

The initial and continuous professional training for magistrates, lawyers, police personnel and public servants

I. The initial and continuous professional training for magistrates

Starting with 2006-2007, the auditors of justice (trainee magistrates) of 1st year of study (initial training) are introduced to the concepts of prohibition of discrimination and that of an effective remedy and relevant international case law on these matters. During the second training year, the auditors study the course "Fight against discrimination", within modules, under the guidance of experts of the National Council for Combatting Discrimination that have the capacity of trainers of National Institute of Magistracy.

Moreover, starting with the training year of **2009 – 2010**, trainee magistrates also studied (within the training module on the EU law) the relevant directives on fight against discrimination and the case law of the Court of Justice of the European Union.

In 2016 a total number of 302 judicial trainees (142 in the first year and 160 in the second year) benefited from the training sessions referred to above, whereas in 2017 a total number of 331 judicial trainees (189 in the first year and 142 in the second year) were trained in the field.

Judges and prosecutors admitted into magistracy following a direct contest also undertake an initial training regarding discrimination and hate crimes in the Human Rights Module and also attend seminars on criminal law. In 2016 a number of 52 magistrates were trained in the above mentioned matters. A total of 90 judges and 27 prosecutors attended the training program organized in 2017. In 2018 a total of 125 judges and 56 prosecutors attended the training program.

Special training events (conferences, seminars) are also constantly organised on the topic of non-discrimination, some of them within programmes or projects implemented in partnership with the National Council for Combating Discrimination or/and with the Romani CRISS (Roma Center for Social Intervention and Studies).

In this respect, since 2016 INM has concluded a protocol of cooperation with the National Council for Combating Discrimination (NCCD), and numerous continuous training activities in the field of anti-discrimination have been organised annually within this partnership. In 2017 a number of 11 judges, 6 prosecutors, 5 assistant magistrates and 3 experts assimilated to judges and prosecutors attended the training program. In 2018 a number of 31 judges, 22 prosecutors and 2 HCCJ assistant magistrates attended the training program.

Also, in the period 2013 – 2014, NIM and SCM were partners within the Project JUST/2012/FRAC/AG/2755 "*European Judicial Cooperation in the fundamental rights practice of national courts – the unexplored potential of judicial dialogue methodology*", coordinated by the European University Institute of Florence (EUI). The Project was focusing on three fundamental rights: the **principle of non-discrimination**, the right to a fair trial and the freedom of expression. The Project put in direct contact judges from the participants' countries, either personally – during workshops organized in Florence (13 Romanian judges and 1 prosecutor participated) and in the partner States (Croatia, Italy, Poland, and Romania), and online. Within the Project, NIM organized at Bucharest 2 events (the *Pilot Seminar in non-discrimination on grounds of age, sex, sexual orientation, disability and race*, 10 – 11 April 2014 for 23 judges and the *Dissemination Conference – Judicial Dialogue – Present and Future*, 19-20 May 2014 for 22

Romanian representatives). A toolkit, including Judicial Dialogue Guidelines, was finalized¹. Over 1400 copies of the Final Handbook were distributed at national level for the Romanian judges and prosecutors and the English and Romanian versions are available on the NIM website.²

Within the project „*Improving access to justice for Roma and other vulnerable groups. An integrated approach*” – financed through the Norwegian Financial Mechanism 2009-2014, SCM organised 10 training workshops, analysing the ECJ case law on the legal protection against discrimination and vulnerable group; 41 judges, 49 prosecutors, 35 lawyers, 1 probation counsellor, 67 representatives of the local authorities, 30 representatives from non-governmental organisations and also, 2 students took part in these sessions.

