



Human Rights Council
Working Group on the Universal Periodic Review
Forty-third session
1–12 May 2023

Romania

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.¹ It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. It was recommended that Romania ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, and the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189) and Violence and Harassment Convention, 2019 (No. 190).²

3. In 2022, the Government submitted its midterm report regarding the implementation of the recommendations emanating from the third universal periodic review cycle.³

4. In 2020, Romania made financial contributions to the Office of the United Nations High Commissioner for Human Rights.⁴

III. National human rights framework

Institutional infrastructure and policy measures

5. Noting the existence of national institutions mandated to protect human rights, including the Ombudsman, the National Council for Combating Discrimination and the Romanian Institute for Human Rights, the Human Rights Committee recommended that Romania make sure that those national institutions were fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and that it ensure their independent, transparent and effective functioning.⁵

6. The Subcommittee on Prevention of Torture recommended providing the human resources and adequate funding necessary for the effective functioning of the national



preventive mechanism through a specific budget line and granting the mechanism the institutional autonomy to use its resources.⁶

7. The Human Rights Committee recommended strengthening efforts to combat corruption in all branches of Government and providing the necessary protection to officials involved in anti-corruption efforts.⁷

IV. Promotion and protection of human rights

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

1. Equality and non-discrimination

8. Noting with concern incidents of hate speech against religious and national minorities, the Human Rights Committee recommended enforcing the prohibition of any advocacy of national, racial or religious hatred that constituted incitement to discrimination, hostility or violence.⁸

9. The same Committee recommended strengthening efforts to ensure equal treatment of persons living with HIV/AIDS and ensuring full and equal access by women living with HIV/AIDS to specialized medical care.⁹

10. The Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (ILO) requested the Government to ensure adequate protection against acts of anti-union discrimination in compliance with the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and to strengthen the existing sanctions in cases of anti-union discrimination to ensure their effectiveness and dissuasiveness.¹⁰

2. Right to life, liberty and security of person, and freedom from torture

11. The Human Rights Committee was concerned about the high number of reports of abuse and ill-treatment of persons deprived of their liberty, allegations of police brutality, especially against Roma, and the reported lack of investigation of those allegations.¹¹ The same Committee recommended preventing acts of torture and ill-treatment and establishing an independent and effective complaints mechanism on ill-treatment with regard to police abuse.¹²

12. The Human Rights Committee was concerned about allegations of ill-treatment and unnatural deaths of persons with disabilities occurring in residential institutions, including accounts of physical and verbal abuse, sedation and excessive use of physical restraints and a lack of hygiene. The Committee was also concerned about the placement, living conditions and treatment of persons in psychiatric establishments and related institutions.¹³

13. The Human Rights Committee recommend ensuring that treatment of persons with mental, intellectual and psychological disabilities was in conformity with the International Covenant on Civil and Political Rights – including by improving living conditions and treatment in public care facilities for persons with disabilities and persons in psychiatric institutions, implementing a policy of deinstitutionalization of persons with disabilities accompanied by appropriate community-based support, and ensuring that any restrictions were legal, necessary and proportionate to the individual circumstances and included guarantees of an effective remedy.¹⁴ In 2022, the Committee reiterated those recommendations.¹⁵ Several special procedure mandate holders urged the Government not to invest public funds in the renovation or building of new institutions for persons with disabilities, but to support the initiation, acceleration and completion of deinstitutionalization strategies and transition to community-based solutions.¹⁶

14. Furthermore, the Subcommittee on Prevention of Torture recommended that Romania adopt measures to ensure that patients did not remain in psychiatric hospitals for socioeconomic rather than medical reasons and that it develop social support services to help long-term patients reintegrate into society.¹⁷

15. The Subcommittee recommended that the authorities take the measures necessary to increase the use of non-custodial alternatives to pretrial detention. Pretrial detention should be a last resort in criminal proceedings, and should only be used for limited periods of time and as determined by law, with due regard to the investigation of the alleged offence and to the protection of society and the victim.¹⁸

16. The Subcommittee stated that children and adolescents should be deprived of their liberty only as a measure of last resort and for the shortest possible period of time, and subject to regular review. They should be detained under conditions that protected them from harmful influences and that took account of the needs particular to their age.¹⁹

3. Human rights and counter-terrorism

17. The Human Rights Committee was concerned about allegations of illegal detention of terrorist suspects in secret detention facilities and of ill-treatment and extraordinary renditions.²⁰ The Committee recommended that the authorities reinforce and expedite investigations into alleged extraordinary renditions and secret detentions.²¹

