to human rights.

At the national level, there is no national strategy on fundamental rights or a coordination mechanism to respond to existing limitations and ongoing challenges, to build institutional capacities and support awareness raising, legal education, continuing professional education incorporating human rights as transversal priorities.

ii. Current picture based on key findings of international reports on Romania

The 2025 Annual Report and country materials of

the European Court of Human Rights mentioned that the Court `dealt with 3,314 applications concerning Romania in 2025 and delivered 29 judgments... 20 of which found at least one violation.`⁶ The report highlights Romania's continued high volume of applications and significant violation rate as a recurring theme. In terms of substance, the violations found in relation to Romania regard persistent violations such as Article 3 and 10, systemic issues such as detention conditions but also rule-of-law sensitive cases such as judicial speech or disciplinary measures/sanction of the members of the judiciary. A systemic concern is underlined by the Strasbourg Court in relation to the failure to implement key court cases regarding hate crimes targeting Roma or LGBTIQ persons or the right to family of same sex couples.

The 2025 Supervision of the Execution of Judgments and Decisions report prepared by the Committee of Ministers of the Council of Europe stresses the progress consisting in the reduction of pending cases from Romania which in the opinion of the Committee of Ministers reflects `systematic efforts to address structural human rights issues`⁷ The report also noted the efforts in the execution activity with 146 cases closed, 29 action plans and 94 action reports filed in 2025, indicating an active engagement in execution and a reduction in the number of new cases sent for supervision given progress in key areas such as detention conditions, criminal justice reforms. Yet, similar to the 2025 Annual Report of the Court, the Supervision of the Execution of Judgments report also notes that important challenges persist, especially in complex or long-standing cases on ineffective investigations into police violence or sexual violence, secret surveillance safeguards, rendition, lack of recognition of same sex families, the lack of a functional framework for gender identity recognition.⁸

Awareness of the population regarding fundamental rights in general and of the Charter itself remains limited as revealed by the 2025 Eurobarometer which showed the lowest proportion of awareness of the Charter in Romania out of all the Member States (27%).⁹

The final report under the Cooperation and Verification Mechanism (CVM) for Romania adopted by the European Commission in 2022 and leading to the closure of the CVM in 2023 found that core guarantees for fundamental rights were sufficiently consolidated such as the judicial independence, effective remedies while also underlying the risk for regression.¹⁰

The EU Rule of Law Mechanism with the subsequent assessments (linked to CVM findings) subsequently revealed this mixed picture of incremental progress and incomplete reform leading to inconsistent results.

⁵ [European Network of National Human Rights Institutions](#).

⁶ ECtHR, [2025 Annual Report and country materials of the European Court of Human Rights](#) (published January 2026).

⁷ Committee of Ministers, [2025 Annual Report Supervision of the Execution of Judgments and Decisions of the ECtHR](#).

⁸ Committee of Ministers, [2025 Annual Report Supervision of the Execution of Judgments and Decisions of the ECtHR](#).

⁹ Special Eurobarometer SP563, [The Charter of Fundamental Rights of the EU](#), 2025.

¹⁰ European Commission, [REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL On Progress in Romania under the Cooperation and Verification Mechanism](#), COM/2022/664 final, 22.11.2022.

The 2025 Rule of Law Report found that fundamental rights are generally protected at a structural level and noted ongoing vulnerabilities which still persist in relation to: pressures on judicial independence in previous years, media freedom, checks and balances, equality and vulnerable groups, in particular LGBTIQ rights protection, effective safeguards against discrimination. Investigations carried out by independent journalists in 2025 confirmed the concerns regarding the independence of the judiciary when the journalists revealed the degree of pressure on the judiciary developed mostly as reaction to the anti-corruption efforts leading to public protests against what is perceived as a `captured justice.`

An overview of the country reports produced by the different relevant Council of Europe bodies such as ECRI or ACFC or by UN treaty bodies, indicates challenges which affect a wide range of minority rights, including equality and non-discrimination, protection from racism and hate speech and reveal a low capacity of national institutions to anticipate and mitigate fundamental rights risks before they materialize.

The failure to ensure effective protection against hate speech and pro-actively intervene in cases of human rights risks became apparent during the 2024-2025 elections which raised concerns regarding democratic integrity and lead to the annulment of the 2024 presidential election and the disqualification of candidates without proper legal reasoning. In its decision of 6 December, the Constitutional Court concluded that the electoral process had been tampered with, due to multiple irregularities and violations of the electoral law, which distorted equal opportunities and the freedom to vote and affected the transparency of the campaign process.¹¹ After the decision of the Constitutional Court, the public authorities did not provide any report on the results of a thorough investigation on the causes of the annulment, including alleged foreign interferences. In November 2025, the President proposed and the Parliament approved the National Defence Strategy 2025-2030 (Strategia Națională de Apărare a Țării pentru perioada 2025-2030)¹² which fails to mention the annulled elections, and it is not proposing any measures to avoid a similar incident in the future.¹³ This further weakened the trust in the public institutions, further polarized the

society and fuelled conspiracy theories already on the rise after the COVID 19 pandemic.¹⁴

Following the annulment of the elections, the Economist Intelligence Unit Democracy Index has downgraded Romania to the status of hybrid regime.¹⁵ Opinion research shows that the trust in the democratic institutions is on the negative trend.¹⁶ There is a legitimate expectation of the citizens to receive a comprehensive explanation, and NGOs warn that `the trust in democracy is decreasing with every day that such an explanation is not provided.`¹⁷

The **Fundamental Rights Report 2025 - Country research** produced by FRA focusing on two topics political participation and equality in elections and protecting women victims of violence equally indicates that, in spite of legal provisions which seem to comply with European standards, `there is limited, if any, interest of the public institutions` to pro-actively tackle any of these issues.¹⁸

iii. Equality and non-discrimination

The Romanian Constitution guarantees equal treatment of all citizens in Article 4(2), providing for citizenship without any discrimination on account of race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin. Article 16 provides for equality of all citizens before the law and public authorities, without any privilege or discrimination. Article 30(7) prohibits `any instigation ... to national, racial, class or religious hatred, any incitement to discrimination`.¹⁹ The Romanian Anti-discrimination Law, Governmental Ordinance 137/2000, was adopted in 2000 as delegated legislation, being influenced by the EU Equality Directives and going beyond the aquis.

International reports assessing equality and non-discrimination concerns in Romania find good legal frameworks but weak implementation and persistent structural discrimination, with implementation gaps being the central problem. For example the annual report for the Equality Law Network of the European Commission underlines the existence of a robust anti-discrimination law which is however failed by an inconsistent and often ineffective enforcement due

11 Constitutional Court (Curtea Constituțională) (2024), Decision No. 32/2024 regarding the cancellation of the electoral process regarding the election of the President of Romania in 2024 ([Decizia nr.32/2024 privind anularea procesului electoral cu privire la alegerea Președintelui României din anul 2024](#)), 6 December 2024.

12 Presidential Administration (Administrația Prezidențială) (2025), National Defence Strategy 2025-2030 ([Strategia Națională de Apărare a Țării pentru perioada 2025-2030](#)), 26 November 2025.

13 Centre for Public Innovation (ACIP – Centrul pentru Inovare Publică) (2025), `Recomandări privind Strategia Națională de Apărare 2025-2030`, 20 November 2025.

14 Konrad Adenauer Stiftung (2025), `Warning! Democracy collapse. How do we combat the democratic regression in Romania in the long term?`, 26 March 2025.

15 Economist Intelligence Unit (2025), `Democracy Index 2024`, February 2025.

16 Inscop Research (2026), `Încrederea în instituții naționale`, 29 January 2026.

17 Coalition NGOs for Citizens (Coaliția ONG-uri pentru Cetățean) (2025), `The State of Democracy 2025`, 26 June 2025.

18 The [Fundamental Rights Report 2025 - Country research Romania](#), 2025.

19 The text of the Constitution does not provide for explicit protection against discrimination on grounds of disability, age or sexual orientation, as stated in Directive 2000/78/EC. As Article 20 of the Romanian Constitution gives priority to international human rights treaties, in a 1993 decision, the Constitutional Court extended the list of protected grounds to incorporate grounds listed by Article 26 of the International Covenant on Civil and Political Rights (ICCPR). Given this early precedent in the case law, the court may also build on Article 14 of the European Convention on Human Rights, as well as Protocol 12 considerations, thus ensuring effective protection against discrimination on grounds of age, disability or sexual orientation.

to the decline of the national equality institution.²⁰ Some of the key concerns transversal to the different assessments, whether done by ECRI, ACFC, the European Commission or UN treaty bodies include Roma segregation and exclusion, inequality of LGBTIQ persons, discrimination against persons with disabilities, increasing hate speech targeting minorities (including Roma as well as the Hungarian minority and LGBTIQ groups), a limited institutional framework given the lack of effectiveness of the national equality body.

In the case of the structural racism and anti-Roma discrimination, international and domestic actors underline that the Roma minority faces discrimination in access to employment; healthcare; goods and services; housing, including public housing; and education. The 2025 Roma Civil Monitor report for Romania mentions that ‘Forced evictions and demolitions, leading to homelessness, inadequate housing and social exclusion, are a significant problem in Romania, particularly affecting Roma communities. Although this issue is mentioned in national strategies and official documents, detailed analysis and implementation of concrete solutions remain insufficient.’²¹

As for the LGBTIQ inequalities, the 2025 report for the European Commission finds that ‘although sexual orientation is explicitly protected by the Anti-discrimination Law,²² the LGBT community remains the group most under attack, being the subject of legislative proposals with the aim of restricting LGBT rights.’²³ The report cites the constitutional referendums meant to restrict the definition of marriage with a failed referendum in 2018²⁴ and procedures for a new referendum initiated in 2023. Notably, the Civil Code, in force since 2011, includes a specific prohibition of same-sex partnership and marriage, including the denial of recognition for partnerships and marriages legally registered abroad. A decision of the Constitutional Court that was issued following the judgment by the European Court of Justice in *Coman and Others* underlined the importance of the gradual

recognition of the family life of same-sex families, but it has not been transposed into law or applied by the domestic courts.²⁵ In 2023, the Strasbourg court found a violation of Article 8, given the absence of any form of legal recognition and protection in relation to the applicants, 21 same sex families.²⁶

Homophobic and transphobic attacks remain uninvestigated and have attracted no sanctions, which suggests that the authorities continue to be liable for ‘resultant indifference (which) would be tantamount to official acquiescence to, or even connivance with, hate crimes.’²⁷

Also, international reports note the lack of progress regarding transgender rights in Romania in spite of a decision of the ECtHR in *X and Y v. Romania* finding that the lack of a clear and accessible procedure for gender recognition and the practice of conditioning legal gender recognition on surgery violates Convention rights.²⁸

The most recent assessment of Romania by the European Commission against Racism and Intolerance (ECRI) adopted in October 2025 focuses primarily on racism and intolerance, it also addresses disability as a protected ground within equality and non-discrimination highlighting barriers to full participation in society (education, employment, services) and the continued reliance on institutionalisation.²⁹

The 2025 ECRI report also warns against the persistence of hate speech, especially in political speech and online and against normalisation of hate speech ‘mainly targeting Roma, migrants, Muslims and people of African descent’ and the expansion to other groups such as Jewish and transgender persons.³⁰

iv. Freedom of association

Periodic attempts to adopt legislation reducing the space for CSOs or adding supplementary burdens on

20 European Commission: Directorate-General for Justice and Consumers, [European Legal Anti-discrimination Network](#) and Iordache, R. E., [Romania - Country report non-discrimination 2025](#) Transposition and implementation at national level of Council Directives 2000/43 and 2000/78. Reporting period 1 January 2024 – 1 January 2025, 30 July 2025.

21 Roma Civil Monitor (2025) [Civil society monitoring report on the implementation of the national strategic framework for Roma equality, inclusion, and participation in Romania](#).