Other events and training activities implemented by NIM include:

- partnering with Romani CRISS in the Project „Equal Access to Roma” (May 2011 – August 2012); this project aimed at training Romanian judges and prosecutors on national and international laws on fight against racism, mainly in criminal area, within 4 workshops of continuous training with a duration of 3 days/workshop;
- partnering with NCCD in the programme PROGRESS (2012) for the organization of 8 seminars on „*Right to equality and non-discrimination in the administration of justice*”; The workshops were carried out by NIM trainers and experts of Romani CRISS and envisaged issues of national and European legislation on fight against discrimination and also ECtHR and ECJ case law, relevant for the ethnic motivation in cases of abuses of representatives responsible for enforcement of law.
- implementation of a HELP e-learning course on „*Fighting discrimination according to ECHR case law*” (October 2013) and launch in Romania of the HELP e-learning module on „*Combating discrimination based on ECHR case law*” (2014);
- partnering with NCCD in the project “*Improving the Combating discrimination at national level through a wide involvement of specialists and civil society*”, where 3 specialized training courses on Combating corruption, for judges and prosecutors were organized;
- 5 training workshops, organized in Bucharest, on the case law of the ECJ on the legal protection against discrimination and vulnerable groups within the project „*Improving access to justice for Roma and other vulnerable groups. An integrated approach*” – financed through Norwegian Financial Mechanism 2009-2014;
- conferences organized in 2015, 2016 and 2018, in the framework of the conferences EuroQuod (The National Network of Judges - coordinators in EU law);
- the Conference *Fighting against fascism, racism, xenophobia and the promotion of persons guilty of crimes against peace and humanity. Specific aspects regarding extremism, antisemitism and Holocaust denial fighting fascism, racism, xenophobia and the promotion of persons guilty of crimes against humanity and peace* (9-10 June 2016), in cooperation with MFA, offering an in-depth analysis of the Romanian legislation in the field of fighting extremism, racism, xenophobia, discrimination and anti-Semitism, as well as the cases that may be brought before

¹ the Handbook elaborated within the project can be accessed to the link:
<http://www.eui.eu/Projects/CentreForJudicialCooperation/Publications/Index.aspx>

² <http://www.inm-lex.ro/displaypage.php?p=82&d=614>

the courts, in the context of the passing of Law no. 217/2015 that amends the GEO no. 31/2002 prohibiting organizations, symbols and deeds with fascist, racist, legionary and xenophobic nature and the glorification of those found guilty of genocide and war crimes. A total of 14 judges, 29 prosecutors and 2 experts attended the conference.

- hosting the the Dissemination event that took place in the framework of the Project entitled - Active Charter Training through Interaction Of National Experiences (ACTIONES) (3-4 July 2017); one of the themes of the activity was the antidiscrimination. At this national event participated 17 judges, 9 prosecutors and 26 lawyers;

II. *The initial and continuous professional training for police personnel*

The initial training of police agents and non-commissioned officers from police and gendarmes schools encompasses topics that ensure compliance with international and European recommendations regarding the protection of human rights and respecting diversity.

A mandatory topic is included in their common training module – „Tackling conflictual situations caused by multicultural diversity” which includes:

- the ethnical and religious makeup of Romania, its cultural specificity;
- causes leading to interethnic or intercultural/inter-religious conflicts;
- techniques and methods used for interethnic and intercultural/inter-religious conflicts resolution;
- hate-driven discriminatory attitudes and behaviours.

Also, within the module „Finding and investigating criminal offences” implemented within the schools for police agents, the following topic can be found: „Human rights and their observance in the context of police work. Hate crimes”, which includes:

- basic human rights regulations;
- the observance of human rights in police activity;
- the definition of hate crimes. National legislation regarding hate crimes;
- international obligations to investigate hate crimes.

Since 2017, the trainees of police agents schools, as well as the newly recruited police officers undertaking the initial training programs in the training centers of the Ministry of Internal Affairs and General Inspectorate of Romanian Police, receive instruction, by means of further training plans, on the issue of hate crimes.

Induction courses are being conducted in the training centers for personnel recruited from the private sector (external sources). The curriculum of these courses includes relevant topics in the fields of human rights and hate crimes – anti-semitism, racism, and xenophobia.

