

COMMUNICATION

**In accordance with Rule 9.2 of the Rules of the Committee of Ministers
regarding the supervision of the execution of judgments and of the terms of
friendly settlements**

**by A.L.E.G. – Association for Liberty and Equality of Gender, with the support
of 18 NGOs**

in the case of *C. v. Romania* (Application No. 47358/20)

I. INTRODUCTION

This submission is made pursuant to Rule 9.2 of the Rules of the Committee of Ministers as a follow-up to A.L.E.G.'s previous communication of January 2025, submitted in the framework of the supervision of the execution of the judgment of the European Court of Human Rights in *C. v. Romania* (Application No. 47358/20). The judgment, which became final on 30 November 2022, found a violation of Article 8 of the European Convention on Human Rights due to serious deficiencies in the authorities' response to sexual harassment in the workplace, including failures in the criminal investigation and broader structural shortcomings in the legal and institutional framework.

This submission provides an update on key legislative and policy developments that have occurred since the previous Rule 9.2 communication; highlights persisting gaps and risks that continue to undermine effective protection against sexual and gender-based violence and harassment in the world of work; and reiterates the need for a substantially revised and strengthened Action Plan that complies with the standards set out by the Department for the Execution of Judgments and addresses the concerns repeatedly raised by gender equality and human rights NGOs and trade unions in Romania.

This communication is submitted by A.L.E.G. - *Asociația pentru Libertate și Egalitate de Gen* (Association for Liberty and Equality of Gender), a Romanian non-governmental organisation specialised in promoting gender equality and combating violence against women, including sexual harassment in the workplace, which continues to be actively engaged in advocacy and technical work related to the domestic implementation of the ILO Violence and Harassment Convention No. 190 (C190). The communication is supported by 18 additional Romanian human rights and gender equality NGOs.

II. UPDATE ON LEGISLATIVE DEVELOPMENTS RELATED TO THE IMPLEMENTATION OF ILO CONVENTION NO. 190

After a prolonged period marked by a lack of tangible progress, the legislative amendments required to align Romanian law with the standards of C190 and its accompanying Recommendation No. 206 (R206) have reached Parliament. Following the finalisation of

draft amendments, at the beginning of 2025, to the Labour Code, Law No. 108/1999 on the establishment and organisation of the Labour Inspectorate, and Law No. 319/2006 on Safety and Health at Work by the interministerial working group coordinated by the Prime Minister's Office and the Ministry of Labour, the Government approved these draft amendments on 11 December 2025, sending them to Parliament. The draft amendments are now following the legislative parliamentary process.¹

We welcome this long-awaited step, which constitutes an important formal advance in the execution of the judgment and in Romania's efforts to implement C190. Overall, the draft amendments introduce improved definitions, expand the scope of protection, and strengthen certain employer obligations and enforcement mechanisms.

However, despite these positive elements, important gaps and flaws remain, particularly in relation to the proposed amendments to the Law on Safety and Health at Work. The proposed amendments continue to lack provisions addressing sexual and gender-based violence and harassment as risks requiring prevention, mitigation, and response measures – a crucial aspect for the implementation of the *C. v. Romania* judgment, which found a violation of the Convention in a case regarding sexual harassment at work. This omission is especially problematic given that a large number of employers, particularly small and medium-sized enterprises, outsource occupational health and safety assessments, training, and compliance to external specialised companies. In the absence of clear legal obligations under the Safety and Health at Work framework, such actors are unlikely to prioritise measures related to preventing and responding to sexual and gender-based violence and harassment that are not legally required by the law that governs the scope of their activity.

Furthermore, the Safety and Health at Work Law continues to provide for disproportionately low sanctions in cases of non-compliance. The applicable fines (3,500–7,000 lei) are significantly lower than those foreseen under the proposed amendments to the Labour Code for comparable failures to prevent or address harassment in the world of work, as well as those established under Government Ordinance No. 137/2000 (Article 26(1²)), which range from 30,000 to 50,000 lei. This discrepancy creates misalignment and potential conflicts between the applicable legal frameworks. As also highlighted in the Romanian Ombudsperson's 2023 Special Report on Harassment and Violence in the Workplace, there is a need to harmonise penalties.² In the absence of such alignment, the sanctions under the Safety and Health at Work Law are ineffective in practice. If the minimum threshold remains at 3,500 lei, an offending employer may pay, within 15 days, half of the minimum fine, i.e. 1,750 lei (approximately EUR 345), in accordance with Law No. 203/2018 on measures to

¹ L609/2025 Proiect de lege privind completarea Legii nr.108/1999 pentru înființarea și organizarea Inspecției Muncii, https://www.senat.ro/legis/lista.aspx?nr_cls=L609&an_cls=2025; L610/2025 Proiect de lege pentru completarea Legii securității și sănătății în muncă nr.319/2006, https://www.senat.ro/legis/lista.aspx?nr_cls=L610&an_cls=2025; L611/2025 Proiect de lege pentru modificarea și completarea Legii nr.53/2003 - Codul muncii, https://www.senat.ro/legis/lista.aspx?nr_cls=L611&an_cls=2025.