22 Government Ordinance 137/2000 specifically mentions sexual orientation as a protected ground. Although gender identity and gender expression are not mentioned in the law, the national equality body and the courts would protect trans and intersex persons, given the open list of grounds provided for in Article 2, as indicated by the case law. This report uses the term ‘LGBT’ to reflect existing legal protection and ‘LGBTIQ’ when mentioning the diversity of the community.

23 European Commission: Directorate-General for Justice and Consumers, [European Legal Anti-discrimination Network](#) and Iordache, R. E., [Romania - Country report non-discrimination 2025](#) Transposition and implementation at national level of Council Directives 2000/43 and 2000/78. Reporting period 1 January 2024 – 1 January 2025, 30 July 2025.

24 ‘Romania Conservatives Wanted Voters to Limit Definition of Marriage’, New York Times, 7 October 2018. Reuters, Luiza Ilie, [Romanian constitutional ban on same sex marriage fails on low vote turnout](#), 7 October 2018.

25 Romanian Constitutional Court, Decision 534, 18 July 2018; CJEU, judgment of 5 June 2018, *Relu Adrian Coman and Others v. Inspectoratul General pentru Imigrări and Ministerul Afacerilor Interne*, C-673/16, ECLI:EU:C:2018:385.

26 ECtHR, *Buhuceanu and Ciobotaru v. Romania* (application no. 20081/19 and 40 other applications against Romania), 23 May 2023 – request for Grand Chamber referral rejected 26 September 2023.

27 ECtHR, *M.C. and A.C. v. Romania*, no. 12060/12, 12 April 2016, paragraph 124.

28 ECtHR, *X and Y v. Romania*, Applications nos. 2145/16 and 20607/16, Judgment, 19 January 2021.

29 European Commission against Racism and Intolerance (ECRI) [ECRI report on Romania, 6th monitoring cycle report](#), adopted July 2025, published October 2025.

30 European Commission against Racism and Intolerance (ECRI) [ECRI report on Romania, 6th monitoring cycle report](#), adopted July 2025, published October 2025.

their activities are constantly criticised and opposed by CSOs. For example, in the context of the discussions for the adoption of a Code of Administrative Procedure in November 2025, the Government initiated proposals leading to adding excessive administrative burdens – the draft legislation proposed to assimilate non-governmental organisations to public institutions as subjects of the requirements under the freedom of information legislation, regardless of the size of the organisation and if they received public funding or not. Such an administrative burden is excessive and, in most cases, unnecessary, and it will likely affect disproportionately smaller organisations as noted by a coalition of NGOs.³¹ This is not an isolated initiative, given that in September 2025, the National Office for the Prevention and Combating of Money Laundering (Oficiul Național de Prevenire și Combateră a Spălării Banilor, ONPCSP) adopted a new mechanism for supervising the activity of associations and foundations in order to implement the law on combating money laundering and preventing the financing of terrorism which also includes additional administrative tasks for CSOs: the NGO board of directors must adopt an internal procedure to prevent terrorist financing, the verification of which is required annually and a mechanism which may require documentation, internal audit or review processes that many NGOs do not have the capacity to implement.³²

v. Freedom of assembly

Deteriorations are also registered in relation to the freedom of assembly. The framework legislation regulating the organisation and conduct of public assemblies in Romania, Law no. 60/1991 dates from the early 90es and it is constantly criticised for no longer corresponding to contemporary realities.³³ For example, a recent report from the OSCE Office for Democratic Institutions and Human Rights (ODIHR) shows that, in Romania, the general legal framework is failing to guarantee the right to freedom of assembly, to all citizens, in all circumstances, without discrimination. Among the flaws of the legislative framework, underlined in the report are: the prior authorisation system, which can be abused, the excessive administrative requirements imposed to events' organizers, and the fact that spontaneous assemblies are not protected by law and authorities have reported that any assembly not approved in advance would be banned and dispersed. The OSCE report also warns against the existence of potential 'blanket prohibitions' because the legislation prohibits

assemblies taking place in the immediate vicinity of specific places such as, for example, railway stations, airports, metro stations or hospitals.³⁴ A 2026 report on civic space for the FRA notes that 'in 2025, several civil society organisations have drawn attention that the imprecise legislative mechanism was used to limit the right to peaceful assemblies or to harass participants.' The examples provided are mostly in relation to LGBTIQ rights related events, peaceful assemblies condemning the war in Gaza, but also a peaceful march to commemorate the victims of a tragic fire (the Colectiv fire).

vi. Freedom of expression

Main concerns regarding freedom of expression in Romania identify the unprecedented pressures on media: legal intimidation of journalists and critical voices (through SLAPPs) as well as intimidation, harassment and smear campaigns against journalists, obstruction of access to information, biased allocation of public funds leading to losing the editorial independence.³⁵

Sanctions against critical voices such as disciplinary measures against judges also have a chilling effect and violate freedom of expression.³⁶

The same research prepared for FRA mentions the deterioration of the legal environment in relation to freedom of expression and information given the emergence of 'legislative proposals (which) introduce limitations to the right to access public information that are not objective and allow a large degree of arbitrary decision for the heads of institutions.' This comes in the context of a legislative proposal submitted in September 2025 which introduces a series of sanctions and limitations for citizens who behave aggressively or impolite in their relationship with public institutions, including the rejection of requests for access to information.³⁷ The bill is supported by the Government of Romania (Guvernul României), and it was adopted by the Senate (Senat), as the first chamber. The parliamentary process continues in the Chamber of Deputies (Camera Deputaților), the Government of Romania (Guvernul României), and it was adopted by the Senate (Senat), as the first chamber. The parliamentary process continues in the Chamber of Deputies (Camera Deputaților), as deciding chamber. Another legislative proposal, submitted in November 2025, introduces a category of "special information", at the discretion of the heads of public institutions,

31 Civil Society Development Foundation (FDSC - Fundația pentru Dezvoltarea Societății Civile) (2025), '[Proiect de lege care riscă să transforme ONG-urile în instituții publice](#)'.

32 Civil Society Development Foundation (FDSC - Fundația pentru Dezvoltarea Societății Civile) (2025), '[Monitoring Action for Civic Space. Country Report – Romania](#)', December 2025.

33 Coalition NGOs for Citizens (Coaliția ONG-uri pentru Cetățean) (2025), '[The State of Democracy 2025](#)', 26 June 2025.

34 OSCE Office for Democratic Institutions and Human Rights (2025), '[Report Monitoring of Freedom of Peaceful Assembly in Selected OSCE Participating States \(May 2022 – June 2024\)](#)', 7 February 2025.

35 Friedrich Naumann Foundation, '[The State of Mas Media in Romania – dependence on public funding, pressures, disruptive transformations and threats to independent journalism](#)', 27 February 2025.

36 ECHR, [Danileț v. Romania](#), Grand Chamber, 15 December 2025, Application 16915/21. See also Media Defence, '[Sanction against judge over Facebook posts held to violate freedom of expression](#)'.

37 Legislative proposal to supplement Law No. 61/1991 on sanctioning acts of violation of certain norms of social coexistence, public order and peace – Republished as well as supplementing Law No. 544/2001 on free access to information of public interest ([Propunere legislativă pentru completarea Legii nr.61/1991 pentru sancționarea faptelor de încălcare a unor norme de conviețuire socială, a ordinii și liniștii publice - Republicată precum și completarea Legii nr.544/2001 privind liberul acces la informațiile de interes public](#)), 2 September 2025.

which would be exempted from communication.³⁸ The bill is under debate in the Senate (Senat), as the first chamber.³⁹

b) Legal status of the EU Charter as a part of the Romanian law

While not being explicitly mentioned in the Romanian Constitution, the EU Charter is incorporated in the Romanian constitutional framework in two ways. Firstly, Article 148(2) mentions that EU primary law has precedence over national law: ‘the provisions of the constituent treaties of the European Union [...] shall take precedence over conflicting provisions of the national laws.’ Secondly, like in case of any other human rights convention or treaty Romania is a party to, the EU Charter has priority over domestic norms, unless the Constitution or the national legislation includes more favourable provisions as per Article 21 of the Romanian Constitution. So, the Charter does not replace the Romanian Constitution, but it can override national provisions if they conflict with EU law in the specific areas covered by the EU.

Like all EU Member States, Romania has to apply the EU Charter whenever it is implementing EU law. The Charter can be referred to in the context of legislative work or debates in relation to public policies, national strategies. National authorities and courts also can refer to the Charter in their decisions and rulings and if EU law is involved, and in this way the Charter has the potential of being a powerful legal tool for harmonisation of domestic norms with European standards. The use of the Charter by Romanian authorities remains however an untapped potential.

The Charter seems to be better integrated into the judicial system, in a similar manner to the ECHR, with an increasing number of courts referencing the Charter together with the ECHR in their decisions. Research conducted for the FRA, found that in 2025 the Romanian Constitutional Court referred to the Charter in 25 decisions⁴⁰ and the High Court of Cassation and Justice (Înalta Curtea de Casație și Justiție) referenced the Charter in 74 decisions.⁴¹ Such references are mostly declarative. However, the Charter has an interpretive potential for the courts as the text of the Charter is often more explicit about certain rights than their equivalent in the Romanian Constitution and some Charter rights appear not to be fully mirrored in national constitutional law – for instance, the protection of personal data (Article 8), freedom of the arts and sciences (Article 13), rights of the elderly (Article 25), workers’ right to information and consultation within the undertaking (Article 27), right of access to placement services (Article 29), protection in the event of unjustified dismissal (Article 30), family and professional life (Article 33), access to services of general economic interest (Article 36), consumer protection (Article 38), right to good administration (Article 41) and the right to access of documents (Article 42). In this sense, the Charter can strengthen less well-known rights.

Domestic courts may also refer questions to the Court of Justice of the European Union – but this is another opportunity not fully used to its full potential. Annual reports on the use of the Charter conducted for FRA consistently confirm the existence of structural gaps in the application of the Charter by the courts of law.

38 Legislative proposal for amending and supplementing Law No. 544/2001 on free access to information of public interest (*Propunere legislativă pentru modificarea și completare Legii nr. 544/2001 privind liberul acces la informațiile de interes public*), 13 November 2025.

39 Coalition NGOs for Citizens (Coaliția ONG-uri pentru Cetățean) (2025), ‘*Propunerea legislativă pentru modificarea și completarea legii privind liberul acces la informațiile de interes public trădează dispreț profund față de cetățeni și nesocotește caracterul fundamental al dreptului la informare*’, 19 November 2025.

40 The figures for the Constitutional Court Decisions (Curtea Constituțională a României) were obtained by using the search engine developed by the Ministry of Justice - <https://legislatie.just.ro/>.

41 The figures for the High Court of Cassation and Justice Decisions (Înalta Curte de Casație și Justiție) were obtained by using the search engine developed by the court - <https://www.scj.ro/736/Cautare-jurisprudenta>.

3. SYSTEM

The Romanian fundamental
rights ecosystem

The Romanian fundamental rights ecosystem

a) The fundamental rights ecosystem

The Romanian national context is one of limited engagement with the human rights and fundamental freedoms framework in general. The general public has a limited knowledge of the rights and remedies and a low trust in the state institutions, in particular in the judiciary, while the authorities too often still look at rights related requests as external conditionalities to be met formalistically. In case of vulnerable groups such as Roma or LGBTIQ persons or persons with disabilities, the lack of trust in the formal legal redress mechanisms and national human rights institutions is further enhanced given the systemic failure of the authorities to react adequately to discrimination and human rights violations.

While the Europeanisation drive is the main modernizing factor for Romania in the last 35 years, a remarkable cultural gap remains and it is defined by an on paper, mostly rhetorical compliance with human rights standards, by approaches predominantly reactive to violations through individual complaints or judicial proceedings, by a top-down approach with rights related norms being drafted and adopted by the Executive or the Legislative, often under the pressure of European or international standards, all these without the internalisation of these norms. The formalism and the failure to internalise and institutionalise human rights pro-actively lead to a disenchantment with human rights and fundamental freedoms of the population and of the legal profession alike.