4. Administration of justice, including impunity, and the rule of law

18. The Human Rights Committee recommended that the authorities continue their efforts to ensure and protect the full independence and impartiality of the judiciary and guarantee that it could carry out its judicial functions without any form of pressure or interference.²²

19. The Subcommittee on Prevention of Torture recommended that persons deprived of their liberty be provided with fundamental safeguards, including the right to inform a third party of the detention.²³

20. Furthermore, the Subcommittee recommended that the authorities ensure access by detainees to a lawyer of their choice immediately after their arrest, and that detainees have their lawyer present during interrogation. The State should extend and strengthen the currently overstretched system of legal aid to ensure effective and quality representation for all detainees, on an equal basis.²⁴

21. The Subcommittee recommended that Romania ensure the effective separation of all persons below 18 years of age from adult detainees, of male detainees from female detainees and of pretrial detainees from convicted prisoners, and that detainees be separated according to the gravity of the offence.²⁵

22. The Subcommittee recommended that the Government ensure that solitary confinement remained exceptional and that inmates were never placed in solitary confinement for prolonged periods of time. Means of restraint should be resorted to on an exceptional basis and should never be used as a disciplinary sanction.²⁶

23. The Human Rights Committee was concerned about reports of poor living conditions in places of deprivation of liberty, including lack of access to medical care, substandard hygiene and limited time outside cells and about understaffing and shortages of medical staff in penitentiary facilities. The Committee recommended that the Government strengthen its efforts to ensure that conditions in places of detention were in line with international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners.²⁷

24. The Subcommittee on Prevention of Torture recommended that the authorities reduce overcrowding in prisons.²⁸ The Subcommittee recommended that the Government speed up its efforts to undertake all necessary refurbishments in all prison facilities in order to improve the material conditions of prisoners' accommodation.²⁹

25. The Subcommittee recommended that Romania respect the strict prohibition on all forms of violence against children and the educational and rehabilitative approaches to children in conflict with the law required under the Convention on the Rights of the Child.³⁰

5. Fundamental freedoms

26. The Compliance Committee of the United Nations Economic Commission for Europe recommended that Romania interpret the grounds for refusing access to environmental

information in a restrictive way, taking into account the public interest served by disclosure, and review its legal framework and take the necessary measures to ensure that the court procedures for access to environmental information were timely and provided adequate and effective remedies.³¹

27. The ILO Committee of Experts highlighted the need to amend section 29 (3) of Act No. 188/1999 to ensure that high-level civil servants or civil servants with budgetary responsibilities were not automatically suspended when they chose to exercise activities in the management of a trade union, and to amend section 30 (2) of Act No. 188/1999 so that the suspension of wages of public servants on strike could be the subject of negotiation between the parties concerned.³²

28. Furthermore, the ILO Committee of Experts requested the Government to take measures to delete section 1 (1) (Nos. 34 and 37) of Act No. 176 of 2010 amending Act No. 144 of 2007 which obliged the presidents, vice-presidents, secretaries and treasurers of trade union federations and confederations as well as employer representatives to publicly declare their wealth and interests every year.³³

6. Prohibition of all forms of slavery, including trafficking in persons

29. The Working Group on discrimination against women and girls stated that trafficking in women and girls, primarily for the purposes of sexual exploitation and begging, was a major concern in Romania. The main drivers behind human trafficking were poverty, lack of education, child sexual abuse, lack of protection for children left behind by their parents working abroad, and corruption, alongside discrimination. There were significant challenges in combating trafficking, including police corruption and the involvement of public officials, particularly affecting girls living in State-run institutions.³⁴

30. The Human Rights Committee recommended strengthening efforts to prevent and eradicate trafficking in persons, including through training of law enforcement officials, judges and prosecutors.³⁵ The Working Group on discrimination against women and girls recommended addressing the problem of impunity and corruption and ensuring adequate application of the criminal law in trafficking cases.³⁶

31. The Human Rights Committee recommended providing victims with adequate medical, social and legal assistance and allocating sufficient funds for support services for victims.³⁷ The Working Group on discrimination against women and girls recommended ensuring that all centres for victims/survivors of trafficking were operational and had sufficient resources, and that high-quality services were available for the victims/survivors, aimed at their reintegration, taking into account the particular needs of minors and other vulnerable victims/survivors.³⁸

