



# General Assembly

Distr.: General  
9 November 2012

Original: English

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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Fifteenth session**  
21 January–1 February 2013

**Compilation prepared by the Office of the High  
Commissioner for Human Rights in accordance with  
paragraph 5 of the annex to Human Rights Council  
resolution 16/21**

**Romania**

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

#### International human rights treaties<sup>2</sup>

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1970)	OP-CAT (2009)	ICRMW
	ICESCR (1974)	CRPD (2011)	
	ICCPR (1974)	CPED	
	ICCPR-OP 2 (1991)	(signature only, 2008)	
	CEDAW (1982)		
	CAT (1990)		
	CRC (1990)		
	OP-CRC-AC (2001)		
	OP-CRC-SC (2001)		
<i>Reservations, declarations and/or understandings</i>	ICERD (Declaration, arts. 17 and 18, 1970)	OP-CAT (Declaration, art. 24.1, 2009)	
	ICESCR (Declaration, arts. 26, para.1, 1, para. 3, and 14, 1974)		
	ICCPR (Declaration, arts. 1, para .3, and 48, para. 1, 1974)		
	ICCPR-OP 1 (Declaration, art.5, para. .2(a), 1993)		
<i>Complaint procedures, inquiry and urgent action<sup>3</sup></i>	ICERD, art. 14 (2003)	OP-CRC-IC, (signature only, 2012)	OP-ICESCR, ICCPR, art. 41
	ICCPR-OP 1, (1993)		
	OP-CEDAW, art. 8 (2003)	CPED, (signature only, 2008)	CAT, arts. 21 and 22
	CAT, art. 20 (1990)		ICRMW
	OP-CRPD, art. 6 (signature only, 2008)		

**Other main relevant international instruments**

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide		Additional Protocol III to the Geneva Conventions of 12 August 1949 <sup>8</sup>
	Rome Statute of the International Criminal Court		ILO Conventions Nos. 169 and 189 <sup>9</sup>
	Palermo Protocol <sup>4</sup>		
	Conventions on refugees and stateless persons <sup>5</sup>		
	Geneva Conventions of 12 August 1949 and Additional Protocols thereto, except Protocol III <sup>6</sup>		
	ILO fundamental conventions <sup>7</sup>		
	UNESCO Convention against Discrimination in Education		

1. The Special Rapporteurs on the human rights of migrants and contemporary forms of slavery, including its causes and consequence<sup>10</sup> the Committee on the Elimination of Racial Discrimination (CERD)<sup>11</sup> and the Committee on the Rights of the Child (CRC)<sup>12</sup> encouraged Romania to consider ratifying the ICRMW.

2. CRC encouraged Romania to ratify OP-CRPD, CPED and OP-ICESCR.<sup>13</sup>

3. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Romania withdraw the reservations to articles 23, 27 and 31 of the 1954 Convention Relating to the Status of Stateless Persons.<sup>14</sup>

**B. Institutional and human rights infrastructure and policy measures****Status of national human rights institutions<sup>15</sup>**

<i>National human rights institution</i>	<i>Status during previous cycle</i>	<i>Status during present cycle<sup>16</sup></i>
Romanian Institute for Human Rights	C (March 2007)	C (May 2011)

4. CRC remained concerned that the Ombudsman Institution did not meet the Paris Principles. It recommended that Romania review status and effectiveness of the Ombudsman Institution. It also recommended that the Ombudsman Institution be equipped with the necessary resources to carry out its mandate in an effective and meaningful way.<sup>17</sup>

5. Furthermore, CRC recommended that Romania establish an independent Ombudsman for children.<sup>18</sup>

6. CERD recommended that Romania ensure that the National Council for Combating Discrimination is fully in compliance with the Paris Principles.<sup>19</sup>

**Policy measures**

7. CRC encouraged Romania to implement the National Strategy for the protection and promotion of children's rights (2008-2013), which should ensure that special attention is

paid to children of vulnerable groups, including children living in poverty, Roma children, children with disabilities, children with HIV/AIDS and street children. Furthermore, It recommended that Romania ensure adequate budget allocations and follow-up and evaluation mechanisms for the full implementation of the National Strategy.<sup>20</sup>

## II. Cooperation with human rights mechanisms

8. Romania prepared and submitted its mid-term report regarding the follow-up to the universal periodic review (UPR) recommendations put forward during its review in 2008.<sup>21</sup>

### A. Cooperation with treaty bodies<sup>22</sup>

#### 1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	Aug. 1999	2008	Aug. 2010	Combined twentieth to twenty-second reports due in 2013
CESCR	May 1994	2011	–	Third to fifth reports pending consideration
HR Committee	July 1999	–	–	Fifth report overdue since 1999
CEDAW	May 2006	–	–	Combined seventh and eighth reports overdue since 2011
CAT	May 1992	–	–	Second to sixth reports overdue since 1996, 2000, 2004, 2008 and 2012 respectively
CRC	Jan. 2003	2007	June 2009	Fifth report due in 2012 Initial OP-CRC-AC and OP-CRC-SC reports overdue since 2003
CRPD	–	–	–	Initial report due in 2013