There is no strategic leadership or flagship institution coordinating human rights policies, nor any national strategy or national action plan meant to allow the human rights architecture to gain stability and eventually flourish and become a part of the defining current identity of the Romanian state. The absence of a national strategy or national human rights plan also means that there is no way to ensure coherence across policy sectors and impedes on the capacity of the domestic authorities to respond adequately to structural challenges and to prevent recurring risks which are rights-related.

The complex and multi-layered set of norms and structures established for meeting external conditionalities but without a coherent system of coordination and collaboration leads to a fragmented

ecosystem, with overlapping mandates, competition for resources between different institutions and, most importantly, blind spots. In the particular case of the EU Charter, the added risk of depicting it as a ~foreign instrument for pressure~ is further enhanced by its use as horizontal enabling conditionality for accessing EU funding. Notably, the response of the National Human Rights Institute to the request of information failed to identify the standing of the Charter as a part of the national law and referred to the implementation of European funds and the coordination mechanisms for which HEC is a priority.⁴²

The Ombuds institution (Avocatul Poporului), provided in the Constitution has a limited mandate and remains marginal in its impact also due to the limited resources. The National Council for Combating Discrimination established as key conditionality during the accession process gradually has fallen prey to politization and de-professionalization.⁴³ The National Institute for Human Rights has no standing and generates marginal research or awareness raising initiatives.⁴⁴ The courts, including the Constitutional Court treat rights as formal rhetorical tools and not as interpretative drivers. The engagement of the authorities with CSOs remains fragmented and largely ad hoc, despite their critical role in monitoring, advocacy and strategic litigation.

Similar to the broader human rights regime, the integration of the Charter principles in the day to day work of authorities cannot happen in abstracto. Specific to the Charter application and more concerning is that the basic knowledge of understanding when, where and how the Charter applies as a pragmatic, practical interest in meeting a legal duty is missing and that the opportunities to redress this knowledge gap are also missing.

The ineffective public consultations process before the adoption of legislation remains a structural issue, as emphasised by international partners, including the European Commission,⁴⁵ and civil society organisations⁴⁶ as noted also in a report on civil society prepared for FRA. The report finds that `Legislative unpredictability, the frequent use of Government Emergency Ordinances, problems with the quality of legislation and regulatory burden, remain primary concerns for businesses and civil society organisations.⁴⁷ Because of the Parliament's inefficiency, political control of the agenda, and lack of clear procedures, sometimes it is a lottery if a proposal will be debated on a relevant timeline.`

Earlier research also cited in the report for FRA on civil society shows that "very low participation in the formal decision-making process can also be

42 Institutul Roman pentru Drepturile Omului, response to request of information no. 79 from 1.04.2026.

43 European Commission: Directorate-General for Justice and Consumers, [European Legal Anti-discrimination Network](#) and Iordache, R. E., [Romania - Country report non-discrimination 2025](#) Transposition and implementation at national level of Council Directives 2000/43 and 2000/78. Reporting period 1 January 2024 – 1 January 2025, 30 July 2025.

44 Institutul Roman pentru Drepturile Omului, response to request of information no. 79 from 1.04.2026.

45 European Commission (2025), [‘2025 Rule of Law Report. Country Chapter on the rule of law situation in Romania’](#), 8 July 2025.

46 Coalition NGOs for Citizens (Coaliția ONG-uri pentru Cetățean) (2025), [‘The State of Democracy 2025’](#), 26 June 2025.

47 European Commission (2025), [‘2025 Rule of Law Report. Country Chapter on the rule of law situation in Romania’](#), 8 July 2025.

seen from the fact that in 2022, only 20% of the normative acts put up for public debate by ministries received recommendations from civil society and only 12% were improved. At the local level, only 10% of the regulations put forward for debate received recommendations and only 5% included some recommendations in their final form. Only one in five NGOs requested public information or contributed to public debates. Researchers are linking the decrease in public participation to the ineffectiveness of the process itself.”⁴⁸

b) Institutional approaches in the implementation of the Charter in the national context – strategies, policies, programming

As showed by the limited number of cases of references identified in the Romanian annual report on the use of the Charter in Romania produced for the FRA, Charter considerations are not systematically embedded in the law-making procedures. This is the case regardless if we look at the Executive, the Parliament or its specialised parliamentary committees, to the Legislative Council (Consiliul Legislativ, CL) providing technical legislative support or the Economic and Social Council (Consiliul Economic și Social, CES) which reviews and is providing advisory opinions on all new primary or secondary legislation and national strategies.

The Government Decision no. 43/2022, adopted in the context of accession to the OECD, establishes that all draft laws and regulations are required to be accompanied by an explanatory note, which describes the rationale and likely impacts. Furthermore, while human rights are only cursorily mentioned in the regulatory impact assessment, one of the questions included in Annex 2 of the Governmental Decision no. 43/2022 in the list of questions suggested for identifying and describing impact of the norms is ‘if there is any impact on any of the fundamental rights included in the EU Charter.’

In spite of a legal obligation to assess human rights impact of any new piece of law, this duty is complied with in a formal way by automatically checking compliance or by dismissing relevance and cursorily claiming that there is no human rights impact. This means that from the very first stage, the one of design of norms or policies, the opportunities of mainstreaming the Charter are lost. When references to the Charter are made in the supporting documents, such references are in their turn mere check boxes without articulating the actual application of Charter provisions.

The failure in integrating Charter considerations and ensuring Charter compliance from the earliest stages of the legislative and policy-making processes,

including in the preparatory work, impacts on fundamental rights within impact assessments, public debates and decision-making, in helping to identify and prevent potential adverse impacts on fundamental rights and ensuring that Charter requirements are duly taken into account, leads to missing on the Charter potential to function as a unifying framework.

b.1. Ex ante impact assessment on fundamental rights in the law-making procedures

Lawmakers when proposing legislation as well as the Government when adopting secondary legislation have a duty to observe human rights commitments undertaken by Romania, including the Charter. Ex ante human rights impact assessments are tools meant to reduce risks of human rights violations, to build trust and to make sure that the needs of the most vulnerable in any society are integrated in state norms and policies. By law, in Romania, human rights considerations should routinely be included in the regulatory impact assessments which are featured in the memorandums accompanying all legislative initiatives. However, Romanian authorities did not develop comprehensive guidelines for lawmakers on impact assessments or procedural tools to support them in this first stage of the impact assessment. Though international guidelines are widely accessible, Romania does not report either the use of guidance developed by FRA⁴⁹ or OSCE/ODIHR on human rights compliant law-making.⁵⁰

The 2020 report of the European Parliamentary Research Service Better Regulation practices in national parliaments lists Romania as one of the EU Member States in which the Parliament does not conduct any further ex ante impact assessment work to substantiate new legislation, such as appraising the government impact assessment in more depth or conducting their own impact assessments.⁵¹ Nor there is any engagement of the Parliament in ex-post evaluation of legislation. Basically, the parliamentary committees do not carry out impact assessment work beyond the classical committee scrutiny/ debating on any topic, including on those relevant for human rights concerns.

Lacking any official research, the cursorily review of the Parliament classical scrutiny activities shows an intense activity including debates, public hearings with government representatives or experts, the examination of petitions in various committees, the request of reports and data from ministries through mechanisms of parliamentary questions or interpellations and plenary debates. However, fundamental rights considerations rarely appear even when tackling this limited function of classical scrutiny

48 Civil Society Development Foundation (FDSC - Fundația pentru Dezvoltarea Societății Civile) (2024), ‘Romania 2024. The non-governmental sector. Profile, trends, challenges’, 22 April 2024.

49 FRA, [Better legislation – Human rights impact assessments in lawmaking](#).

50 OSCE/ODIHR, [Guidelines on Democratic Lawmaking for Better Laws](#), Warsaw, 16 January 2024.

51 European Parliament: Directorate-General for Parliamentary Research Services, Anglmayer, I., [Better regulation practices in national parliaments](#), Brussels, June 2020.

ex post.

As Romania is an accession candidate country to the OECD, in the context of the evaluations and conditionalities, normative and institutional progress in the field of regulatory impact assessment had to be reported. Thus, the Government Decision no. 443/2022 introduced additional elements for regulatory impact assessments based on the level of expected impact. Rules subject to more in-depth impact assessment include proposals that are of “significant importance and complexity.” Such proposals are those that would entail significant costs, major reforms included in the Government Programme or other programmatic documents undertaken by the Government of Romania that generate systemic changes and that affect a large number of citizens, especially in areas such as education, social protection, health or business, those which directly affect vulnerable groups as defined by the Social Assistance Law, or substantially change existing laws. Annex 2 of the Governmental Decision no. 43/2022 providing for the template of recommended questions identifies the Charter itself as an analytical benchmark within the regulatory impact assessment without however introducing any nuances or further defining how this requirement can be enforced.

Romania also established in 2022 the technical secretariat of the **Consultative Council for the Impact Assessment of Normative Acts** (Consiliul consultativ pentru evaluarea impactului actelor normative) which has assigned ex post, quality control responsibilities. The Council is a consultative scrutiny board lacking legal status and functioning under the General Secretariat of the Government with responsibilities regarding quality assessment, compliance analysis and technical support.

The 2025 overview produced by the OECD notes developments in Romania as encouraging given these changes and a reported “digital by default” approach as this Consultative Council began online publication of an annual roadmap for regulatory impact assessments and evaluations.⁵² The report concludes that in spite of the developments “nevertheless, implementation challenges remain, with the quality of explanatory notes varying and limited capacity within the administration to carry out RIAs.”⁵³

The Consultative Council for the Impact Assessment of Normative Acts seems to be still in its incipient stage and its engagement with the Charter is still unclear though compliance with the Charter is explicitly mentioned in the regulatory impact assessment template. The mandate of the Consultative Council however does not include binding powers, systematic follow-up obligations or formal integration into executive policy-planning and decision-making procedures. This means that even if the Consultative

Council would operationalize the Charter related requirement and take it seriously, this engagement would be rather symbolic.

b.2. Technical scrutiny during the law-making procedures

The **Legislative Council** (Consiliul Legislativ, CL) is mandated by the Constitution and the statutory Law no. 73/1993 as specialized consultative body under the Parliament which reviews draft legislation with a view to systematizing, standardizing, and coordinating all legislation and maintains the official record of Romanian legislation. Legal scrutiny procedures, which are the second tier in the impact assessment after the ex ante review carried out in the parliamentary committees, should check the legal compliance of a legislative proposal with human rights law. Article 3(3) of Law no. 73/1993 lists among its competencies assessment of the consistency of the proposed regulations with the Constitution, with the relevant framework laws, with European Union regulations, and with the international instruments to which Romania is a party to. However, the Legislative Council has not prepared, nor does it plan to prepare, any studies, guidelines or methodologies regarding the application of the Charter of Fundamental Rights of the European Union.⁵⁴ In practice, the reference to human rights in the impact assessments conducted by the CL is limited to ECtHR case-law (as per Articles 6, 13, 21 and 22 of Law no. 24/2000 on norms regarding legislative technique for the elaboration of normative acts).

Also within this second stage of impact assessment, there is a role to be recognised to the **Economic and Social Council** (Consiliul Economic și Social, CES) which functions as consultative tripartite body and reviews draft legislation in the specialized fields, initiated by the Government, as well as legislative proposals submitted by deputies and senators and prepares, at the request of the Government or Parliament, or on its own initiative, analyses and studies on economic and social conditions in the fields of labour relations, social protection, wage policies, and equal opportunities and treatment, rights and fundamental freedoms, health, education, culture responded that no internal guides or procedures were developed specifically incorporating the principles of the Charter.⁵⁵

b.3. Ex post evaluations in relation to normative acts

Also in the context of the OECD accession, through Government Decision no. 443/2022, Romania introduced language requiring public authorities to evaluate the effectiveness and efficiency of emergency ordinances ex post. The compliance with the Charter is listed in the template provided. The same OECD review noted in relation to this requirement that “However, implementation is challenging, as capacity

52 OECD, [Better Regulation Practices across the European Union 2025](#), OECD Publishing, Paris, 29 September 2025.

53 OECD, [Better Regulation Practices across the European Union 2025](#), OECD Publishing, Paris, 29 September 2025, page 176.