7. Right to work and to just and favourable conditions of work

32. The Working Group on discrimination against women and girls noted that the Labour Code prohibited any discrimination on the grounds of sex. However, in practice women faced many barriers to accessing decent jobs and frequently suffered discrimination in the workplace, stemming, inter alia, from the unequal division of family responsibilities and the disproportionate burden of unpaid care work.³⁹

33. The ILO Committee of Experts noted that the overall employment rate for the active population had reportedly reached 66.0 per cent in the third quarter of 2020, showing an upward trend compared to 63.9 per cent in 2017. However, the Committee noted the lower employment rates for women – 56.9 per cent for women compared to 74.9 per cent for men in 2020.⁴⁰

34. The Working Group on discrimination against women and girls recommended introducing targeted intersectional and gender-sensitive measures to create more opportunities for women to gain access to formal employment, especially in rural areas, and to integrate women from marginalized communities, such as Roma women and migrant and refugee women, into the labour market.⁴¹ It recommended introducing additional and targeted measures to ensure a work-life balance for women, especially for single mothers who were primary caregivers – including introducing flexible working conditions, ensuring access to

childcare facilities, and undertaking awareness-raising activities to encourage the use of parental leave by fathers.⁴²

35. The ILO Committee of Experts requested the Government to continue its efforts to lower the gender pay gap by addressing its structural and underlying causes, such as vertical and horizontal occupational job segregation and gender stereotypes on the role of women in the family.⁴³ The same Committee reiterated its requests to the Government to take measures to train labour inspectors, raise awareness of judges and promote and ensure application of the principle of equal remuneration for men and women for work of equal value through a range of proactive measures, in cooperation with workers, employers and their organizations.⁴⁴

36. The Working Group on discrimination against women and girls recommended adopting and implementing further policies and strategies protecting women from harassment in the workplace.⁴⁵

37. The ILO Committee of Experts noted that the unemployment rate for youth (15–24 years) stood at 18.3 per cent in 2017, rising to 19.2 per cent in the third quarter of 2020. Moreover, in 2018, the percentage of young people not in education, employment or training was three times higher among the young rural resident population compared to those living in urban areas.⁴⁶

8. Right to social security

38. The Working Group on discrimination against women and girls noted that the threshold set for accessing social services did not correlate with the low income level of the rural population.⁴⁷

9. Right to an adequate standard of living

39. The Working Group on discrimination against women and girls stated that Romania had experienced significant economic growth and poverty reduction in recent years. However, strong regional disparities persisted. Population groups in vulnerable situations, particularly Roma, continued to be exposed to poverty and social exclusion. The situation had worsened due to the impact of the coronavirus disease (COVID-19) pandemic.⁴⁸

40. The Working Group stated that access to an adequate standard of living was a challenge in poverty-affected rural Romania, as social services, housing and other infrastructures were often of low quality.⁴⁹

41. The Working Group recommended that the authorities define and implement targeted measures to close the urban-rural divide with respect to access to housing, water and clean toilet facilities.⁵⁰

10. Right to health

42. The Working Group on discrimination against women and girls noted that even though Romania provided generous universal health coverage, access to quality health care was an issue across the country, and this was hampered by frequent requirements for informal payments.⁵¹ Such payments were often reportedly required in order to access health services that should be free of charge according to the law. In rural areas, health services, including maternal health-care services, were not sufficiently available or accessible due to distance and costs.⁵²

43. The Working Group stated that Romania had high ethnic gaps with regard to health insurance access between Roma and non-Roma, with a difference of almost 30 per cent. Access to services was deterred by – among other factors – territorial segregation of Roma communities. Practices that reflected institutionalized discrimination also came into play.⁵³ Roma women and girls often encountered racial prejudice when accessing health-care and other public services.⁵⁴

44. The Working Group stated that women and girls with disabilities faced barriers to accessing quality health services, particularly those living in institutions.⁵⁵ The Working

Group noted a lack of targeted services for women and girls with disabilities and for other groups of women and girls in vulnerable situations.⁵⁶

45. The Working Group recommended ensuring full access to quality health-care services for all women and girls. It recommended that Romania take all appropriate legislative and educational measures to end discrimination against Roma women and girls in access to health care – such as training health professionals, creating accessible complaint mechanisms, sanctioning discriminatory practices, and increasing the number of Roma health mediators.⁵⁷

46. The Human Rights Committee was concerned about the high maternal and infant mortality rates, which disproportionately affected Roma. The Committee recommended that the State continue its efforts to eliminate preventable maternal and infant mortality and ensure non-discriminatory access to affordable quality health care for all women and girls, especially Roma and those residing in rural areas.⁵⁸