#### 2. Responses to specific follow-up requests by treaty bodies

<i>Concluding observations</i>			
<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CERD	2011	Racial discrimination against Roma; excessive use of force by the police against minority groups; racial stereotyping and hate speech against minorities; and racism in sports. <sup>23</sup>	–

9. CRC urged Romania to take all measures to address those recommendations from the concluding observations of the previous report that have not yet, or not sufficiently been implemented.<sup>24</sup>

## B. Cooperation with special procedures<sup>25</sup>

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Visits undertaken</i>	Arbitrary detention (27 Sept.-2 Oct. 1998). Torture (19-29 April 1999); slavery (19-30 Sept. 1999); adequate housing (14-19 Jan. 2002); freedom of religion (7-13 Sept. 2003); health (23-27 Aug. 2004); sale of children (1-10 Sept. 2004)	Migrants (15-20 June 2009) Slavery (13-17 December 2010) Independence of judges and lawyers (17-24 May 2011)
<i>Visits agreed to in principle</i>		Discrimination against women
<i>Visits requested</i>	Education, request in 2005, follow-up, in 2006	Mercenaries (Request on 11/01/2011)
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review 7 communications were sent. The Government replied to 4.	
<i>Follow-up reports and missions</i>	Torture <sup>26</sup> Adequate Housing <sup>27</sup>	

## III. Implementation of international human rights obligations, taking into account applicable international humanitarian law

### A. Equality and non-discrimination

10. While taking note that various institutions were established to combat discrimination, CERD observed that some of their areas of competence might overlap, particularly between the National Council for Combating Discrimination and the Ombudsman, which might be detrimental to the effectiveness of one or another institution in the fight against discrimination. It recommended that Romania specify the respective areas of competence of the various institutions and bodies combating discrimination to ensure the effectiveness of the system for preventing and combating discrimination.<sup>28</sup>

11. Noting with concern racial stereotyping and racial discrimination against Roma, CERD encouraged Romania to enforce legislation banning discrimination against Roma.<sup>29</sup>

12. CRC was concerned that Roma children, children with HIV/AIDS, children with disabilities, children victims of violence, children left behind by their parents and children benefiting from social protection measures experienced discrimination and stigmatization. It recommended that Romania ensure full protection against discrimination on any grounds,

including by ensuring that cases of discrimination against children are addressed effectively, including with administrative, disciplinary and penal sanctions.<sup>30</sup>

13. CRC was concerned that social stigmatization of children with disabilities persisted, preventing them from receiving necessary services. It recommended that Romania encourage the inclusion of children with disabilities in society and prevent discrimination against them.<sup>31</sup>

## **B. Right to life, liberty and security of the person**

14. In 2010, the Special Rapporteur on the question of torture welcomed Romania's legislative, regulatory and institutional efforts in combating torture and ill-treatment and improving the situation of persons deprived of their liberty. However, he was concerned about reports of ill-treatment and police brutality against members of the Roma minority and urged Romania to undertake effective and impartial investigations of such allegations.<sup>32</sup>

15. Furthermore, CRC reiterated that law enforcement officers continued to employ ill-treatment, including threats and physical abuse, when coming in contact with children. It urged Romania to stop police violence against children and implement legislation prohibiting all forms of torture; investigate all allegations of torture and ill-treatment of children; ensure the inadmissibility of evidence obtained through the use of torture; and provide care, recovery, reintegration and compensation for victims.<sup>33</sup>

16. CERD was concerned about the excessive use of force, ill-treatment and abuse of authority by police and law enforcement officers against minority groups, particularly Roma. It encouraged Romania to enforce existing measures to combat excessive use of force, ill-treatment and abuse of authority by police against minority members; facilitate victims' access to remedies, guarantee the processing of complaints and ensure that such behaviour is prosecuted and punished by the judicial authorities.<sup>34</sup>

17. The Special Rapporteur on the human rights of migrants recommended that Romania restrict the use of detention for immigration purposes, ensuring that it is a measure of last resort, only permissible for the shortest period of time and when no less restrictive measure is available, and therefore to use and make available alternative measures to detention both in law and in practice.<sup>35</sup>

18. CRC remained concerned at the high prevalence of abuse and neglect of children, including at home, and the lack of comprehensive national strategy in this regard. It recommended that Romania adopt a comprehensive strategy to prevent child abuse and neglect and establish mechanisms to monitor cases of sexual abuse, neglect, maltreatment or exploitation.<sup>36</sup>

19. CRC was concerned that the practice of corporal punishment persisted at home, in schools and institutional settings despite prohibition of corporal punishment by law. and recommended that Romania intensify awareness-raising and public education campaigns to promote the use of alternative, non-violent forms of child-rearing.<sup>37</sup> Furthermore, it recommended that Romania prohibit all forms of violence against children; prioritize prevention; and provide recovery and social reintegration services.<sup>38</sup>