² Avocatul Poporului, 2023, Raport special privind violența și hărțuirea la locul de muncă, <https://avp.ro/wp-content/uploads/2023/04/Raport-hartuire-si-violenta-la-locul-de-munca.pdf>, p. 66.

improve the effectiveness of the collection of administrative fines. This significantly undermines the deterrent effect of the penalties.

III. DATA COLLECTION AND MONITORING OF SEXUAL AND GENDER-BASED VIOLENCE IN THE WORLD OF WORK

As emphasised in our previous Rule 9.2 communications, the lack of comprehensive, systematic, and disaggregated data collection on sexual and gender-based violence and harassment in the world of work remains a major structural obstacle to effective prevention and response.³

In line with ILO Recommendation No. 206, effective policies must be grounded in an accurate understanding of the prevalence, forms, and patterns of violence and harassment. However, Romania's current legal and policy framework continues to rely almost exclusively on data derived from reported cases addressed by the police, courts, the National Council for Combating Discrimination (CNCD), or labour inspectorates. Such data capture only a fraction of actual cases and fail to reflect the real scale and specifics of the phenomenon.

As stated in our previous communication, a major difficulty in developing effective anti-harassment policies is the absence of regular, disaggregated data collection that goes beyond reported cases. There is no mandated data collection and recording policy at national level, nor are there in-depth or periodic studies examining the extent and specific manifestations of harassment in the world of work across sectors and groups.

This gap should be addressed through a revised Action Plan that assigns a clear role to the National Institute of Statistics (INS), which operates under the authority of the Government. The INS is well-placed to collect periodic, representative data on the prevalence of violence and harassment in the world of work using survey-based and other methodological approaches that do not depend on formal complaints. The collection and analysis of such data should be followed by specific measures by authorities, including the Ministry of Labour, to improve enforcement of anti-harassment laws and policies.

Plans to improve data collection on reported cases through ANES and the implementation of the new electronic case management system, ECRIS V, coordinated by the Ministry of Justice, which is expected to become operational in June 2026, represent a positive development. However, while welcome, these systems alone remain insufficient. Data from ECRIS V will continue to capture only cases that reach the justice system and, therefore, cannot replace broader population-level data collection. Without complementary mechanisms, policy responses are likely to remain incomplete and poorly targeted.⁴

³ Communication from an NGO (Association for Liberty and Equality of Gender (A.L.E.G.) and supported by 21 national NGOs and trade unions) (14/01/2025) in the case of C. v. Romania (Application No. 47358/20), [https://hudoc.exec.coe.int/#{%22execidentifier%22:\[%22DH-DD\(2025\)96E%22\]}](https://hudoc.exec.coe.int/#{%22execidentifier%22:[%22DH-DD(2025)96E%22]}), pp. 45.

⁴ Action Plan (18/12/2025) - Communication from Romania concerning the case of C. v. Romania (Application No. 47358/20), [https://hudoc.exec.coe.int/#{%22execidentifier%22:\[%22DH-DD\(2026\)7E%22\]}](https://hudoc.exec.coe.int/#{%22execidentifier%22:[%22DH-DD(2026)7E%22]}), pp. 6-7.

IV. THE NEED TO UPDATE AND STRENGTHEN THE ACTION PLAN

The Action Plan should be updated to include the following specific forward-looking measures, in line with the standards set out in the Department for the Execution of Judgments' Guide for the Drafting of Action Plans and Reports for the Execution of Judgments of the European Court of Human Rights:

- **Improving regular data collection that goes beyond reported cases:** mandate periodic national surveys on violence and harassment in the world of work, coordinated by the National Institute of Statistics.
- **Training of prosecutors and judges:** setting out clear and mandatory training on sexual and gender-based violence, including in the world of work, as well as on judicial and prosecutorial gender-sensitive approaches and survivor-centred practices. The Plan should specify what training is provided, how often, how knowledge is updated and evaluated, and what concrete measures are taken by institutions such as the Superior Council of Magistracy in this regard.
- **Strengthening labour inspection capacity and training of labour inspectors:** including increased budgetary allocations to the Ministry of Labour to enable fair and effective inspections into harassment in the world of work, including sexual and gender-based violence and harassment, as well as nationwide training programmes for labour inspectors on identifying, investigating, and addressing such cases, as recommended by the special report of the Ombudsperson⁵ – alongside explicit budgetary allocation and a timeline for such training.

V. RECOMMENDATIONS

In light of the above, we respectfully ask the Committee of Ministers to:

- **Maintain the case of *C. v. Romania* under enhanced supervision;**
- **Request the Romanian Government to update the Action Plan** with targeted, specific, and time-bound general measures aimed at improving laws, public policies, and institutional practices on eliminating violence and harassment in the world of work, in line with ILO Convention No. 190 and Recommendation No. 206, including in what concerns:
 - disaggregated data collection and analysis that goes beyond reported cases
 - training of prosecutors and judges
 - strengthening labour inspection capacity and training of labour inspectors
- **Schedule the case for examination** on the Committee's agenda for one of its Human Rights meetings in 2027.

⁵ Avocatul Poporului, 2023, Raport special privind violența și hărțuirea la locul de muncă, <https://avp.ro/wp-content/uploads/2023/04/Raport-hartuire-si-violenta-la-locul-de-munca.pdf>, p. 66.

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