47. The Human Rights Committee was concerned about the high rate of teenage pregnancies.⁵⁹ The Working Group on discrimination against women and girls stated that teenage pregnancy was particularly common in rural areas. It noted the lack of a comprehensive national strategy on sexual and reproductive health, despite the high rate of teenage pregnancy.⁶⁰

48. The Human Rights Committee recommended intensifying efforts to prevent the high number of early pregnancies and unsafe abortions, including through effective mandatory age-appropriate educational programmes in schools on sexual and reproductive health.⁶¹ The Working Group on discrimination against women and girls recommended ensuring full access to reproductive health services, including contraceptive information and services, for all women and girls, including adolescents.⁶²

49. The Human Rights Committee was concerned about reports of women resorting to clandestine and unsafe abortions, which put their lives and health at risk, and about the obstacles faced in practice by women in accessing safe legal abortions.⁶³ The Working Group on discrimination against women and girls observed that in some hospitals access to abortion services was compromised due to the exercise of conscientious objection.⁶⁴

50. The Human Rights Committee recommended ensuring that women had effective access to safe legal abortions and post-abortion care, especially in rural areas.⁶⁵ The Working Group on discrimination against women and girls recommended ensuring that legal abortion was accessible in practice by removing existing barriers, including through the proper monitoring and regulation of the practice of conscientious objection.⁶⁶

11. Right to education

51. The Working Group on discrimination against women and girls noted that the urban-rural divide was apparent in the quality of education. Only 24 per cent of students enrolled in higher education came from rural areas, even though 45 per cent of all Romanian schoolchildren lived in rural areas.⁶⁷

52. The same Working Group stated that the school dropout level had decreased but had not reached the national target for 2020 of 11.3 per cent and remained among the highest in the European Union.⁶⁸

53. The Working Group recommended addressing school dropout, implementing targeted measures to improve the quality and performance of schools in rural areas, and ensuring an equal distribution of education outcomes across the country.⁶⁹

54. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Romania continue efforts towards inclusive education, especially for students living in rural areas, students from minorities and students with disabilities.⁷⁰

55. The Working Group on discrimination against women and girls recommended integrating human rights education at all levels of education, addressing specifically women's and girls' rights and gender equality issues, including violence against girls.⁷¹

56. The same Working Group noted that despite the high rate of early marriages, sexuality education was very limited.⁷² Sexuality education was an optional subject and reached only

a small minority of school pupils.⁷³ The Working Group recommended guaranteeing comprehensive, scientific, human rights-based and age-appropriate sexuality education for all children.⁷⁴

B. Rights of specific persons or groups

1. Women

57. The Working Group on discrimination against women and girls stated that conservative views about women, related to gender stereotypes, were still prevalent.⁷⁵ Although attitudes had been changing, particularly in urban areas, women's primary responsibility was seen as bearing children and taking care of the household.⁷⁶ The Working Group recommended undertaking educational and awareness-raising campaigns aimed at eliminating harmful gender stereotypes and involving the family, the media, and community and religious leaders in the creation of a culture of gender equality and respect for human rights.⁷⁷

58. The same Working Group reported that Roma women and girls, in particular, faced intersecting and multiple forms of discrimination and were often portrayed stereotypically in the media.⁷⁸

59. The Working Group recommended ensuring effective implementation of relevant laws, policies and strategies, and introducing further measures that were focused on achieving substantive equality and addressing the specific needs of women facing multiple and intersecting forms of discrimination, such as Roma women and girls, and women with disabilities.⁷⁹

60. The Working Group noted that women's participation in politics was low.⁸⁰ The Working Group was concerned that no appropriate steps had been taken in terms of institutionalizing measures to increase women's representation in Parliament. The national average of women elected as mayors was only 4.55 per cent. Women were underrepresented on county and city councils, with some exceptions. Generally, women were well represented in the different public institutions but their representation in senior positions was mostly low.⁸¹

61. The Working Group recommended increasing the representation of women at all levels of government, particularly in managerial positions, with a view to achieving gender parity and their participation in elected positions, through the introduction of temporary special measures and measures to support the empowerment of women candidates.⁸²