54 Consiliul Legislativ, response to request of information no. R579 from 4.03.2026.

55 Consiliul Economic și Social, response to request of information no. 1704 from 5.03.2026.

and the practice for ex post evaluation is lacking within the administration.”⁵⁶

c) Application of the Charter by human rights institutions

In the implementation stage, it is notable that the national human rights institutions mandated with the monitoring and safeguarding fundamental rights lack the institutional capacity needed to apply the Charter effectively. Neither the Ombuds,⁵⁷ the National Council of Combating Discrimination,⁵⁸ the European Institute⁵⁹ or the Romanian Human Rights Institute⁶⁰ reported any reports, studies, methodological tools, training policies or practical guidance to ensure basic knowledge of the Charter’s scope, its applicability and its practical relevance for everyday decision-making. The Audiovisual National Council (Consiliul National al Audiovizualului) reported⁶¹ instead that it incorporated direct references to the Charter in its own by-law, the Audiovisual Code as amended in 2025.⁶²

The **Ombuds** did not carry any activity for the promotion of the Charter between 2023 -2026 and there are no plans in this regard.⁶³ No example of the use of the Charter in its work could be provided. A similar non-engagement was reported by the **National Council for Combating Discrimination**.⁶⁴

The **European Institute from Romania** (Institutul European din România, IER) under the coordination of the Ministry of Foreign Affairs with the purpose of supporting through its activities the formulation and application of the governmental policies resulting from the status of Member State to the EU, and supposed to conduct research, training, translation and communication on European affairs did not develop between 2023-2025 any analysis, guide, internal documents or reports regarding the Charter and did not carry out any promotional activities and there are no plans for such activities in 2026.⁶⁵

The **Romanian Institute for Human Rights** (Institutul Român pentru Drepturile Omului IRDO) has been designated as the National SLAPP Focal Point since 2023 and is expected to conduct research, outreach and coordination on SLAPP issues. However, its capacity is limited by underfunding and institutional gaps and it currently does not function as a dedicated

protection mechanism with enforcement authority.⁶⁶ IRDOs limited capacity to fulfil its mandate is also evidenced by the fact that Romania is yet to transpose the Anti-SLAPP Directive. The legislative proposal was submitted by the Government in February 2026, and it will be debated by the Parliament in regular procedure.⁶⁷ IRDO is not accredited as an Independent National Human Rights Institution (INHRI) under the UN Paris Principles. According to the evaluation of the European Network of National Human Rights Institutions, “no additional resources were given to the IRDO, even though the staff shortage struggle is a known fact, as well as the additional mandate entrusted to the Institute along with being appointed Anti-SLAPP Focal Point in Romania.”⁶⁸ While IRDO did not develop a comprehensive official inventory of cases that could meet the criteria for classification as SLAPP,⁶⁹ the same report for FRA on civil society developments finds that “an ongoing independent monitoring by the non-governmental organisation Leaders for Justice has identified at least 36 potential SLAPP cases in the last five years, with at least 12 cases initiated in 2024-2025. The Courts do not have any legal means to dismiss the cases on the basis of anti-SLAPP legislation, as there is no such legislation.”

d) Use of the Charter by the judiciary and quasi-judiciary bodies

National courts are an essential gatekeeper in the practical application of the Charter in the national context. The Charter is mostly used in connexion with cases entailing an EU law angle, to support the preliminary ruling mechanism, but also the EU Charter appears as reference, additional human rights standard often cited together with the equivalent ECHR provision even if the cases fall outside the scope of application of EU Law. The value of the Charter seems to oscillate between being an interpretative tool and being more of a rhetorical, persuasive element. While the national legal case law database does not allow to count the number of references to the Charter by the courts, the desk research suggests that they have increased substantially. The annual reports on the use of the Charter prepared by FRA indicate that the Constitutional Court has started to rely on the Charter as an emergent practice and that ordinary courts also increasingly started to refer to the Charter provisions in their judgments in particular

56 OECD, [Better Regulation Practices across the European Union 2025](#), OECD Publishing, Paris, 29 September 2025, page 176.

57 Avocatul Poporului, response to request of information no. 7904/2026.

58 Consiliul Național pentru Combaterea Discriminării, response to request of information no. 1804 from 16.03.2026.

59 Institutul European din România, response to request of information no. 223 from 4.03.2026.

60 Institutul Român pentru Drepturile Omului, response to request of information no. 79 from 1.04.2026.

61 Consiliul Național al Audiovizualului, response to request of information no. 2930 RF from 14.04.2026.

62 Consiliul Național al Audiovizualului, Decizia CNA nr. 573/2025 reprezentând [Codul de reglementare a conținutului audiovizual](#) from 25 June 2025.

63 Avocatul Poporului, response to request of information no. 7904/2026.

64 Consiliul Național pentru Combaterea Discriminării, response to request of information no. 1804 from 16.03.2026.

65 Institutul European din România, response to request of information no. 223 from 4.03.2026.

66 Civil Society Development Foundation (FDSC - Fundația pentru Dezvoltarea Societății Civile) (2025), ‘[Monitoring Action for Civic Space. Country Report – Romania](#)’, December 2025.

67 Chamber of Deputies (Camera Deputaților) (2026), Draft Law on Protection against Manifestly Unfounded Claims or Abusive Judicial Proceedings Directed Against Persons Involved in Public Mobilisation Actions ([Proiect de Lege privind protecția împotriva cererilor vădit neîntemeiate sau a procedurilor judiciare abuzive îndreptate împotriva persoanelor implicate în acțiuni de mobilizare publică](#)), 11 February 2026.

68 European Network of National Human Rights Institutions (ENNHRI) (2025), ‘[Independence, effectiveness and establishment of NHR](#)’, 2025.

69 Civil Society Development Foundation (FDSC - Fundația pentru Dezvoltarea Societății Civile) (2025), ‘[Monitoring Action for Civic Space. Country Report – Romania](#)’, December 2025.

in relation to the right to a fair trial, privacy and data protection, non-discrimination, in relation to the European Arrest Warrant (Articles 4 and 47) but also in asserting a freedom of expression argument in cases of disciplinary punishment of judges.

There is no national study or way to check how the Romanian judges use the possibility to refer to the Charter. The various references identified for the **FRA Charter Case-law database** indicate that the references are often declaratory or supplementary, lacking a structured reasoning process that would operationalise the Charter's provisions. The review also indicates that the courts tend to cite a limited number of Charter articles. Charter articles are referenced but they are not actually applied and integrated in the decisions. In order for the Charter to be applied in specific cases, the applicability of the Charter to the specific case should be recognised and addressed in the reasoning and this justification is often missing.

As **National Focal Point for the Charter, the Ministry of Justice** (Ministerul Justiției, MJ) developed a dedicated website <https://www.just.ro/carta/> compiling and structuring information about the Charter, including online tools developed by FRA and mapping the relevant institutions. This is the first visible effort to promote the Charter to the general public and the MJ recognises that 'it has to be followed by specific initiatives, which need to be undertaken by each of the relevant authorities and institutions. Consequently, all national authorities have the duty to know, apply and observe the Charter in carrying out specific activities.'⁷⁰ Currently, the Ministry of Justice has no plans to develop any reports, studies, methodological tools, training policies or practical guidance to ensure basic knowledge of the Charter's scope, its applicability and its practical relevance for everyday decision-making.⁷¹

The **National Institute of Magistracy** (Institutul Național al Magistraturii, INM) the institution mandated to ensure the initial and continuing training of judges and prosecutors does not provide dedicated courses on the Charter regularly and such courses are not mentioned in the current curricula.⁷² In 2024 a two-day online course on the Charter was offered.⁷³ Instead INM reports that Charter related information is provided in EU law courses and that it prioritizes efforts to integrate Charter related information and CJEU case-law in close connection with ECHR case-law in thematic modules dedicated to other topics.⁷⁴ A dedicated course on the Interplay between the ECHR and the EU Charter of Fundamental Rights was prepared by the Council of Europe (CoE) Programme for Human Rights Education for Legal Professionals (HELP) and launched together with the Romanian

National Institute for Magistracy. This is a recurring online course for up to 30 criminal judges and prosecutors.⁷⁵

The **General Prosecutor Office** (Parchetul de pe lângă Înalta Curte de Casație și Justiție, PICCJ) did not prepare develop any reports, studies, methodological tools, training policies or practical guidance, internal procedures explicitly mentioning the Charter and does not have any plans in this regard.⁷⁶ However, through its decentralised training processes, parallel to the continuing legal education provided by INM, the General Prosecutor Office integrated Charter relevant aspects in the training events it carried out on Hate Crimes and Hate Speech.

An example of how national courts sometimes use the Charter to interpret or further develop national law, even outside the scope of EU law, shows the willingness of the national judges to build on the more comprehensive provision in the Charter on equality before the law (Article 20). In 2017, a court of appeal found that the eviction of a Roma community was discriminatory. The decision also refers to the principle of equality as laid down in EU law and specifically states: "The EU Charter of Fundamental Rights also reaffirms the rights stemming mainly from the constitutional traditions and international obligations common to the Member States, the ECHR, the Social Charter adopted by the EU and the CoE, and in the context of the CJEU jurisprudence, the need to respect human dignity which must be protected, the prohibition of discrimination of any kind, based on race, colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, belonging to a national minority according to Art. 20 of the Charter, as the Union respects cultural, religious and linguistic diversity the case at hand falls outside the scope of EU law."

In another case the High Court of Cassation and Justice (Înalta Curte de Casație și Justiție, ICCJ) discussed the relationship between the ECHR and the Charter in the context of the retroactive application of the more lenient criminal law. The High Court of Cassation and Justice referred to Article 49(1) (principles of legality and proportionality of criminal offences and penalties) of the Charter, Article 7 of the ECHR (no punishment without law) and provisions of national legislation to establish that the retroactive application of the more lenient criminal law is a generally accepted legal principle and that it establishes a higher level of protection for human rights than the level the CJEU jurisprudence prescribes. Applying Article 53 of the Charter (level of protection), the national court held that the principles of legality and proportionality of criminal offences and penalties should apply irrespective of the nature of the crime, including for

⁷⁰ Ministerul Justiției, response to request of information no. 13192 from 10.03.2026.

⁷¹ Ministerul Justiției, response to request of information no. 13192 from 10.03.2026.

⁷² Institutul Național al Magistraturii, [Curricula for 2025-2026](#).

⁷³ Institutul Național al Magistraturii, [Jurisprudența CJUE](#) (2024).

⁷⁴ Institutul Național al Magistraturii, response to request of information no 1141 from 5.03.2026.