20. The Special Rapporteur on contemporary forms of slavery, including its causes and consequences stated that some of the worst forms of child labour; the economic exploitation of children and other exploitative and slave-like situations persisted. She called for increased attention in favour of segments of the population who were already vulnerable to exploitation before the financial crisis, in particular impoverished children and their families, and children left behind by their parents who went abroad to find job opportunities.<sup>39</sup>

21. CRC recommended that Romania implement and enforce laws and policies protecting children from economic exploitation, including child labour and begging, and monitor the situation of children involved in all forms of economic exploitation with the view to eliminate such practices.<sup>40</sup> Furthermore, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences encouraged Romania to consider child work in the streets as one of the worst forms of child labour.<sup>41</sup> CRC recommended that Romania develop a strategy to address the root causes of children living in the street, define preventive and protective measures and ensure that street children attend school and provide them with health-care services, shelter and food.<sup>42</sup>

22. The Special Rapporteur on contemporary forms of slavery, including its causes and consequences recommended that Romania take measures to change the widespread public perception that child work is a tradition which is harmless by undertaking awareness-raising campaigns on various kinds of negative consequences resulting from the worst forms of child labour and economic exploitation of children, in particular in the rural areas. She also recommended that Romania design a comprehensive strategy for improving the efficacy of national and local institutions dealing with child labour.<sup>43</sup>

23. CRC was concerned about the high number of sexually exploited children and the increased number of children trafficked from Romania to other States. It was also concerned that trafficked girl-victims of sexual exploitation were sometimes seen as criminals. CRC recommended that Romania consider such children, including those subjected to prostitution, as victims in need of recovery and reintegration and not as offenders. It also recommended that Romania provide such children with special protective measures to prevent victimization and re-victimization.<sup>44</sup>

24. The Special Rapporteur on contemporary forms of slavery, including its causes and consequences took note of information indicating that Romania continued to be a country of origin for human trafficking. She highlighted a decrease in trafficking for sexual exploitation but an increase in trafficking for forced labour. The number of prosecution of human trafficking also decreased. She recommended that Romania ensure effective implementation of anti-trafficking legislation and allocate funding for non-governmental organizations that deliver services to victims and for anti-trafficking prevention programmes.<sup>45</sup> The Special Rapporteur on the human rights of migrants recommended that Romania ensure the implementation by law enforcement officials of legal provisions guaranteeing that assistance and protection provided to victims are not dependent on their cooperation in testifying against traffickers.<sup>46</sup>

### **C. Administration of justice, including impunity, and the rule of law**

25. The Special Rapporteur on the independence of judges and lawyers commended Romania for its efforts to strengthen the judiciary through various reforms.<sup>47</sup> Nonetheless, she highlighted that a number of challenges remained, including related to the need to: create effective procedures for addressing potential conflicts of interest among the members of the Supreme Council of Magistracy; identify and discipline misconduct; and address the practice of assigning magistrates to non-judicial positions within the judiciary and appointing them to various Government agencies, thereby depleting the already understaffed courts and prosecution offices.<sup>48</sup>

26. Furthermore, the Special Rapporteur on the independence of judges and lawyers encouraged Romania to ensure a human rights-based and people-centred approach to judicial reform and take into consideration aspects related to access to justice when taking decisions to close certain courts; and design and implement a plan for the transition period before the entry into force of the Code of Civil Procedure, the Criminal Code and the Code

of Criminal Procedure so that legal professionals can better cope with the changes to be introduced.<sup>49</sup>

27. To enhance the independence of courts, the Special Rapporteur on the independence of judges and lawyers recommended that Romania ensure that courts are adequately resourced so that they can function properly, and take steps to ensure the institutional independence of the judiciary with regard to the judicial budget, by recognizing the right of the judiciary to draft its own budget and to participate in deliberation of its budget in the Parliament and by entrusting the administration of said budget directly to the judiciary or an independent body responsible for the judiciary.<sup>50</sup> She also recommended that Romania identify means to eliminate undue political and external influence on the Supreme Council of Magistracy.<sup>51</sup>

28. The Special Rapporteur on the independence of judges and lawyers recommended that Romania provide sufficient resources for the re-organization of prosecution offices and redouble its efforts to strengthen the capacity of the Prosecution Service, including ensuring that it is adequately staffed.<sup>52</sup>

29. In 2010, the Special Rapporteur on the question of torture reiterated the need for institutional changes to prevent torture and ill-treatment. He stated that pre-trial detention centres should be placed under the authority of the Ministry of Justice and the Forensic Institute under the jurisdiction of the Ministry of Health.<sup>53</sup>

30. While welcoming efforts to reduce the length of judicial proceedings, the Special Rapporteur on the independence of judges and lawyers was concerned about the possible detrimental impact that some of these measures may have in the delivery of justice, in particular measures related to the qualification of delays in deciding cases as a disciplinary misconduct.<sup>54</sup>

31. The Special Rapporteur on the independence of judges and lawyers took note of information indicating serious challenges in access to justice by victims of domestic violence and human trafficking, as well as persons of Roma origin.<sup>55</sup>