As regards ***the training within the Police Academy „Alexandru Ioan Cuza”***, the issues regarding the elimination of all forms of racial discrimination are tackled in the subject of study ***The legal protection of human rights***, which is studied as follows:

- at the study program of Bachelor university studies / specialization public order and safety, as an optional subject of study (14 hours lecture / 14 hours laboratory classes).
- at the study program Bachelor university studies /specialization Law, IInd year, IInd semester as a compulsory subject of study (28 hours lecture / 28 hours laboratory classes).

The curriculum of the above-mentioned subject of study includes the following topics for the specialization public order and safety:

1. *Introductory concepts and the importance of studying this subject of study for policemen;*
2. *Main documents at the UN level;*
3. *Main documents at European level;*
4. *Lecture regarding ECtHR – European jurisprudence* (various cases in which policemen are involved are presented).

For the law specialization, the curriculum includes, besides the mentioned topics, a topic for the study of the main citizens' civil and political rights and freedoms.

Also, topics that tackle the issue of „Hate crimes” are included in the Police Academy's curriculum, starting with the 2018-2019 academic year.

The training courses are designed for the police officers and gendarmes/MIA staff, based on their training needs and taking into account their professional activity inside ethnic communities or with vulnerable groups; the selection for these types of training is carried out by the general inspectorates.

The purpose of these training programs is to prevent discrimination/abuse in the relationship between the police officer and persons belonging to groups at risk of discrimination.

To cite an example, during the professional competence courses, organized in order to allow the trainees to be promoted to higher ranks, as well as during the training course "*Preventing and fighting all forms of discrimination*", organized by the Institute for Public Order Studies, a number of topics of interest for the relevant field were addressed, including:

1. Specialized institutions in the field of non-discrimination, legal procedures;
2. Stereotypes and prejudices;
3. Hate crimes - case study;
4. Best practices of EU police forces on diversity management. Measures to implement ECtHR judgements.

Representatives of NAP, NCCD and of the civil society (Roma Center for Health Policy Sastipen Association, Carusel Association, Accept Association etc.) participated in delivering of lectures on the above-mentioned topics.

Regarding the ***continuous vocational training within units, on the job***, starting in 2018, in the framework of the specialized training undertaken by all police officers, the topic "*Hate crimes*" is also addressed. Consequently, in 2018, over 100 policemen from crime prevention, public order, criminal investigations, special actions and traffic police structures of the General Inspectorate of Romanian Police and General Directorate of Bucharest Police attended training sessions aimed at non-discrimination and prevention of hate crimes.

On this occasion, police commissioned officers and agents were briefed on a range of topics, such as: domestic and international legislation regulating the relevant field, European and Romanian institutions active in the human rights field, ECtHR case law, management of interethnic relations, conflict resolution, etc. Also, the policemen were involved by an expert from NCCD in solving practical cases in the matter of preventing and combating discrimination.

Prior to organizing the courses, the partners developed the Practical Guide for policemen, which targeted the relevant field and was subsequently disseminated in digital format to all participants. Also, in order to support the development of the continued vocational training of the police

officers, the guide was disseminated in digital format to all police units, by means of the internal network.

At the same time, in order to further expand vocational training programs, the Institute of Studies for Public Order has concluded a series of partnerships with non-governmental organizations whose mission is to protect and observe the rights regarding the social aspects targeted by the discrimination actions directed at various vulnerable groups.

In 2016, in the framework of **“Promoting the concept of proximity police in rural areas, especially in Roma communities or other socio-economically disadvantaged communities”** project, carried out under the aegis of the Swiss-Romanian Cooperation Program, a Curriculum for the Romani language and culture course, accompanied by the Analytical Program and the Methodological Guide of the course were developed.

In 2016, at “Nicolae Golescu” Center for Initial and Further Police Training, Slatina, an introductory course in Romani language and culture, attended by **53** police officers, was organized.