⁷⁵ The course announcement is available at: <https://inm-lex.ro/lansare-curs-help-interactiunea-dintre-cedo-si-carta-drepturilor-fundamentale-ue-17-iunie-2024-bucuresti/>

⁷⁶ Parchetul de pe lângă Înalta Curte de Casație și Justiție, response to request of information no.52/I-35/2026 from 9.03.2026.

crimes against the financial interests of the EU.⁷⁷

The Charter is often invoked in cases on the European Arrest Warrant, for example, in a 2025 case regarding an EAW issued by Belgium for a Romanian citizen.⁷⁸ The requested person, A., was involved in a custody battle with B over their son, C, in Belgium. Belgian courts provisionally established that A. is entitled to visiting rights with her son and while exercising these visiting rights she left the country and moved to Romania with her son. Belgian prosecutors charged her with not abiding with a court order and issued an EAW which the Romanian executing judicial authority initially accepted. A. appealed before the High Court of Cassation and Justice of Romania. The court accepted the appeal and refused to execute the EAW, citing that extraditing A. would lead to an infringement of her private and family life, prescribed by Article 7 of the Charter. The court found that there were clear signs that the child C. was subjected to physical and emotional abuse, exercised by the father B. and if the mother A. were to be surrendered in Belgium than both the child and the mother might be exposed to the father's abuse. The Court applied Article 7 on family and private life and Article 24 (2) which prescribes that the child's best interests must be a primary consideration in any proceedings relating to children and found that in this specific case it is against the child's best interests for the two to be surrendered in Belgium. The main legal question is whether an executing judicial authority can refuse an EAW if that authority finds that, in the particular circumstances of the case, there are substantial grounds for believing that, having regard to the information provided by the person concerned relating to his or her personal situation, the nature of the offence for which that person is prosecuted, the factual context surrounding that EAW, the latter, if surrendered, runs a real risk of breach of their fundamental rights. In its reasoning, the High Court underlines `that Article 7 of the Charter of Fundamental Rights of the European Union enshrines the right of every person to respect for their private and family life and that, on the other hand, Article 24(2) of the Charter also stipulates that, in all actions relating to children, whether taken by public authorities or private institutions, the best interests of the child must be a primary consideration. Therefore, in this case, it is in the best interests of the minor C. to continue to maintain regular personal relations and direct contact with his mother. ` Often, the reference to the Charter provision is rhetorical, not being supported by any justification. For example, the Romanian National Council for Combating Discrimination (Consiliul Național pentru Combaterea Discriminării, CNCD) as a quasi-judicial body found in 2025 that the enrolment policy for Military Academy is discriminatory. It found that the methodology and the Schooling Plan developed for the 2025-2026 academic year provides

that graduates from military high schools are denied the right to compete for places available from the Ministry of National Defence in certain specialisations which are open only for graduates of civilian high schools. The CNCD decision mentioned, among other provisions, Article 14 of the Charter, when analysing the complaint.⁷⁹ However there is no reasoning on why and how the Charter is relevant.

The Charter is however used in the context of the referrals to the CJEU. In a 2025 case for example, the CJEU established, in a reference for a preliminary ruling from Romania, that Article 50 of the Charter of Fundamental Rights of the European Union, read in conjunction with Article 52(1), must be interpreted as not precluding a natural gas supplier from being subject to two penalties, provided that a set of guarantees are observed. For example, there are clear and precise rules making it possible to predict which acts or omissions may be subject to a duplication of proceedings and penalties, and to ensure coordination between the two competent authorities.⁸⁰ The case originated from Romania, where the National Consumer Protection Authority (Autoritatea Națională pentru Protecția Consumatorilor) imputed to Engie, a gas supplier, several fines for misleading and aggressive commercial practices in the exercise of its economic activity and for breaching its duty of transparency. Engie challenged the fines and the national court decided to stay the proceedings and to refer several questions to the Court of Justice for a preliminary ruling. The court asked whether the fact that a natural gas supplier has been fined both by the consumer protection authority and by the energy sector regulatory authority, by means of two separate reports of offences imposing the same measures on the supplier, can be regarded as a justified restriction of the right not to be tried or punished twice in criminal proceedings for the same criminal offence, under the provisions of Article 50 of the Charter, or if it is a breach of that principle.

As example of recent jurisprudence of the Constitutional Court referencing the Charter, a 2025 case is famous also for its impact in relation to the dilution of existing obligations imposed on civil servants to disclose their income as well as the income of their spouse and children. These requirements were not deemed compatible with the right to private and family life and protection of personal data.⁸¹ The appellant D.L.C. is a Romanian civil servant who was fined because she did not comply with existing integrity legislation which made it mandatory for civil servants to publish statements about their income, assets and interest as well as the income of their children and spouses. She did not include in her statement, information about her husband's income, who was not a civil servant. Because of this she was

77 High Court of Cassation and Justice, referral made by the Târgu Mureș Court of Appeal on 17 June 2024, Case No 681/1/2024.

78 High Court of Cassation and Justice of Romania, [Decision no. 14/2025, A v. Prosecutor's Office attached to the Timișoara Court of Appeal](#) (Parchetul de pe lângă Curtea de Apel Timișoara), 2025.

79 National Council for Combating Discrimination (Consiliul Național pentru Combaterea Discriminării) (2025), [Decision no. 169 from 14 May 2025 p. 26](#).

80 Court of Justice of the European Union (CJEU), C-205/23, [Engie România SA v. Autoritatea Națională de Reglementare în Domeniul Energiei](#), 30 January 2025.

81 Constitutional Court, [Decision no. 297 from 29 May 2025](#).

fined and she challenged the fine. D.L.C. claimed that she should not be penalised under a rule that requires her to disclose her husband's income, as his salary is confidential as per the employment contract concluded with his employer, and her husband did not wish to provide her with this information, as he was under no obligation to do so. She also noted that she did not have an option to anonymise his income. She argued that these provisions violate her right to family, and private life. She claimed that there may be situations within each family where the members are either not interested in the exact income earned by the other, or the spouse does not wish or is unable to disclose the income earned in the previous year. In such a situation, the person required to submit the declaration of assets is objectively unable to complete the section relating to the spouse's income, but must accept the reality of what is declared, including regarding the spouse's income, and bear the consequences under criminal law. She asked the Constitutional Court to analyse the constitutionality of these legal provisions making it mandatory for her to disclose the salary of her husband. She also criticised the fact that these statements are made public on the website of the employing institution and of the integrity authority. The Constitutional Court found that the provisions on integrity in the exercise of public functions and dignities, making it mandatory for the complainant to disclose the income of her spouse, as well as those of her adult children who are dependent on her, are unconstitutional. The Court also found that provisions which make it mandatory to publish statements on assets and interest on the website of the employer institution are unconstitutional. The Court referred to the Court of Justice of the European Union in its judgment of August 1, 2022, delivered in Case C-184/20 incorporating arguments regarding Articles 7, 8, and 52(1) of the Charter of Fundamental Rights of the European Union: 'At the same time, confidentiality and data protection are rights enshrined in the European Union treaties and in the Charter of Fundamental Rights of the European Union. Thus, the Charter establishes an explicit right to the protection of personal data (Article 8), and Article 16 of the Treaty on the Functioning of the European Union (TFEU) obliges the EU to establish data protection rules for the processing of personal data. In this regard, in April 2016, a comprehensive legal framework, the General Data Protection Regulation (GDPR), was adopted at European Union level, fully applicable in all Member States of the European Union since 2018.' Many experts described this decision as a blow to existing anticorruption efforts and to transparency as a whole.⁸² The decision shows how the balancing of fundamental rights under the Charter can have a detrimental impact on ensuring the integrity of civil

service. For the purposes of the application of the Charter, it is interesting that the Constitutional Court did not go deeper into an analysis of the applicability of the Charter beyond its mere invocation.

e) The Charter and the academia

A review of the annual country reports produced for the Fundamental Rights Agency on the use of the Charter in Romania keeping track of the research conducted on the Charter or mentioning the Charter in relevant academic research finds a significant and systematic deficit of the knowledge and interest in relation to the Charter.

The overview of the human rights and EU Law related education in Romania suggests the same cultural and knowledge gap. The Charter is cursorily mentioned either in the EU Law courses or in Human Rights Law courses which are often optional. This deficit explains the limited familiarity of the legal professionals with the Charter and Charter related tools.

The legal education and the professional training of judges, prosecutors, lawyers, civil servants briefly refer to the Charter in the context of EU Law courses, without taking into account its horizontal potential.

f) The use of the Charter by the civil society organisations

Civil society organisations in Romania are essential in monitoring human rights, in providing support to individuals affected by rights violations, in conducting awareness raising or advocacy work using the Charter as reference.

The monitoring and documentation function often undertaken by CSOs compensates for the limited availability of official disaggregated data. The legal support for the potential victims, including by supporting strategic litigation, often leads to presenting Charter-based arguments to the courts or to seeking referrals to the CJEU.

The use of the Charter for litigation purposes is however limited to several CSOs, mostly professional associations of judges using the tool of referral to protect professional interests. The only notable exception is the one of ACCEPT Romania,⁸³ an LGBTIQ human rights association with a strong strategic litigation programme which complimented its ECtHR litigation with three cases before the Luxembourg Court, out of which two were treated as Grand Chamber judgments.⁸⁴

⁸² <https://verfassungsblog.de/asset-disclosure-romania-ecthr/>.

⁸³ ACCEPT Romania is the first Romanian LGBT human rights organisation engaged in promoting equal treatment in Romania since 1996. The organisation is also actively involved in promoting tolerance through media campaigns and the organisation since 2005 of an annual gay pride. The NGO was the first Romanian NGO to be allowed to submit an amicus curiae before the Strasbourg Court and to plead before the Luxembourg Court and developed an in-house litigation strategy which was part of its advocacy strategy and since 2008 is the power engine of the informal Anti-discrimination Coalition.

⁸⁴ Marie Mercat-Bruns, A comparative study on collective redress in France, Norway and Romania: the challenges of strategic litigation in *European Equality Law Review* 1, 2020.

The litigation track of ACCEPT, essentially *actio popularis* cases built before the national courts but with a strong rooting in European standards and invoking the Charter as interpretive tool to enhance protection, had a clear domestic effect in terms of legislative improvements⁸⁵ and in terms of responding to illiberal initiatives such as the 2018 constitutional referendum meant to amend the definition of family in the Romanian Constitution in order to promote traditional values rhetoric.⁸⁶ Furthermore, this litigation created a new legal opportunity for gay and lesbian organisations in the European Union to engage with the Luxembourg court and proved to be the inspiration for subsequent litigation in other Member States and before the CJEU as proven by subsequent Italian, Polish or Bulgarian cases.

The advocacy work carried out in the context of public debates also means that often times CSOs bring in the European dimension into the discussions. This type of engagement however is limited and volatile given the absence of formalised feedback mechanism and the emergence of periodic attempts to further shrink the civil space.⁸⁷

CSOs have also the potential of promoting the Charter. Though no such initiatives have been mapped so far, it is notable that the Ministry of Justice Focal Point mentioned that it supported all requests for collaboration coming from NGOs which wanted to develop proposals under CERV-2024-CHAR-LITI.⁸⁸

g) EU funds architecture - The Charter in impact assessment and as HEC

Based on the Financial Regulation, when implementing Union funding and the EU budget, Member States, just like the Commission, have the responsibility to ensure compliance with the Charter in accordance with its Article 51, and to respect the Union values enshrined in Article 2 TEU that are relevant in the implementation of the budget.

EU-funded projects have a direct and often decisive impact on the exercise of Charter rights, particularly in areas such as equality, social inclusion, access to services, hence the interest of the Commission in the horizontal enabling condition (HEC) on the effective application of the Charter under the Common Provision Regulation 2021/1060, the guidelines⁸⁹ and supporting tools prepared by the European Commission.⁹⁰

In the context of EU funds, the Charter acts more like a compliance tool. The Ministry of Investment and European Projects (Ministerul Investițiilor și Proiectelor Europene, MIPE) which is the Romanian institution responsible for the horizontal enabling condition on the effective application of the Charter prepared in 2022 a guide for the application of the Charter in the context of the implementation of non-repayable EU funds adopted as Memorandum by the Romanian Government.⁹¹ The guidelines 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 relevant calls in 2024 and 2025 were accompanied by two annexes referring to the commitment of the applicant to respect the EU Charter of Fundamental Rights and UNCRPD. These annexes should be signed by the applicant and are part of the application process which means at least formal socialization with the Charter.

The structure within MIPE responsible to ensure observance of the HEC on the application and implementation of the Charter takes part as member with full rights or as observer in all the committees for the monitoring of the programmes under the 2021–2027 Cohesion Policy. In this way the evaluation and selection criteria for the calls are checked in order to mention horizontal principles on non-discrimination, equal chances, gender equality, accessibility as eligibility criteria.⁹² A **Committee for the Charter** (Comitetul pentru Carta Drepturilor Fundamentale a UE, CCDF) had been established under the MIPE coordination. The CCDF committee was convened in September 2023 and since then two annual meetings took place, the last being in December 2025. The committee work seems mostly formal as suggested by the minutes of the second meeting and by the three decisions taken and published. Key institutions such as the national equality body, the National Roma Agency (Agenția Națională pentru Romi) or the Ministry of Justice were not present in the second meeting. Furthermore, the list of participants for the second meeting includes mostly MIPE personnel (27 persons) or personnel of the regional development agencies, with only one representative from IRDO, one from the Ombuds, one from the Authority for the Protection of

85 Iordache, R. and Ionescu, I., Discrimination and its Sanctions – Symbolic vs. Effective Remedies in European Anti-discrimination Law, Comparative analysis of remedies provided in 34 countries in response to discrimination from the perspective of the CJEU ruling in C-81/12 ACCEPT v. Consiliul Național pentru Combaterea Discriminării, *European Anti-discrimination Law Review*, No.19 (2014) (in English).