32. CERD noted with concern that national minorities, particularly the Roma, were not always granted an opportunity to communicate in their own language at all stages of legal proceedings.<sup>56</sup>

33. The Special Rapporteur on the human rights of migrants recommended that Romania ensure that migrants in detention are granted all guarantees associated with the due process of law, are kept informed on the status of their cases and receive specialized free legal assistance and interpretation during the entire procedure, including at administrative stages.<sup>57</sup>

34. CRC recommended that Romania set up specific provisions in criminal law and procedure for the hearing of child victims of crime, including sexual exploitation and sexual abuse.<sup>58</sup>

35. The Special Rapporteur on the human rights of migrants recommended that Romania guarantee the effective protection of witness and victims of trafficking in persons, sale of children, contemporary forms of slavery and forced labour as a key element for the successful investigation and prosecution of perpetrators.<sup>59</sup>

36. The Special Rapporteurs on the human rights of migrants and contemporary forms of slavery, including its causes and consequences recommended that Romania establish effective and accessible channels to allow all migrant workers to lodge complaints on violations of their rights without fear of retaliation.<sup>60</sup>



37. The Special Rapporteur on contemporary forms of slavery, including its causes and consequences recommended that Romania establish special mechanisms for compensating victims of contemporary forms of slavery for the crimes committed towards them.<sup>61</sup>

38. While welcoming that the minimum age of criminal responsibility is higher than the internationally acceptable minimum, CRC was concerned that during investigation stage procedural rights of children were violated; children were often deprived of liberty in adult detention facilities and did not benefit from special programmes; there were few rehabilitation centres and penitentiaries for children in conflict with the law; and children deprived of liberty seldom had access to appropriate education services. It recommended that Romania improve the juvenile justice system, introduce specialized judges for children in all regions and apply child detention as a last resort measure and for the shortest possible period.<sup>62</sup>

#### **D. Right to privacy, marriage and family life**

39. CRC was concerned at the extent of non-registration of births, which disproportionately affected Roma children, street children, new born children abandoned in hospitals and children born in the home and other settings. It was also concerned at the unduly long procedure of late registration of births. Furthermore, It noted the rise in the number of undocumented children.<sup>63</sup>

40. CRC recommended that Romania extend its support to families, including by reinforcing the capacity of public services for social assistance and improving the availability of day care services. It also recommended supporting families at risk of separation, preventing abandonment of children and strengthening parenting capacities and the overall climate of child-rearing.<sup>64</sup>

41. UNICEF stated that while Romania had more than halved the number of children in residential care in 2010, institutionalization increased slightly in 2011 because more families fell into extreme poverty and the budget for foster care was reduced.<sup>65</sup> CRC recommended that Romania promote foster care as a form of alternative care and ensure the protection of children's rights in alternative care institutions.<sup>66</sup>

#### **E. Freedom of association**

42. In 2010, the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) noted information that in recent years, certain employers made employment conditional upon the worker agreeing not to create or join a union.<sup>67</sup> In 2011, the ILO Committee of Experts requested that the Government take the necessary measures to guarantee full protection against acts of anti-union discrimination, including by imposing sufficiently dissuasive sanctions.<sup>68</sup>

#### **F. Right to work and to just and favourable conditions of work**

43. The ILO Committee of Experts reiterated its request to indicate all measures taken to combat effectively the gender pay gap in the sectors where it was particularly wide, including manufacturing, trade, health and social work.<sup>69</sup>

44. The Special Rapporteur on contemporary forms of slavery, including its causes and consequences recommended that Romania provide labour inspectors with the necessary legal powers to carry out inspections in informal workplaces, such as private households.<sup>70</sup>

## **G. Right to social security and to an adequate standard of living**

45. Concerned by the austerity measures taken to cope with the economic and financial crisis, CERD recommended that Romania ensure that the crises does not have harmful effects on the social situation of vulnerable groups, particularly refugees, immigrants, minorities and Roma, and that it does not lead to racial discrimination against them.<sup>71</sup>

46. CRC was concerned that children were particularly vulnerable to poverty; and that the poverty risk among the Roma was higher than for the majority population. It recommended that Romania intensify support programmes for children in need, particularly regarding nutrition, clothing, schooling and housing. It also recommended the development of policy frameworks to address the complex situation of Roma children and their families.<sup>72</sup>

47. In 2011 and 2012, the Special Rapporteurs on adequate housing, on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Independent Expert on Minority Issues sent two communications regarding the housing situation of Roma communities in Baia Mare.<sup>73</sup> According to the information transmitted in 2012, around two thousand Roma residents were to be forcefully evicted from their homes in that area. It was reported that families who refused to relocate to a former office building of an industrial factory were not offered an alternative relocation solution.<sup>74</sup>

48. CRC was concerned that forced evictions of Roma families with children had been carried out without providing alternative lodging or adequate compensation. It recommended that Romania provide adequate compensation or alternative housing in case of forced evictions, with special attention to young children and their families.<sup>75</sup>