62. The Human Rights Committee reiterated its concern at the high number of cases of domestic violence and allegations that violence against women and children remained underreported. The Committee was concerned about the high rate of withdrawal of complaints by victims and the limited scope of ex officio prosecution.⁸³ The Working Group on discrimination against women and girls noted the problem of the high tolerance of domestic violence, including by the victims, as well as the existence of victim-blaming attitudes in society and institutions.⁸⁴

63. The same Working Group noted that the authorities had been taking actions to combat violence against women and girls, including adopting solid legislative and policy frameworks. However, it noted a lack of sufficient resources, the persistence of gender stereotypes in public institutions, corruption, insufficient availability of comprehensive services for victims/survivors and insufficient availability of gender-sensitized qualified personnel.⁸⁵

64. The Working Group stated that the amended law – Law 217/2003 on Preventing and Combating Domestic Violence – contained a wide definition of violence and included a broad category of protected persons in line with the Istanbul Convention.⁸⁶ The Committee on the Elimination of Discrimination against Women noted that under the revised law, the concept of domestic violence included marital rape, and the definition of "family member" had been extended to persons in de facto unions.⁸⁷ However, the Working Group stated that challenges remained in the implementation of the law, including with regard to data collection and

allocating adequate resources, the monitoring of protection orders, and ensuring the full availability of relevant services for victims/survivors.⁸⁸

65. The Working Group recommended ensuring effective implementation of the law on preventing and combating domestic violence, including adequate implementation and monitoring of protection orders, and setting up integrated emergency centres for victims/survivors of sexual violence. It recommended improving services for victims/survivors of gender-based violence, including psychological and psychiatric services, and access to a shelter for the period needed, in particular for women in vulnerable situations, such as Roma women, older women, women and girls with disabilities, and migrant women.⁸⁹

66. The Working Group stated that sexual violence was of concern and was seriously underreported, partly due to the lack of trust in the criminal justice system. The Criminal Code did not define the crime of rape by lack of consent, but by coercive circumstances.⁹⁰ The Working Group recommended reviewing legislation on sexual violence to ensure that all non-consensual sexual relations were adequately prosecuted. It recommended taking measures to prevent and address sexual harassment in the education system and public institutions, revenge pornography and online sexual abuse against girls, in cooperation with non-governmental organizations and girls' networks.⁹¹

67. The Working Group recommended addressing violence against women engaged in sex work/prostitution, including by decriminalizing sex work/prostitution.⁹²

2. Children

68. The Working Group on discrimination against women and girls stated that a significant number of children had one or both parents living abroad because of a high level of emigration (around 159,000 children in 2019). Children left behind were vulnerable to all kinds of abuses, including trafficking.⁹³

69. The Human Rights Committee was concerned about the significant number of children, including those from single-parent households, placed in institutions, especially children from disadvantaged communities and children with disabilities. It was concerned about the living conditions and state of health of institutionalized children and the inadequate monitoring system to prevent abuse and exploitation of children placed in childcare facilities.⁹⁴

70. The same Committee recommended, in 2017, that Romania ensure that no children under the age of 3 were institutionalized in childcare facilities, including children with disabilities.⁹⁵ In 2022, the Committee welcomed the decrease in the number of children in residential institutions and the legislative measures taken to limit the institutionalization of children under the age of 3. However, the Committee reiterated its recommendation of 2017⁹⁶ that Romania encourage the placement of children in alternative family-based settings and avoid the institutionalization of children from single-parent households.⁹⁷

71. The Committee reiterated its recommendation of 2017⁹⁸ that Romania ensure adequate living conditions and health care in all children's institutions and regularly monitor the conditions and the treatment in these institutions.⁹⁹

72. In 2017, the Human Rights Committee expressed its concern about reports of child labour, particularly in agriculture, construction and at home, child begging in the streets and sexual exploitation of children.¹⁰⁰ In 2022, while noting that a number of investigations had been conducted into cases of exploitation of children, the Committee regretted the lack of information on the outcome of those investigations, and requested information on any remedies provided to victims in such cases. The Committee also reiterated its recommendation of 2017¹⁰¹ that Romania strengthen measures aimed at eliminating the economic exploitation of children, such as child labour, begging and sexual exploitation, and sanction those responsible for such exploitation.¹⁰²

73. Several special procedure mandate holders expressed concern at the fact that social media was being used to publish child sexual abuse images. They were concerned about the increasing number of children that became victims of trafficking. As the recently adopted law on cyberviolence did not specifically provide for the protection of child victims of online violence when the aggressor did not have an existing close, or familial, relationship to the victim, they were concerned that victims of online abuse and online child pornography

remained unprotected. They were also concerned that the scope of the law was limited to sexual violence, as girl victims of online violence and abuse were more likely to be victims of trafficking for the purposes of sexual exploitation.¹⁰³