86 Șerban, M., Stemming the Tide of Illiberalism? Legal Mobilization and Adversarial Legalism in Central and Eastern Europe, *Communist and Post-Communist Studies*, 51 COMMUNIST & POST-COMMUNIST STUD. 177 (2018).

87 European Parliament, *Report on the shrinking space for civil society in Europe* (2022).

88 Ministerul Justiției, response to request of information no. 13192 from 10.03.2026.

89 Guidelines on methodological steps to be taken to check fundamental rights compatibility at the Council preparatory bodies, Doc. 5377/15 of 20 January 2015, or Rule 40 of the European Parliament's Rules of Procedure and the Interinstitutional agreement on better lawmaking (OJ L 123, 12.5.2016, pp. 1-14) as also cited in COM(2025) 751 final, Section 4. Also, Revised operational guidance on taking account of fundamental rights in European Commission impact assessments (C(2025) 8354 final).

90 *Manual on fundamental rights in EU funding - Publications Office of the EU (updated 2025)*

91 MIPE, *Ghidul de aplicare a Cartei drepturilor fundamentale a UE în implementarea fondurilor europene nerambursabile* (2022).

92 Ministerul Investițiilor și Proiectelor Europene, response to request of information no. G2026-25256 from 4.03.2026.

Persons with Disabilities (Autoritatea Națională pentru Protecția Persoanelor cu Dizabilități, ANPD), one of the National Agency for Equal Opportunities between Woman and Men (Agenția Națională pentru Egalitatea de Șanse, ANES) and the UNCRPD Monitoring Committee (Consiliul de Monitorizare a Implementării CDRP).⁹³ The Committee developed Rules of Procedure, and it has set up a contact address to which any complaints regarding operations supported by funds that do not comply with the provisions of the EU Charter can be sent: carta.fonduri@mfe.gov.ro.⁹⁴ This may suggest that the reach and impact of this body is still very limited.

A meeting for the Committee on monitoring compliance of all HEC, including the Charter as conditionality took place in February 2026.

A template for reporting of the cases on non-conformity with the Charter and complaints regarding the Charter is reported but it cannot be identified online on the dedicated **website**. So far, no complaints had been filed regarding the non-compliance with the Charter.⁹⁵ The minutes of the meetings from December 2025 and February 2026 do not report any discussion or internal reflection following a May 2025 report prepared by Bridge EU showing that EU funds are being used in ways that violate the fundamental rights of marginalised communities, including Roma people, persons with disabilities, and people with a migrant background in six Member States, including Romania.⁹⁶

The country report published under the FURI project for Romania is based on qualitative and quantitative research, including interviews with stakeholders, beneficiaries and public institutions and includes project examples.⁹⁷ It includes 10 case studies in which the authors claim that ‘(possible) human rights violations happened with direct involvement of EU funds or within institutions that implemented EU fund at the same time as violating basic human rights.’ In its key conclusions, the report finds that evaluation of transversal issues such as human rights is not done comprehensively and states: ‘Although there is a structure inside the Romanian EU Funds Ministry that deals with potential situations of human rights violations during the implementation of EU funds, it only works based on complaints issued by stakeholders at the local level. The local stakeholders are hardly prepared to make such complaints, not to mention they probably do not know about the existence of this structure.’⁹⁸

The research also interestingly noted that ‘There is a gap in cooperation between the central level and local level regarding the signalling of human rights violation. The National Council for Combating Discrimination receives complaints from the local level, but when it comes to EU funds local stakeholders or beneficiaries of the intervention do not go to the Management Authority to signal this.’⁹⁹ A pertinent conclusion was that ‘provisions related to human rights that are in place in this programming period are stronger than in the previous programming period. The main problem is that a proper monitoring process has not been developed yet. The discrepancy between programmatic documents and reality in the field when it comes to respect for human rights in implementing EU funds has its origin in lack of interest, superficial monitoring and lack of evaluation. While in the previous period, at least for the CLLD approach, proper guidance on desegregation existed, in the end some projects still can be regarded as generating isolation, not inclusion.’¹⁰⁰

h) The use of the Charter by local public administration

The Charter has a distinct potential in establishing the framework for administrative interventions and in this regard its incorporation in the work of public servants is important. The **National Agency for Civil Servants** (Agenția Națională a Funcționarilor Publici, ANFP) underlined that the rights provided for in the Charter are also mentioned in its binding norm, the Emergency Ordinance no. 57/2017 on the Administrative Code thus the principles of the Charter are applied to public servants as well.¹⁰¹ However, the National Agency for Civil Servants did not specifically mention the Charter in any of its reports, methodologies, studies and analysis, guides or deliverables and a search of its internal documents suggests that the Charter is not expressly mentioned.¹⁰² An indirect reference could be inferred from the general language on human rights or the references to relevant EU Law such as GDPR. The Charter is not included in the bibliography for the recruitment or professional formation of civil servants.

The **National Institute for Administration** (Institutul Național de Administrație, INA), the institution in charge with the professional education of civil servants did not develop any reports, methodologies, studies and analysis, guides or internal procedures regarding the Charter and there are no plans in this regard in 2026.¹⁰³ The INA did not conduct any activities for the promotion of the Charter. In its training activities, the Institute does not have a dedicated course on

93 [Carta drepturilor fundamentale a Uniunii Europene – Ministerul Investițiilor și Proiectelor Europene](#).

94 According to information available of the Romanian Ministry of Investments and European Projects (Ministerul Investițiilor și Proiectelor Europene) [on website](#), last visited on 8th December 2025.

95 Ministerul Investițiilor și Proiectelor Europene, response to request of information no. G2026-25256 from 4.03.2026.

96 Bridge EU, FURI, [1,1 billion EUR, 63 projects, six countries, one pattern: how EU funds violate fundamental rights](#) (2025).

97 Bridge EU, FURI, Policy Center for Roma and Minorities, [Report on the respect for human rights and use of EU Funds in Romania](#) (April 2025).

98 FURI, Policy Center for Roma and Minorities, [Report on the respect for human rights and use of EU Funds in Romania](#) (April 2025).

99 FURI, Policy Center for Roma and Minorities, [Report on the respect for human rights and use of EU Funds in Romania](#) (April 2025), page 21.

100 FURI, Policy Center for Roma and Minorities, [Report on the respect for human rights and use of EU Funds in Romania](#) (April 2025), page 22.

101 Agenția Națională a Funcționarilor Publici, response to request of information no. 10252 from 05.03.2026.

102 anfp.gov.ro.

103 Institutul Național de Administrație, response to request of information no. 653 from 4.03.2026.

the Charter and its practical application. However, Charter related informations are included in an online course entitled Legal protection of human rights – jurisprudence of the ECtHR.

The country report published for Romania under FURI project proposes three worrying impediments in relation to local administration: ‘Many of the local stakeholders implementing EU funds are not specialized in human rights and there has been little guidance in making them understand this topic; as a result, they might not identify it as discrimination. Many stakeholders are not interested in identifying the human rights violations, as this might affect the implementation of the project and the reimbursement of the money. Violation of human rights is interpreted in away that justifies the measures adopted at the local level (like deinstitutionalization or school segregation) and usually is not in the spirit of the EU or international treaties; this is what happens when there are no clear reporting mechanisms and specialized/independent evaluation.’¹⁰⁴

i) Substantive application of relevant Charter provisions – Equality as case study

The Romanian Constitution guarantees equal treatment of all citizens in Article 4(2), providing for citizenship without any discrimination on account of race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin. Article 16 provides for equality of all citizens before the law and public authorities, without any privilege or discrimination. Article 30(7) prohibits ‘any instigation ... to national, racial, class or religious hatred, any incitement to discrimination’.¹⁰⁵

In the context of Romania’s accession to the EU a comprehensive anti-discrimination law was adopted in 2000 as delegated legislation Governmental Ordinance no. 137/2000. The 2000 discussions on the two European equality directives influenced the wording of the Romanian law, the provisions of which, in many ways, went beyond the *acquis*. The Anti-discrimination Law introduces a broad, comprehensive definition of direct discrimination, going beyond the substance and coverage of Directives 2000/43/EC and 2000/78/EC and in line with the EU Charter chapter on Equality.¹⁰⁶

The Anti-discrimination Law applied at central level

104 FURI, Policy Center for Roma and Minorities, [Report on the respect for human rights and use of EU Funds in Romania](#) (April 2025).

105 The text of the Constitution does not provide for explicit protection against discrimination on grounds of disability, age or sexual orientation, as stated in Directive 2000/78/EC. As Article 20 of the Romanian Constitution gives priority to international human rights treaties, in a 1993 decision, the Constitutional Court extended the list of protected grounds to incorporate grounds listed by Article 26 of the International Covenant on Civil and Political Rights (ICCPR). Given this early precedent in the case law, the court may also build on Article 14 of the European Convention on Human Rights, as well as Protocol 12 considerations, thus ensuring effective protection against discrimination on grounds of age, disability or sexual orientation.

106 European Commission: Directorate-General for Justice and Consumers, [European Legal Anti-discrimination Network](#) and Iordache, R. E., [Romania - Country report non-discrimination 2025](#) Transposition and implementation at national level of Council Directives 2000/43 and 2000/78. Reporting period 1 January 2024 – 1 January 2025, 30 July 2025.

107 Romanian National Council for Combating Discrimination (NCCD) (Consiliul Național pentru Combaterea Discriminării).

108 Law 106/2017 on measures to improve the exercise of rights in the context of freedom of movement in EU (Legea nr. 106/2017 privind unele măsuri pentru îmbunătățirea exercitării pe teritoriul României a drepturilor conferite în contextul liberei circulații a lucrătorilor în cadrul Uniunii Europene), 22 May 2017. Article 4 provided for the monitoring of the rights of EU citizens exercising their freedom of movement in Romania and acting as national focal point under **Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union**.

109 Consiliul Național pentru Combaterea Discriminării, response to request of information no. 1804 from 16.03.2026.

introduces a mixed system of remedies, both civil and administrative (minor offences), which can be pursued separately or simultaneously. The Anti-discrimination Law provides for the establishment of the National Council for Combating Discrimination (NCCD) (Consiliul Național pentru Combaterea Discriminării), which has a broad quasi-judicial and promotional mandate.¹⁰⁷ The Anti-discrimination Law can be also enforced by civil courts if the complainant seeks only civil remedies under general torts procedures. Civil complaints on the basis of the Anti-discrimination Law are exempt from court fees, and the *locus standi* and burden of proof are prescribed by law.

The national equality body, the National Council on Combating Discrimination (Consiliul Național pentru Combaterea Discriminării, CNCD) was effectively established in the autumn of 2002. The mandate of the CNCD encompasses: providing support for victims of discrimination through independent assistance; preventing discrimination through awareness-raising and conducting studies and research; compilation of relevant data; independent surveys and independent reports; mediating between parties; investigating and sanctioning discrimination; and initiating legislative bills to ensure harmonisation of legal provisions with the equality principle. In practice, the main function of the NCCD is as a quasi-judicial body, which can find that certain acts amount to discrimination and can subsequently issue administrative sanctions (warnings or fines). The mandate of the NCCD was extended in 2017 by Law 106/2017 to cover monitoring of the rights of EU citizens who have exercised their freedom of movement.¹⁰⁸ The CNCD did not develop and does not have plans to develop any research, guidelines, trainings on the Equality chapter of the Charter.¹⁰⁹ The Criminal Code, which entered into force in February 2014, includes protection against incitement to discriminate, hate crimes and abuse with a discriminatory intent in the exercise of an official function. These provisions were amended in 2022, ensuring compliance with the Framework Decision, after a lengthy and convoluted legislative process which entailed two constitutional reviews. These are, however, norms with limited applicability, as proved by the statistics published by the Prosecutor General.