Between May 07-25, 2018, also in the the framework of this project, at “Nicolae Golescu” Center for Initial and Further Police Training, Slatina, an advanced training course in Romani language and culture, attended by 40 policemen, was organized; **between October 1-19, 2018, an introductory course in Romani language and culture** was held.

The program is designed to develop linguistic competences in the field of Romani language, respectively to train the students in the use of Romani language, in the context of daily activities carried out within GIRP, by learning certain aspects regarding the norms, traditions, customs and history of the Roma people.

The issue of discrimination is also addressed by the "Human rights in the institutions of public order and safety" course, organized by the Center for the promotion of human rights and postgraduate studies, within the National College of Internal Affairs.

Starting with the academic year 2018-2019, the topic of *"Preventing and fighting hate crimes by means of criminal law"* was introduced in the curriculum of the above mentioned program.

Moreover, the Centre for the promotion of human rights and postgraduate studies, in partnership with IPOS, organizes training courses for MIA personnel, focused on the topic of *"Human rights - hate crimes"*.

Regarding the further training of the Romanian Gendarmerie personnel, a number of its employees attended a module of the International Higher Course, organized yearly by „Mihai Viteazul” Practical Training School for Commissioned Officers, in Bucharest. This course is certified/recertified by the Department for Peacekeeping Operations of the United Nations Organization. The 75-hours long module includes 38 topics on the eradication of all forms of racial discrimination.

During 2015-2017, the Romanian Gendarmerie personnel took part in a series of courses, as follows:

No.	Course title	Training institution	No. of trained commissioned officers	Year
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1.	Training course <i>in the field of non-discrimination</i>	NCCD	41	2015
2.	<i>Specialist in equality of opportunity</i> training course	National Intelligence Academy	175	2015
3.	Training course <i>in the field of non-discrimination</i>	NCCD	30	2016
4.	Training course <i>in the field of non-discrimination</i>	NCCD	4	2017

In May 2014, GIRP and MoJ signed a contract concerning the financing for the project entitled “Consolidating the capacity of the preventive detention system in aligning itself with the relevant international instruments on human rights”. In 2015, training sessions were organized for policemen within the centres for preventive detention, which included multiple aspects regarding the observance of international human rights standards.

Another example consists of the activities organised within the programme entitled “Consolidating the capacity of the preventive detention system to observe the relevant international instruments concerning human rights”, financed through the Norwegian Financial Mechanism 2009-2014. 2 best practices guides and 2 booklets (400 copies in romanian language) were elaborated, containing useful information on human rights. The best practices guides and leaflets were distributed to the detention and pre-trial detention centers and made available to Roma inmates.

Training activities involving the field of prevention and investigation of criminal offences committed for racial reasons which took place at the level of the Romanian Police, between 2014 and 2018, are as follows:

1. Between 18 and 20 December 2017, 20 police officers attended the Program of Access to Justice for Roma women – JUSTROME organized by the Council of Europe in Bucharest.
2. The project “Integrated approach for the prevention of victimization in Roma communities”, financed through the Norwegian Financial Mechanism commenced in October 2014, had an implementation period of 30 months, until 30 April 2017, and its partners are the Office for Democratic Institutions and Human Rights within OSCE, the Institute of National Economy within the Romanian Academy and Roma Center for Social and Education Intervention - Romani CRISS.

The goal of the project consisted of increasing the awareness degree, at the level of law-enforcing institutions, into the phenomenon of victimization in Roma communities, but also the prevention and mitigation of victimization among vulnerable individuals within Roma communities, by using scientifically validated instruments. In this project, 15 training activities were conducted, consisting of educating 300 Romanian police servants in the field of preventing and fighting against hate-driven criminal offences and in the field of special techniques for interviewing the victims of such criminal offences.

The training took place in the Center for Training and Improving of Police Servants “Nicolae Golescu” of Slatina.

As regards the prevention and fighting against discrimination, in particular for the prevention and fighting against hate-driven criminal offences, in the past years, several training programs were permanently organized in MIA education institutions.