74. The Working Group on discrimination against women and girls stated that Romania had high numbers of early marriages, primarily occurring in rural Roma communities as unregistered unions.¹⁰⁴ It recommended undertaking further efforts to address the practice of early marriage, including by reviewing legislation on early marriage, providing training to relevant officials, and undertaking educational and other activities, in collaboration with local leaders and non-governmental organizations.¹⁰⁵

75. The Office of the United Nations High Commissioner for Refugees (UNHCR) commended Romania for its efforts to improve its birth registration system since its third universal periodic review. UNHCR noted the amendments to simplify the birth registration procedures to reduce the number of children remaining unregistered and to ensure their effective access to fundamental rights such as health and education.¹⁰⁶

3. Persons with disabilities

76. The Human Rights Committee was concerned about reports of discrimination against persons with disabilities in employment and education, including a lack of support measures to ensure genuine inclusion of children with disabilities and limited access to public buildings and transportation. The Committee recommended that Romania intensify its efforts to protect persons with disabilities from discrimination of any kind and ensure non-discriminatory access to education, employment, public transportation and public buildings.¹⁰⁷

4. Minorities

77. The Human Rights Committee recommended promoting tolerance and an environment inclusive of persons belonging to minorities, including with respect to their linguistic and cultural rights, and removing barriers to their exercise of religious freedom.¹⁰⁸

78. The same Committee was concerned about allegations of racially motivated incidents against the Roma population and allegations of police abuse amounting to ill-treatment, especially targeted against Roma. The Committee recommended strengthening measures to prevent racially motivated attacks against the Roma population.¹⁰⁹

79. The Committee expressed concern about reports of persistent discrimination against the Roma population, including in the fields of health, education, employment and housing, the continuing de facto segregation of Roma children in schools, forced evictions of Roma without adequate advance notice or the possibility of legal challenge and without support from government agencies to access adequate alternative accommodation, and discrimination in the health sector having a negative impact on the health status and life expectancy of Roma.¹¹⁰

80. The Committee recommended addressing systemic discrimination against the Roma population, ensuring that the law provided adequate safeguards against forced evictions, reinforcing the efforts to implement measures to promote the inclusion of Roma children in mainstream schooling, including enrolment of Roma children in preschool, and implementing measures to promote the equal access of Roma to health services.¹¹¹

5. Lesbian, gay, bisexual, transgender and intersex persons

81. The Human Rights Committee was concerned about reports of discrimination against lesbian, gay, bisexual, transgender and intersex persons, especially in employment and education, incidents of verbal and physical attacks against such persons, and stereotypical attitudes and prejudice against them.¹¹² The Committee recommended eliminating discrimination and combating stereotypical attitudes and prejudices against lesbian, gay, bisexual, transgender and intersex persons.¹¹³

82. The Working Group on discrimination against women and girls stated that transgender persons faced problems with legal recognition of their identity, in many cases being obliged to undergo full medical transition, including sterilization.¹¹⁴

83. The same Working Group noted that same-sex civil partnership was not recognized in law.¹¹⁵

6. Migrants, refugees and asylum-seekers

84. UNHCR noted that the refugee recognition rate remained low.¹¹⁶

85. UNHCR stated that the quality of the asylum procedure had suffered due to the increasing number of asylum applications in recent years combined with a high turnover of staff. The Ukrainian crisis had put additional pressure on the asylum system in the first half of 2022, prior to the adoption and implementation of the Temporary Protection Directive.¹¹⁷

86. UNHCR noted that as rejection for temporary protection was only communicated verbally and not issued in writing, those who had had their application turned down were not aware of the legal remedies available to them and were thereby deprived of a key legal mechanism, namely judicial review. UNHCR recommended that Romania provide the reason for rejecting an application for temporary protection in written form, in order to ensure transparency and allow for judicial review.¹¹⁸

87. The Human Rights Committee was concerned about the age assessment procedure, which allowed the temporary placement of asylum-seeking minors in centres for adults.¹¹⁹ UNHCR stated that such assessments were done on an ad hoc, informal basis.¹²⁰