49. In 2009, the Special Rapporteur on adequate housing stated that actors dealing with issues related to the right to adequate housing, including public officials and institutions, continued to work without applying a rights-based approach and ignoring the different dimension of the right to adequate housing in their activities, planning and programmes. He encouraged that all actors involved in housing receive adequate training on human rights and the right to adequate housing.<sup>76</sup>

## **H. Right to health**

50. CRC was concerned about inequalities in access to health services, especially in rural areas and for the Roma, and about inadequate conditions of health facilities in rural areas. It recommended that Romania: address inequalities in access to health services through a coordinated approach across all government departments; ensure greater coordination between health policies and those aimed at reducing income inequality and poverty; and improve sanitation and quality of care in health facilities located in deprived areas.<sup>77</sup>

51. CRC remained concerned at the high rate of child mortality, particularly in rural areas, and at low birth weight, indicating malnutrition and anaemia among children. It noted that infant and child mortality and morbidity had been traced to deficiencies in mother and child nutrition, early weaning, parental neglect and low quality of medical services. It recommended that Romania address the causes of child and infant mortality and malnutrition. It also encouraged Romania to place more attention to prenatal and postnatal services and to develop training in parenting skills, particularly on breastfeeding, nutritious diet, proper hygiene, and early childhood development and survival.<sup>78</sup>

52. CRC was concerned that the proportion of young people, including adolescents, among those recently diagnosed with HIV/AIDS was high and that children affected by

HIV/AIDS often experienced barriers in accessing health services.<sup>79</sup> UNICEF reported that the rate of mother-to-child transmission of HIV increased in 2010 due to the fact that one third of HIV-positive mothers were not receiving either treatment or preventive care during pregnancy.<sup>80</sup>

53. CRC was concerned at the use of harmful substances by adolescents and the increase in drug abuse in general, and among younger children in particular. It was also concerned about reported high teenage pregnancies and teenage abortions.<sup>81</sup>

54. CRC was concerned that care and living conditions of mentally ill patients in institutions, including children, had not improved. It was also concerned that there were no psychiatric departments for children with mental disabilities and that children with mental disabilities are placed in adult institutions without supervision.<sup>82</sup>

## **I. Right to education**

55. CRC was concerned that while education was compulsory and free, there were hidden costs related to education, including payments for school supplies, recreational activities, teaching materials and classroom renovation. It was also concerned that the quality of education varied across communities, with marked rural-urban disparities.<sup>83</sup>

56. CRC was concerned about a decrease in enrolment in primary schools and an increase in the number of school dropouts among children from urban areas and Roma children.<sup>84</sup> The Special Rapporteur on contemporary forms of slavery, including its causes and consequence recommended that Romania ensure that children complete their 10-year compulsory education, by taking concrete action to address the reasons behind non-completion of schooling, including cultural traditions and poverty, and to strengthen initiatives aimed at addressing the indirect costs of attending schools and the lack of school transportation in rural areas. She also recommended that Romania consider raising the minimum age for employment to 16 so as to make it coincide with the age for completion of compulsory education.<sup>85</sup>

57. In 2009, CERD was concerned that training in human rights and in interracial or interethnic harmony remained insufficient.<sup>86</sup> CRC recommended that Romania include human rights in the school curricula and introduce intercultural education and education for tolerance in the education system.<sup>87</sup>

58. In 2012, the Office United Nations High Commissioner for Human Rights reported that the Romanian Institute for Human Rights in partnership with the Ministry of Education, Research, Youth and Sports provided human rights training for both teachers/educators and pupils. She noted that the Romanian Institute for Human Rights held courses in human rights and the administration of justice for personnel of the Ministry of Administration and Interior.<sup>88</sup>

## **J. Persons with disabilities**

59. CRC was concerned that children with disabilities were at risk of being abandoned and placed in residential care. It was also concerned about reports alleging violations against children with mental disabilities in institutions, and at the fact that those institutions were understaffed and that personnel lacked special training.<sup>89</sup> Furthermore, It was further concerned that children with disabilities in institutions were not offered solutions for re-integration into the community.<sup>90</sup>

60. CRC was concerned that children with disabilities experienced discrimination in accessing mainstream education. It noted that the majority of them did not attend any form

of education, while of those who do, majority attend special schools.<sup>91</sup> It recommended that Romania invest considerable resources to ensure the right of children with disabilities to an inclusive education.<sup>92</sup>

61. CRC recommended that Romania develop a comprehensive national policy on disability, promoting the full enjoyment of all human rights and fundamental freedoms by all children with disabilities, and their full participation in society. It also recommended the implementation of legislation providing protection for persons with disabilities as well as programmes and services for children with disabilities.<sup>93</sup>

## **K. Minorities**

62. CRC noted with satisfaction the opportunities created for minorities in law and in practice to interact with courts and local public administration in their mother tongue; broadcast their own TV and radio programmes and receive funding for projects on education, culture, and youth programmes. It also noted that Romania ensured in practice that education conducted completely or partially in national minorities' mother tongue, or the study of their mother tongue is available for children belonging to a number of minorities.<sup>94</sup>