International and domestic human rights reports show that 26 years after adopting the Anti-discrimination Law, Romania still remains tainted by discrimination, with societal attitudes rooted in homophobia,

racism and xenophobia as well as misogyny being a particularly serious concern. Recommendations addressed to Romania by treaty and expert bodies suggest that the authorities should effectively enforce the existing legal framework regarding hate crime, hate speech and anti-discrimination legislation, monitor its application by putting in place a system of collecting and publishing disaggregated hate crime data, and training police officers, prosecutors and judges, especially on improved procedures for recognising bias motivations. The main focus of the recommendations is placed on racist and homo-/transphobic acts of violence, and hate crimes against the Roma community. The cooperation between impacted communities and the law enforcement authorities, along with public campaigns to raise the awareness of the local population regarding the need to respect the dignity and human rights of Roma community are underlined to complement and support the effective application of the legal framework.

A 2022 study carried out for the Fundamental Rights Agency concluded that „as to national provisions related to victims of hate crime, ... documents an ineffective support and protection provided by the authorities. First, national authorities do not place the victim at the center of their endeavours. Second, the hate crime victims are not provided any special attention, as required by EU legislation, but are treated like any other victim of crime, within the services for supporting and protecting victims of crime organized with the general departments for social assistance and child protection at county/Bucharest sectors level. However, there is very little information about the addressability to these services in general. Furthermore, the cooperation between the services for supporting and protecting victims of crime and the law enforcement, particularly in the area of providing support for victims of hate crime, is limited, to the detriment of these victims.”¹¹⁰

While a large number of cases of the Strasbourg court find violations of Article 14, particular attention needs to be focused on three judgments of the European Court of Human Rights that are currently under enhanced supervision by the Committee of Ministers of the Council of Europe. These cases are *M.C. and A.C. v. Romania* (2016), *Lingurar v. Romania* (2019), *ACCEPT Association and Others v. Romania* (2021) and address the lack of effective investigation of hate crimes and the bias of the police against the LGBTI and Roma communities. The Committee of Ministers commended the measures undertaken by the authorities to improve the capacity of the law enforcement to address hate crime, but the results in terms of effective criminal law response to hate crimes are long-time awaited. A particular focus was placed on police racial profiling of Roma and the “objective and impartial review of the activities and operations of the police and other law enforcement agencies.”¹¹¹

110 FRA, Ionescu I., Protecting victims of crime Project, Thematic analysis – Hate crime legal and policy framework, Romania, 2022.

111 Council of Europe, Committee of Ministers, [1406th DH meeting \(07-09 June 2021\) – Notes](#), on the ECtHR’s judgment in *Lingurar v. Romania*, 16 April 2019, 48474/14.

4. SPECIFICITY

Visibility of the Charter – awareness raising,
training - promotion of Charter tools

Visibility of the Charter – awareness raising, training - promotion of Charter tools

The 2019 special Eurobarometer on the Awareness of the Charter¹¹² showed that only 30% of respondents in Romania said they have heard of the EU Charter, a decrease of 5 points compared to the similar survey in 2011, while the EU trend is one of gradual increase in the awareness. The comparative 2025 Eurobarometer¹¹³ showed the lowest proportion of awareness of the Charter in Romania (27%), with only 5% of the respondents having heard of the Charter and knowing what it is. This is way below the 49% which is the European average.

If the 2019 survey showed that only 18% of the Romanian respondents claimed to be well informed about the Charter, with 45 % of the respondents reporting that they were not at all informed, also with a decline of 15 points compared to 2011, the 2025 survey indicated a decrease in awareness given that only 15% of the respondents stated to be well or fairly well informed and 82% declaring to be not very well or not at all informed about the Charter.¹¹⁴

In the context of the 2019 Eurobarometer, 66% of the Romanian respondents mentioned being interested in knowing more about where to turn if their Charter rights are violated or about the content of the Charter defining their fundamental rights as EU citizen. The 2025 survey reveals comparable data of 65% interest (decreased -1pp) and 32% of the respondents not being interested, close to the EU average of 64%. This is indicating clearly an appetite for more information which is an interest to be capitalized on.

The 2025 Eurobarometer showed that 39% of Romanian respondents would turn to the police in case their Charter-enshrined rights would be violated and they would want to complain about it, indicating a generalized lack of awareness regarding the existence and the mandate of national human rights institutions or courts of law. The percentage of respondents who would turn an European institution is similar to the one of those turning to a court of 38% and the percentage of those willing to contact the Ombuds or the government is equal with the percentage of those turning to a non-governmental organisation – 23%, while 7% of the respondents would not complain in case their rights would be violated.¹¹⁵

Only 56% of the respondents in Romania think that the Charter is legally binding and only 52% answered 'true' when asked if they think the Charter applies to all actions of EU institutions and bodies, way below the EU average of 61% as revealed by the 2025 Eurobarometer. The report of the survey concludes that 'The highest proportions of respondents with no correct answers for any of the three statements are observed in France (8%) and Romania (6%).'¹¹⁶

The results of the 2011, 2019 and 2025 surveys on awareness of the Charter indicate willingness and interest of the population to know more. Indeed, raising public awareness on the protection that the Charter offers to people in the Union is vital in ensuring that individuals can effectively exercise their rights and can access appropriate remedies when those rights are infringed. This awareness-raising targeting the general population seems a key component of the effective application of the Charter by all relevant actors.

Raising awareness regarding the Charter of the general population cannot be done if the personnel of national human rights institutions does not have the basic training in this regard and if there is no institutional strategy to ensure training of trainers and a basic kit of tools and resources to support learning about the Charter and its application. This is the most disconcerting gap: The only learning opportunities for capacitating human resources on the Charter came from abroad, as the Ministry of Justice Focal Point, the National Human Rights Institute and the Ombuds mentioned participation in the Annual EU CharterXchange or participation in FRA events such as the course Strengthening the use of the Charter at national level – Romania.¹¹⁷

112 Special Eurobarometer [487b Awareness of the Charter of Fundamental Rights of the European Union](#), 2019.

113 Special Eurobarometer [SP563, The Charter of Fundamental Rights of the EU](#), 2025.

114 Special Eurobarometer [SP563, The Charter of Fundamental Rights of the EU](#), 2025.

115 Special Eurobarometer [SP563, The Charter of Fundamental Rights of the EU](#), 2025.

116 Special Eurobarometer [SP563, The Charter of Fundamental Rights of the EU](#), 2025.

117 Avocatul Poporului, response to request of information no. 7904/2026.

- The **Ombuds** reported that between 2023-2026 there were no courses of initial or continuing education for its staff on the Charter and no plans in this regard were made for 2026.
- The **National Council for Combating Discrimination** equally responded that there were no courses for its staff including relevant aspects on the Charter.
- The **Legislative Council** did not mention any relevant professional training for its legal experts on the Charter.
- The **Economic and Social Council** did not organise any training for its members on fundamental rights or Charter relevant aspects.
- The **European Institute from Romania** did not carry out any initial or continuing education courses, trainings or courses dedicated to the Charter.
- The **National Institute for Administration** provides an online course entitled Legal protection of human rights – jurisprudence of the ECtHR. The programme targets civil servants and European affairs councilors and blends notions on the role of public institutions in the protection of human rights, information on the legislation for the prohibition of fascist, legionary, racist or xenophobic organisations, symbols and deeds, information on the European Convention on Human Rights with a focus on Article 8 on the rights to privacy and family life and the ECtHR jurisprudence on data protection in the digital media, information on liability in access to internet and on filing a case before the Strasbourg Court, the role of the Governmental Agent. Besides this very diverse and unstructured information, the course also includes a sub-section labeled as `Fundamental rights in the EU (The Charter)` which features the jurisprudence of the Strasbourg Court that is including references to the Charter and to the Luxembourg Court jurisprudence. The information publicly available does not mention if this section also includes introductory notions on the role of the Charter, its standing, its substantive provisions and its practical relevance for civil servants. The course is not mandatory, it was offered in 2023 for 18 participants, twice in 2024 for a total of 60 participants and in 2025 for 26 participants. The cost featured for taking the course in 2026 is of RON 700 (approx. €140). There are announced three offerings regarding the possibility to take the course in the 2026 curricula.
- The **National Institute of Magistracy** course offerings do not integrate the information on the Charter constantly, some Charter related aspects being touched upon in the human rights course on the interplay between the ECHR and the Charter.

5. STRATEGY

Conclusions and recommendations

Conclusions and recommendations

Given the picture of the application of the Charter in the Romanian national context, the key priority seems to be `bringing the Charter home` as a living, enforceable instrument and more than a mere external conditionality. If properly operationalised, the Charter has the potential to complement constitutional and international human rights guarantees, to act as a modernising driver enriching legal reasoning and supporting decision making pro-actively and to strengthen the coherence of rights protection across different policy areas and levels of governance.

There are several **contributing facilitating factors** for bringing the Charter home: the legislative framework put in place already recognises the role of the Charter, the general population seems to be interested in knowing more and benefitting from the protection of the Charter, legal professionals and civil servants recognise the need to develop their knowledge regarding the Charter, the NGOs are keen to use the Charter for strategic litigation purposes, the state institutions are willing to remain on the Europeanisation path and the OECD accession oversight is once again acting as a hook in supporting change.

As promising developments, the Ministry of Investment and European Projects (Ministerul Investițiilor și Proiectelor Europene) issued on 1 August 2022 a Guide on the application of the EU Charter of Fundamental Rights in implementing EU funds, which provides information on the Charter, information on its binding nature, guides on how to implement the Charter in EU projects, how to assess if the Charter principles are respected in the project activities, criteria to assess compliance as well as a complaint procedure which allows for complaints to be filled in respect to issues relating to compliance with the Charter.¹¹⁸ The guide was still applicable in 2026. Also, in 2024 the Ministry of Investment and European Projects (Ministerul Investițiilor și Proiectelor Europene) issued written instructions for beneficiaries of EU funds asking them to fill out a statement on whether the funded project is affecting fundamental rights.¹¹⁹ The instructions were still in effect in 2026 having a minimal socializing function.

Another opportunities come from new digital tools for transparency and participation introduced recently. In April 2025, a Strategy for Open Government in Romania

2025-2030 was adopted by the Government, in line with its obligations as OECD accession candidate.¹²⁰ The Strategy makes a number of recommendations to address different issues related to the civic space, such as improving transparency, accountability and participation using digital tools. Romania has introduced new regulations for the management of ethics and rules on lobbying for Government officials in the form of the Single Registry of Transparency of Interests (RUTI - Registrul Unic al Transparenței Intereselor), and minimal rules on lobbying for the members of the Parliament. The second, adopted at the end of November, will be enacted in June 2026.

At the end of December 2025, as part of the new Open Government Strategy, the Government has launched the upgraded platform for access to information and transparency in decision-making, called E-consultare. The platform aims to become the single-entry portal for access to information requests and public consultation on draft normative acts. By the end of February 2026, a growing number of central and local public authorities and institutions have enrolled in the platform. The project was funded by the European Union under Romania's Recovery and Resilience Facility Plan.¹²¹

There are also some structural barriers which hinder the effective application of the Charter, the most important being a challenge of formalistic compliance, with the box-checking of fundamental rights standards for external purposes being embedded in the legal culture. Translating the standards from the theoretical or political international commitments to effective enforceable rights or principles influencing the policies in a rights-compliant manner requires a coherent, structural approach and allocation of adequate resources.