88. UNHCR remained concerned that vulnerable persons, including persons with disabilities and older persons, might still end up in detention, especially when special needs and vulnerabilities were not properly identified or sufficiently considered when analysing the necessity and proportionality of the detention measure and the identification of appropriate alternatives to detention. According to the Asylum Law, the applications of vulnerable persons were to be assessed with priority. However, this did not remove the possibility of vulnerable applicants being placed in detention. In addition, identification and referral of vulnerable asylum-seekers and providing them with assistance continued to present considerable challenges, due to the lack of experienced and qualified staff, limited resources, and the limited involvement of other relevant authorities, among other reasons.¹²¹ UNCHR recommended ensuring that adequate and fully functional mechanisms to identify and refer persons with specific needs and provide them with assistance were in place and that a vulnerability assessment was made prior to any decision on detention.¹²²

89. The Human Rights Committee recommended that Romania use alternatives to detention for asylum-seekers and migrants and, in cases where an individual was detained, ensure that the detention was reasonable, necessary and proportionate in the light of the circumstances and was reassessed over time.¹²³

90. UNHCR recommended ensuring that children were not placed in detention and that a “best interests of the child” assessment was carried out prior to any decision regarding custody arrangements.¹²⁴

91. UNHCR recommended ensuring that conditions of detention, where detention was necessary and unavoidable, met international standards, including by revising the Internal Regulation.¹²⁵

92. UNHCR observed some gaps related to enjoyment of the rights granted by temporary protection status, mostly relating to access to health care, education and social welfare.¹²⁶

7. Stateless persons

93. UNHCR noted a lack of mechanisms to identify and grant protection status to stateless persons, owing to the absence of a statelessness determination procedure. Additionally, the Law on Romanian Citizenship lacked provisions for preventing statelessness for children born in the country who would otherwise be stateless.¹²⁷

94. UNHCR recommended amending the Law on Citizenship in accordance with the 1961 Convention on the Reduction of Statelessness, ensuring that all persons born in Romania who would otherwise be stateless acquired Romanian nationality, and establishing a dedicated statelessness determination procedure.¹²⁸

Notes

- ¹ See [A/HRC/38/6](#), [A/HRC/38/6/Add.1](#) and [A/HRC/38/2](#).
- ² [A/HRC/47/38/Add.1](#), paras. 92 and 94.
- ³ See https://www.ohchr.org/sites/default/files/2022-05/Romania_midterm_report_3rd-cycle.pdf.
- ⁴ OHCHR, *United Nations Human Rights Report 2020*, pp. 109, 124, 133 and 198.
- ⁵ [CCPR/C/ROU/CO/5](#), paras. 9–10. See also [A/HRC/47/38/Add.1](#), para. 92.
- ⁶ [CAT/OP/ROU/1](#), para. 14.
- ⁷ [CCPR/C/ROU/CO/5](#), para. 8.
- ⁸ *Ibid.*, paras. 43–44.
- ⁹ *Ibid.*, paras. 17–18.
- ¹⁰ See http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4122784,102824:NO.
- ¹¹ [CCPR/C/ROU/CO/5](#), para. 27; see also para. 31.
- ¹² [CCPR/C/ROU/CO/5](#), para. 28. See also [CAT/OP/ROU/1](#), para. 54.
- ¹³ [CCPR/C/ROU/CO/5](#), para. 29.
- ¹⁴ *Ibid.*, para. 30. See also [CAT/OP/ROU/1](#), paras. 38 and 122.
- ¹⁵ [CCPR/C/135/2/Add.4](#), p. 4.
- ¹⁶ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25271>, p. 4.
- ¹⁷ [CAT/OP/ROU/1](#), para. 122.
- ¹⁸ *Ibid.*, para. 70; see also para. 38.
- ¹⁹ *Ibid.*, para. 71.
- ²⁰ [CCPR/C/ROU/CO/5](#), para. 33.
- ²¹ *Ibid.*, para. 34.
- ²² *Ibid.*, para. 40.
- ²³ [CAT/OP/ROU/1](#), para. 34.
- ²⁴ *Ibid.*, para. 32.
- ²⁵ *Ibid.*, para. 48.
- ²⁶ *Ibid.*, para. 103.
- ²⁷ [CCPR/C/ROU/CO/5](#), paras. 31–32. See also [CAT/OP/ROU/1](#), paras. 54 and 76.
- ²⁸ [CAT/OP/ROU/1](#), para. 79. See also [CCPR/C/ROU/CO/5](#), para. 32.
- ²⁹ [CAT/OP/ROU/1](#), para. 84.
- ³⁰ *Ibid.*, para. 54.
- ³¹ [ECE/MP.PP/2021/55](#), available at https://unece.org/sites/default/files/2022-01/ECE_MP.PP_2021_55_E.pdf, para. 102; and see the United Nations Economic Commission for Europe submission for the universal periodic review of Romania.
- ³² See http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:3964917,102824:NO and http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4024093,102824:NO.
- ³³ See http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:3964917,102824:NO.
- ³⁴ [A/HRC/47/38/Add.1](#), paras. 78 and 80. See also [CCPR/C/ROU/CO/5](#), para. 37; and <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25471>, p. 1.
- ³⁵ [CCPR/C/ROU/CO/5](#), para. 38. See also [A/HRC/47/38/Add.1](#), para. 97.
- ³⁶ [A/HRC/47/38/Add.1](#), para. 97.
- ³⁷ [CCPR/C/ROU/CO/5](#), para. 38.
- ³⁸ [A/HRC/47/38/Add.1](#), para. 97.
- ³⁹ *Ibid.*, para. 35; see also para. 86.
- ⁴⁰ See http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4120554,102824:NO.
- ⁴¹ [A/HRC/47/38/Add.1](#), para. 94; see also para. 86.
- ⁴² [A/HRC/47/38/Add.1](#), para. 94; see also paras. 42 and 86.
- ⁴³ See http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4123375,102824:NO and