63. CERD was concerned that negative perceptions of minorities, particularly Roma, persisted among the general public. It was concerned at reports of racial stereotyping and hate speech against minorities, particularly Roma, by certain publications, media outlets, political parties and politicians. It recommended that Romania punish such publications, media outlets, political parties and politicians and promote tolerance among ethnic groups.<sup>95</sup>

64. CERD was concerned about the use of racial profiling by police officers and judicial officials.<sup>96</sup>

65. CERD recommended that Romania foster an awareness of tolerance, interracial or inter-ethnic understanding and intercultural relations among law enforcement officials, lawyers and teachers and continue public education and awareness-raising initiatives on multicultural diversity, harmony and tolerance of minorities, particularly Roma.<sup>97</sup>

66. CERD recommended that the Government ensure access to education to the Roma children; facilitate access by the Roma to housing, including by avoiding unlawful expropriation and forced evictions without offering alternative accommodation; guarantee access by the Roma to health care and social services; facilitate the entry of the Roma to the labour market; and combat their discrimination in access to public places and services.<sup>98</sup> Furthermore, The ILO Committee of Experts encouraged Romania to further equal opportunities for the Roma community and to promote their access to employment and vocational training. It asked Romania to ensure that the progress made in promoting equal opportunities of members of the Roma community in employment and occupation are not undermined due to a lack of resources or appropriate funding.<sup>99</sup>

## **L. Migrants, refugees and asylum seekers**

67. CRC was concerned at the high number of children left behind by parents migrating for work abroad. It also noted an increased incidence of unaccompanied or separated Romanian children abroad. It recommended that Romania: inform potential migrants of the child protection measures available; support children left behind by migrating parents; and ensure that decisions for return and reintegration of unaccompanied Romanian minors are carried out with consideration of the best interests of the child.<sup>100</sup> The Special Rapporteur on the human rights of migrants recommended that Romania continue improving measures

for the identification and support of children left behind by migrating parents, including by considering the increase in resources available to social assistance services belonging to municipalities, with a view to strengthening their role, particularly in the early identification of risk situations affecting children left behind.<sup>101</sup>

68. The Special Rapporteur on the human rights of migrants recommended that Romania protect all migrant workers and their families, with special attention to the accountability of abusive employers, and ensure that labour contracts are inclusive and written in a language that the migrant can understand, contain detailed employment conditions, including the employee's right to terminate the contract under specified conditions and contain all other relevant information.<sup>102</sup>

69. The Special Rapporteur on the human rights of migrants noted that irregular migrant children who were unaccompanied were usually escorted to welfare centres where they were accommodated until they were granted refugee status or temporary rights to stay or return to their families.<sup>103</sup> He recommended establishing centres for hosting separated and unaccompanied children, regardless of their immigration status, where they could be provided with specialized assistance, according to their protection needs, by staff and interpreters.<sup>104</sup>

70. UNHCR recommended that Romania ensure adherence to the principle of non-refoulement, in particular with respect to asylum seekers returned from other European Union countries under the Dublin Regulation, and who did not benefit from a fair Refugee Status Determination (RSD) procedure in Romania. It also recommended that Romania enhance the quality of the RSD procedure by increasing the number of decision-makers in all Romanian Immigration Office (RIO) regional centres, and ensure that all asylum-seekers receive timely specialized legal counselling and assistance.<sup>105</sup>

71. In light of the continuing increase in the numbers of asylum seekers arriving in Romania, UNHCR was concerned that the quality of the asylum system and reception conditions might be affected, unless the existing capacities were further expanded.<sup>106</sup> It noted that the material support provided by RIO in its reception centres was insufficient to cover the basic needs of asylum seekers and that access to recreational activities, language classes, vocational training, cultural orientation and psychological and medical assistance was insufficient. It recommended that Romania improve general reception conditions, with a particular focus on material assistance, as well as social, psychological and medical services provided to asylum seekers in RIO. The accommodation capacity for asylum seekers should be increased to respond to the growing number of asylum seekers arriving in Romania.<sup>107</sup>

72. UNHCR further recommended that Romania amend the Asylum Law so as to grant asylum seekers the right to legally work in Romania after a maximum period of sixth months after lodging an asylum application and the Citizenship Law so that persons with subsidiary protection can benefit from the same favourable provisions as refugees for acquiring Romanian citizenship.<sup>108</sup>

73. UNHCR stated that Romania did not have any procedure in place to determine statelessness, which undermines its ability to meet its protection obligations towards stateless persons in its territory as set out in the 1954 Convention. It recommended that Romania (a) establish a statelessness determination procedure and (b) reform the Citizenship Law to include a safeguard against statelessness, which provides that children born in the territory, who would otherwise be stateless, acquire Romanian nationality.<sup>109</sup>