In that regard, IPOS held training sessions in the field of human rights “Prevention and fighting against all forms of discrimination” and “Prevention of torture and inhuman or degrading treatment or punishment”, “Prevention and fighting against gender violence”, which were attended by police servants within public order, criminal investigations, transport police structures.

The purpose of these training programs consists of preventing acts of discrimination/abuse in the relationship between police workers and persons from groups facing discrimination risks. Certain topics were supported by representatives of civil society organizations, such as Accept Association. The above-mentioned training sessions were attended, in 2018, by 189 police servants within defense and public order structures.

In the Multifunctional Schengen Training Center, improvement courses were organized every year, in the field of torture and inhuman treatment for the personnel in the Coordination Service for Arrest Detention Facilities, which were attended, in the past two years, by 30 police servants.

III. NCCD Training events within the field of non-discrimination

Rome Women's Gala "Look at me as I am!"(since 2012)

The project, developed in partnership with the Center for Education and Social Development, E-Romanja Association (Association for Promotion Women's Rights Rome) and the Association for Development and Social Inclusion, promotes the Roma woman in public life, as an important contributor in the activities related to education, health, policies, work, culture, housing, etc., these being models to be followed for future generations.

Training of case managers within the General Directorates of Social Assistance and Child Protection regarding non-discrimination of children separated from their parents who have the adoption established as a purpose of the individualized protection plan (September - December 2012)

The project was carried out in partnership with the Romanian Office for Adoptions and consisted of carrying out information and training courses for the representatives of the Office and case managers - specialists who come into direct contact with children and their families, the biological and the extended, instrumenting adoption. The direct beneficiaries of the project were the 50 participants - 40 case managers from the six sectors of Bucharest plus Ilfov and 10 representatives of the Romanian Office for Adoptions. The indirect beneficiaries were estimated to be about 1500 children from the protection systems and their biological / extended families. The aim of this project was to increase the number of adoptable children and the number of adoptions, by combating discriminatory attitudes towards them through the theoretical and practical knowledge of the principles of combating discrimination, preventing acts of discrimination against children and the biological family / extended family, by reducing the level of intolerance towards categories of children with certain particularities: Roma children, older children and those with physical or mental disabilities, or by decreasing the level of

intolerance to certain biological families / extended families with certain particularities: Roma families, illiterate families and families with disabilities.

The two course modules, "Human responsibility - an ethical attitude to discrimination" and "The legal and legal framework of non-discrimination in Romania", highlighted the need for dialogue between social partners, the need for information and collaboration between institutions, between institutions and civil society.

Promoting human rights and non-discrimination in medical university education in Romania (2013), by training young doctors for an integrated and complementary approach to activities for the knowledge, understanding, acceptance and respect of national minorities, in order to improve access to quality medical services for vulnerable groups, including Roma.

V. During 2010-2018, the National Agency for Public Servants implemented 15 projects with a training component, focusing on equal opportunities and gender equality, as well as sustainable development.

The Agency also implemented or participated in projects including human rights training:

- April 2015 – April 2016, the project *Inclusive Governance* aimed at reducing the risk of social exclusion and the prevention of discrimination against disadvantaged groups in several counties reached to 300 persons from vulnerable groups, including from the Roma community, who were informed on the services and institutions providing support and assistance, 100 young persons from the rural area, who were counseled on the access to European Funds and the educational programme “The second chance”, 100 representatives of unemployed persons from vulnerable groups, who were informed on the employment opportunities.
- In the period January 2017 – December 2018, the project *I.D.E.A.S. (Inclusion. Diversity. Equality. Consciousness. Success)*, including the multinational launch of the Diversity Charter in Slovenia, Romania and Croatia, comprised training seminars for public and private sector in the field of diversity;
- In the period 2017-2021, the project ”Development of a unitary management system for human resources in the public administration”, implemented by the Government’s Secretariat General emphasises during training non-discrimination and inclusion.