Other relevant factors which have the potential to hinder the application of the Charter may be the lack of public consultations in decision making, the fact that legislation impacting fundamental rights rarely undergoes the specific consultation required by law and the overall legislative unpredictability, the frequent use of Government Emergency Ordinances (delegated legislation) and problems with the quality of legislation.¹²²

Potential risks to be taken into consideration in any kind of human rights related intervention are triggered by the embedded culture of sham compliance with international standards, featuring on one side the declarative statements, with norms and institutions

118 Ministry of Investment and European Projects (Ministerul Investițiilor și Proiectelor Europene), Guide on the application of the EU Charter of Fundamental Rights in implementing EU funds ([Ghidul pentru aplicarea Cartei Drepturilor Fundamentale a UE în implementarea fondurilor europene nerambursabile](#)), 1 August 2022.

119 Ministry of Investment and European Projects (Ministerul Investițiilor și Proiectelor Europene), Instruction no. 5/18.06.2024 on respecting fundamental rights during the implementation of projects funded under the Sustainable Development Program 2021-2027 ([Instrucțiunea nr. 5/18.06.2024 privind respectarea drepturilor fundamentale pe parcursul implementării proiectelor finanțate în cadrul Programului Dezvoltare Durabilă 2021-2027](#)), 18 June 2024.

120 Government Decision no. 358/2025 on the approval of the Strategy for Open Government in Romania 2025-2030 ([Decizia nr.358/2025 privind aprobarea Strategiei pentru guvernare deschisă în România 2025-2030](#)), 15 April 2025.

121 [E-consultare platform](#).

122 European Commission, 2025 Rule of Law Report, [Country Chapter on the rule of law situation in Romania](#), SWD(2025) 923 final, Strasbourg, 8 July 2025, page 16.

presented as transposing the Europeanisation package and on the other failing to translate it into actual competencies and conduct in view of effective application. This gap leads to losing trust in the rule of law, in democratic mechanisms, in the very idea of human rights. Attention is required also in relation to the overall risk of the illiberal tendencies manifested through the rise of anti-European political actors and the increased mainstreaming of far-right discourse normalising racism, xenophobia, homophobia, misogyny. In a context of political instability, dissatisfaction with the political elites and lack of trust in the judiciary, there is increasing space for anti-establishment/ anti-system actors, the rise of populism, anti-European sentiment narratives. All these lead in turn to further erosion of fundamental principles. The broader regional instability and the interference of the Russian Federation in the domestic politics through the attempt of influencing the 2024/2025 elections triggered the further risk of misinformation campaigns.

Short term priorities

- ✓ Advocate for the consolidation of the Charter Focal Point, preferably with the Ministry of Justice and capacitate the Focal Point to be able to convene key stakeholders with roles in promoting and applying the Charter as working group with a shared strategy and identify synergies and priorities on providing training and developing further guidance.
- ✓ The research showed that there is a need for structured fundamental rights training including practical knowledge for legal professionals as well as for officials working for managing authorities or otherwise involved in managing EU funds. This would require coherent training strategies and continued support for Charter-related training through the various training institutions (INM, INPPA, INA) as well as on the spot in the various NHRIs and ministries. Human resources need to be trained both in public institutions (central, regional and local level) and in the CSO sector to better understand how to apply the EU Charter for Fundamental Rights especially in the context of the use of EU funds. In Annex 2 different packages targeting public administration and CSOs.
- ✓ The training on the Charter cannot be done in isolation and should be integrated; this should be complemented by a better understanding of the situation of vulnerable groups and also keeping in mind the different learning objectives of public administration, CSOs, legal professionals.
- ✓ Make use of the FRA developed tools and resources for both initial and continuous training to ensure that professionals understand the types of situations in which the Charter is applicable and what are the relevant standards.

- ✓ The Charter and the relevant jurisprudence of the CJEU should be integrated in the bibliography for the selection/ recruitment of judges, prosecutors, civil servants, personnel of NHRIs, staff of the managing authorities, officials dealing with programming and implementation of the European funds.
- ✓ In order to make sure that NHRIs (both the Ombuds and the national equality body) can act as fundamental rights focal point and are engaged in the preparation, implementation or monitoring and evaluation of EU-funded programmes and operations, including through participation in monitoring committees, it is important for these institutions to be provided with sufficient and where required additional human, technical and financial resources so that they would be able to perform their core tasks and exercise their powers effectively, including at the local or regional level.
- ✓ In view of ensuring that national legislative frameworks and policies are consistent with the Charter it is essential to assess impacts on fundamental rights within impact assessments in the legislative and policy-making processes.
- ✓ Update the translation and make use of the Manual on fundamental rights in EU funding updated in 2025, which supports the coherent and effective implementation of the Charter horizontal enabling condition.¹²³
- ✓ Authorities managing EU funds must involve relevant partners including bodies representing civil society and other fundamental rights actors to ensure that obligations derived from enabling conditions are duly respected.

Medium term priorities

- ✓ Develop rights-based action plans and cooperation networks, bridging the gap between legal professionals, NGOs and central and public administration as an important way of promoting awareness and understanding of the Charter.
- ✓ Provide sufficient training and guidance for beneficiaries of EU funds both private and public actors on how to plan and implement operations in a fundamental rights-compliant manner so that they can observe the horizontal enabling condition.
- ✓ Systematically assess impacts on fundamental rights within regulatory impact assessments for all legislative proposals and policies that have the potential to affect fundamental rights. Use the guidance developed by FRA¹²⁴ or OSCE/ODIHR on human rights compliant law-making.¹²⁵
- ✓ Evaluate and increase the capacity and the

¹²³ [Manual on fundamental rights in EU funding.](#)

¹²⁴ FRA, [Better legislation – Human rights impact assessments in lawmaking](#)

¹²⁵ OSCE/ODIHR, [Guidelines on Democratic Lawmaking for Better Laws](#), Warsaw, 16 January 2024.

- ✓ mandate of the mechanism established within the Ministry of Investments and European Funds so that it would become effective in preventing and addressing in time possible human rights violations in the context of the use of EU and domestic public funds. Take the steps to increase the knowledge about this mechanism with the stakeholders and cater for training provided to regional and local authorities together with funds' beneficiaries to recognize and address human rights violations.
- ✓ Establish a better cooperation mechanism with NGOs and other stakeholders in the country and include relevant bodies representing civil society, such as NGOs responsible for promoting social inclusion, fundamental rights, rights of persons with disabilities, Roma, LGBTIQ, gender equality and non-discrimination throughout all stages: the preparation of programming documents, implementation phase and evaluation of programmes by participation in monitoring committees, according to Article 8. Article 39 obliges Member States to "ensure a balanced representation of the relevant Member State authorities and intermediate bodies and of representatives of the partners referred to in Article 8 (1) through a transparent process."

Long term priorities

- ✓ Develop and adopt a national human rights and fundamental freedoms strategy with a dedicated national action plan, evaluated and updated periodically. The National human rights strategy should prioritise mainstreaming the Charter in the national legislation and policies.
- ✓ Develop an inclusive and transparent process in supporting effective Charter mainstreaming by engaging civil society organisations, human rights defenders, and independent fundamental rights bodies, including through decentralised forms of structured dialogue and consultation, in preparation of all human rights relevant initiatives.
- ✓ Dedicate funds to support capacity building of the Ombuds, national equality body, specialised CSOs, in particular CSOs working with vulnerable groups, so that they can get involved throughout the programming period and they can undertake additional technical assistance actions.

Annex – key elements of training proposed in the context of GRACE project

In the context of the GREACE project there are two types of capacity building activities envisaged, the first one is targeting central and local administration and the second is targeting CSOs. The training needs of the two groups are significantly different.

a) Concept for training of local and public administration representatives

For professionals working in local and public administration the information on the Charter is a novelty and its absorption is facilitated by the legal requirement of checking the Charter compliance as horizontal conditionality. The purpose of the training program is to ensure that professionals working in local and public administration working on EU funding understand the ways in which the Charter is applicable and can apply Charter values in practical contexts, in particular in relation to vulnerable groups.

Topics of relevance for public administration professionals include:

- I. understanding the logic of the Charter and its relevance in the Romanian context,
- II. the scope of application of the Charter,
- III. the content of the Charter - familiarising with the catalogue of rights provided by the Charter, in particular protections for vulnerable groups - Roma, LGBTIQ persons, persons with disabilities.
- IV. understanding the mechanism for limiting human rights and how authorities need to observe the human rights prerequisites in the exercise of the public function.

The field of the Charter related developments is very dynamic, hence the participants as public authorities who are required to implement Charter-related matters also have to develop the skills of continuing their learning on this topic. This means that on one hand the training should incorporate a session on the tools and instruments that can be used in order to remain updated (Charterpedia, FRA database, the courses available online), on the other hand, it is important to have a practice- oriented approach integrating case studies, discussion of current challenges and developing checklists on the application of the Charter.

Proposed outline of the Training Programme for Central and Local Administration

Module	Content	Objectives
1. Introduction to the Charter	Context, key content, scope of application, instruments for follow up.	Understand domestic relevance, application. Practical note on tools and checklist if Charter is applicable
2. Charter substantive rights	Application of specific provisions on non-discrimination	Familiarising with the catalogue of rights with focus on vulnerable groups. Case studies.
3. Charter in administrative work	Application of Charter as framework in limiting rights	Understand limitations of executive powers when limiting human rights. Case studies.
4. Charter and EU funds	Application of Charter as horizontal enabling conditionality.	Practical application of Charter as conditionality. Case studies.

b) Concept for training of CSOs representatives

CSO professionals working with various vulnerable groups might be already familiarised with the use of the Charter for advocacy purposes. A tailored approach in their case would focus on providing self-learning tools but also discussing substantive Charter rights in the context of strategic litigation and in the context of advocacy given the horizontal conditionality for accessing EU.

Topics of relevance for CSOs include:

- I. understanding the logic of the Charter and its relevance in the Romanian context,
- II. the scope of application of the Charter,
- III. the content of the Charter - familiarising with the catalogue of rights provided by the Charter, in particular protections for vulnerable groups - Roma, LGBTIQ persons, persons with disabilities.
- IV. use of the Charter for purposes of strategic litigation and advocacy.

CSO participants also have to develop the skills of continuing their learning on this topic. This means that the training for CSOs will also incorporate a session on the tools and instruments that can be used in order to remain updated (Charterpedia, FRA database, the courses available online). The CSO training will also have practice-oriented approach integrating case studies, discussion of current challenges and developing checklists on the application of the Charter.

Proposed outline of the Training Programme for CSO representatives

Module	Content	Objectives
1. Introduction to the Charter	Context, key content, scope of application, instruments for follow up.	Understand domestic relevance, application. Practical note on tools and checklist if Charter is applicable
2. Charter substantive rights	Application of specific provisions on non-discrimination	Familiarising with the catalogue of rights with focus on vulnerable groups. Case studies.
3. Charter-based monitoring	Data collection, reporting, monitoring mechanism	Presentation of monitoring venues and data collection and use of rights based indicators using the Charter for advocacy purposes Case studies.
4. Charter as strategic tool	Use of Charter for advocacy and strategic litigation	Practical application of Charter. Case studies.

About the project

“GRACE – Guaranteeing Rights and Charter Enforcement” is a project funded under the Citizens, Equality, Rights and Values (CERV) Programme of the European Union, designed to strengthen the implementation of the EU Charter of Fundamental Rights in Bulgaria, Romania, and Greece. The project aims to improve knowledge, monitoring, and practical application of the Charter at national level by working closely with public administrations and civil society organisations.

GRACE responds directly to the low awareness and limited use of the Charter in policymaking and governance processes. By combining EU-level expertise with national experience, the project seeks to create sustainable mechanisms that support the consistent promotion and protection of fundamental rights.

Project partners:

- [Center for Regulatory Impact Assessment \(CRIA\)](#), Bulgaria (coordinator)
- [Romanian Center for European Policies \(CRPE\)](#), Romania
- [European Citizen Action Service \(ECAS\)](#) – Belgium
- [Centre for European Policy Studies \(CEPS\)](#) – Belgium
- [Hellenic Foundation for European and Foreign Policy \(ELIAMEP\)](#) – Greece
- [Institute of Public Administration \(IPA\)](#) – Bulgaria (Associated Partner)

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