## Notes

- <sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Romania from the previous cycle (A/HRC/WG.6/2/ROM/2).
- <sup>2</sup> The following abbreviations have been used for this document:
- |            |   |
|------------|---|
| ICERD      | International Convention on the Elimination of All Forms of Racial Discrimination                             |
| ICESCR     | International Covenant on Economic, Social and Cultural Rights;   |
| OP-ICESCR  | Optional Protocol to ICESCR   |
| ICCPR      | International Covenant on Civil and Political Rights  |
| ICCPR-OP 1 | Optional Protocol to ICCPR  |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty                               |
| CEDAW      | Convention on the Elimination of All Forms of Discrimination against Women                                    |
| OP-CEDAW   | Optional Protocol to CEDAW  |
| CAT        | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment                      |
| OP-CAT     | Optional Protocol to CAT  |
| CRC        | Convention on the Rights of the Child   |
| OP-CRC-AC  | Optional Protocol to CRC on the involvement of children in armed conflict                                     |
| OP-CRC-SC  | Optional Protocol to CRC on the sale of children, child prostitution and child pornography                    |
| OP-CRC-IC  | Optional Protocol to CRC on a communications procedure  |
| ICRMW      | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD       | Convention on the Rights of Persons with Disabilities   |
| OP-CRPD    | Optional Protocol to CRPD   |
|            | CPED International Convention for the Protection of All Persons from Enforced Disappearance.                  |
- <sup>3</sup> Individual complaints: ICCPR-OP 1, art 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art.5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 3. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.
- <sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- <sup>5</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- <sup>6</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).. For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).
- <sup>7</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value;

- Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- <sup>8</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III).
- <sup>9</sup> International Labour Organization Convention No.169, concerning Indigenous and Tribal Peoples in Independent Countries, and International Labour Organization Convention No.189 concerning Decent Work for Domestic Workers.
- <sup>10</sup> A/HRC/14/30/Add.2, para. 106(a); A/HRC/18/30/Add.1, para. 89.
- <sup>11</sup> Concluding observations of the Committee on the Elimination of Discrimination (CERD/C/ROU/CO/16-19), para. 21.
- <sup>12</sup> Concluding observations of the Committee on the Rights of the Child (CRC/C/ROM/CO/4), para. 99.
- <sup>13</sup> CRC/C/ROM/CO/4, , para. 99. See also paragraph. 61.
- <sup>14</sup> UNHCR submission to the UPR on Romania, p. 7.
- <sup>15</sup> According to article 5 of the rules of procedure for the International Coordination Committee (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination); C: No Status (not in compliance with the Paris Principles)..
- <sup>16</sup> For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/20/10, annex.
- <sup>17</sup> CRC/C/ROM/CO/4, paras. 13-14.
- <sup>18</sup> CRC/C/ROM/CO/4, para. 14. see also A/HRC/18/30/Add.1, para graph84(d).
- <sup>19</sup> CERD/C/ROU/CO/16-19, para. 11.
- <sup>20</sup> CRC/C/ROM/CO/4, para. 12.
- <sup>21</sup> See <http://lib.ohchr.org/HRBodies/UPR/Documents/Session2/RO/Romania-Interim-report-en.pdf>.
- <sup>22</sup> The following abbreviations have been used for this document:
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| CERD         | Committee on the Elimination of Racial Discrimination        |
| CESCR        | Committee on Economic, Social and Cultural Rights            |
| HR Committee | Human Rights Committee                                       |
| CEDAW        | Committee on the Elimination of Discrimination against Women |
| CAT          | Committee against Torture                                    |
| CRC          | Committee on the Rights of the Child                         |
| CRPD         | Committee on the Rights of Persons with Disabilities.        |
- <sup>23</sup> CERD/C/ROU/CO/16-19, para. 27.
- <sup>24</sup> CRC/C/ROM/CO/4, para.6.
- <sup>25</sup> For the titles of special procedures, see [www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx) and [www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx](http://www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx).
- <sup>26</sup> A/HRC/13/39/Add.6.
- <sup>27</sup> A/HRC/10/7/Add.2.
- <sup>28</sup> CERD/C/ROU/CO/16-19, paras. 5 and 12. See also CRC/C/ROM/CO/4, paragraph 23.
- <sup>29</sup> CERD/C/ROU/CO/16-19, para. 14 (a).
- <sup>30</sup> CRC/C/ROM/CO/4, paras. 23 and 24(b).
- <sup>31</sup> Ibid., paras. 60 and 61(e).
- <sup>32</sup> A/HRC/13/39/Add.6, para. 74.
- <sup>33</sup> CRC/C/ROM/CO/4, paras. 43-44.
- <sup>34</sup> CERD/C/ROU/CO/16-19, para. 15.
- <sup>35</sup> A/HRC/14/30/Add.2, para. 105(b).
- <sup>36</sup> CRC/C/ROM/CO/4, paras. 56 and 57(b).
- <sup>37</sup> Ibid., paras. 58-59.
- <sup>38</sup> Ibid., para. 45 (a).
- <sup>39</sup> A/HRC/18/30/Add.1, para.83.
- <sup>40</sup> CRC/C/ROM/CO/4, para. 82 (a) and (b).
- <sup>41</sup> A/HRC/18/30/Add.1, para.86 (a).

- 42 CRC/C/ROM/CO/4, para. 85.
- 43 A/HRC/18/30/Add.1, paras .85(a) and (b).
- 44 CRC/C/ROM/CO/4, paras. 87 and 88 (b) and (d). See also paragraphs 33 and 93.
- 45 A/HRC/18/30/Add.1, paras. 56 and 93(b).
- 46 A/HRC/14/30/Add.2, para. 107(e).
- 47 A/HRC/20/19/Add.1, paras. 90.
- 48 Ibid., para. 93.
- 49 Ibid., para. 97 (a) and (b).
- 50 Ibid., paras. 97(i) and 98(b) and (e).
- 51 Ibid., para. 98(h).
- 52 Ibid., paras. 97 (d) and 101(a).
- 53 A/HRC/13/39/Add.6, para. 77.
- 54 A/HRC/20/19/Add.1, para. 27.
- 55 Ibid., para. 67.
- 56 CERD/C/ROU/CO/16-19, para. 19.
- 57 A/HRC/14/30/Add.2, para. 105(d).
- 58 CRC/C/ROM/CO/4, para. 88 (c).
- 59 A/HRC/14/30/Add.2, para. 107 (a).
- 60 A/HRC/14/30/Add.2, para. 106(g); A/HRC/18/30/Add.1, para.91.
- 61 A/HRC/18/30/Add.1, para.93(a).
- 62 CRC/C/ROM/CO/4, paras. 91-92.
- 63 Ibid, para. 35.
- 64 Ibid, para. 47.
- 65 E/ICEF/2012/P/L.6, para. 4.
- 66 CRC/C/ROM/CO/4, para. 52.
- 67 ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), adopted 2010, published 100st ILC session (2011), first paragraph, available from [http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:232917](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:232917).
- 68 ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), adopted 2011, published 101st ILC session (2012), sixth paragraph, available from [http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:269894](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:269894).
- 69 ILO Committee of Experts on the Application of Conventions and Recommendations, Direct Request concerning Equal Remuneration Convention, 1951 (No. 100), adopted 2011, published 101st ILC session (2012), second paragraph, available from [http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100\\_COMMENT\\_ID:2699079](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2699079).
- 70 A/HRC/18/30/Add.1, para.84(h).
- 71 CERD/C/ROU/CO/16-19, para. 10.
- 72 CRC/C/ROM/CO/4, paras. 74-75.
- 73 A/HRC/19/44, p. 63; A/HRC/21/49, p.38.
- 74 A/HRC/21/49, p.38.
- 75 CRC/C/ROM/CO/4, paras. 84-86.
- 76 A/HRC/10/7/Add.2, para. 424.
- 77 CRC/C/ROM/CO/4, paras. 62, 63 and 64.
- 78 CRC/C/ROM/CO/4, paras. 30-31. See also paragraphs 63 and 65.
- 79 CRC/C/ROM/CO/4, para. 72.
- 80 E/ICEF/2012/P/L.6, para. 5.
- 81 CRC/C/ROM/CO/4, para. 68.
- 82 Ibid, para. 66.
- 83 Ibid, para. 76 (b) and (g).
- 84 Ibid, para. 76 (a).
- 85 A/HRC/18/30/Add.1, paras. 85(d) (e).
- 86 CERD/C/ROU/CO/16-19, para. 20.
- 87 CRC/C/ROM/CO/4, para. 77 (c) and (e).
- 88 A/HRC/21/20, paras. 25 and 34.



- <sup>89</sup> CRC/C/ROM/CO/4, para. 60 (d), (e) and (h).  
<sup>90</sup> Ibid, para. 76 (j).  
<sup>91</sup> Ibid., para. 76 (b).  
<sup>92</sup> Ibid, para. 77.  
<sup>93</sup> Ibid para. 61 (a) and (b).  
<sup>94</sup> Ibid., para. 95.  
<sup>95</sup> CERD/C/ROU/CO/16-19,, paras. 16 - 20.  
<sup>96</sup> Ibid., para. 15.  
<sup>97</sup> Ibid., para. 20.  
<sup>98</sup> CERD/C/ROU/CO/16-19, para. 14. See also A/HRC/18/30/Add.1, paragraph 84 (b).  
<sup>99</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – Romania, adopted 2011, published 101st ILC session (2012), fourth paragraph, available from [http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0:NO:13100:P13100\\_COMMENT\\_ID:2699397](http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0:NO:13100:P13100_COMMENT_ID:2699397).  
<sup>100</sup> CRC/C/ROM/CO/4, paras. 49-50.  
<sup>101</sup> A/HRC/14/30/Add.2, para. 109(e).  
<sup>102</sup> A/HRC/14/30/Add.2, para. 106(d). See also A/HRC/18/30/Add.1, paragraph 90.  
<sup>103</sup> A/HRC/14/30/Add.2, para. 100.  
<sup>104</sup> Ibid., para. 108(e).  
<sup>105</sup> UNHCR submission to the UPR on Romania, p. 5.  
<sup>106</sup> Ibid., p. 4.  
<sup>107</sup> Ibid., p. 5.  
<sup>108</sup> Ibid., p. 6.  
<sup>109</sup> Ibid., p. 7.
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