- http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:3956526,102824:NO. See also [CCPR/C/ROU/CO/5](#), para. 22.
- 44 See
http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4123375,102824:NO and
http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:3956526,102824:NO.
- 45 [A/HRC/47/38/Add.1](#), para. 94.
- 46 See
http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P13100_COUNTRY_ID:4120554,102824:NO.
- 47 [A/HRC/47/38/Add.1](#), para. 34.
- 48 *Ibid.*, para. 3; see also para. 85.
- 49 *Ibid.*, para. 87; see also para. 31.
- 50 *Ibid.*, para. 94.
- 51 *Ibid.*, para. 88.
- 52 *Ibid.*, para. 34.
- 53 *Ibid.*, para. 52.
- 54 *Ibid.*, para. 88.
- 55 *Ibid.*, para. 53.
- 56 *Ibid.*, para. 88.
- 57 *Ibid.*, para. 95.
- 58 [CCPR/C/ROU/CO/5](#), paras. 25–26. See also [A/HRC/47/38/Add.1](#), para. 57.
- 59 [CCPR/C/ROU/CO/5](#), para. 25.
- 60 [A/HRC/47/38/Add.1](#), para. 56.
- 61 [CCPR/C/ROU/CO/5](#), para. 26. See also
<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25554>,
p. 8.
- 62 [A/HRC/47/38/Add.1](#), para. 95.
- 63 [CCPR/C/ROU/CO/5](#), para. 25. See also [A/HRC/47/38/Add.1](#), para. 60.
- 64 [A/HRC/47/38/Add.1](#), para. 60.
- 65 [CCPR/C/ROU/CO/5](#), para. 26.
- 66 [A/HRC/47/38/Add.1](#), para. 95.
- 67 *Ibid.*, para. 45.
- 68 *Ibid.*, para. 44.
- 69 *Ibid.*, para. 94.
- 70 UNESCO submission for the universal periodic review of Romania, para. 34.
- 71 [A/HRC/47/38/Add.1](#), para. 94.
- 72 *Ibid.*, para. 89.
- 73 *Ibid.*, para. 48.
- 74 *Ibid.*, para. 94.
- 75 *Ibid.*, para. 85; see also para. 63.
- 76 *Ibid.*, para. 62.
- 77 *Ibid.*, para. 96.
- 78 *Ibid.*, para. 63.
- 79 *Ibid.*, para. 92.
- 80 *Ibid.*, para. 86.
- 81 *Ibid.*, paras. 22 and 24–25.
- 82 [A/HRC/47/38/Add.1](#), para. 93. See also [CCPR/C/ROU/CO/5](#), para. 22.
- 83 [CCPR/C/ROU/CO/5](#), para. 23. See also [A/HRC/47/38/Add.1](#), para. 69.
- 84 [A/HRC/47/38/Add.1](#), para. 64.
- 85 *Ibid.*, para. 90.
- 86 *Ibid.*, paras. 69–70.
- 87 See
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FFUL%2FROU%2F41806&Lang=en, p. 2.
- 88 [A/HRC/47/38/Add.1](#), para. 72.
- 89 *Ibid.*, para. 97.
- 90 *Ibid.*, para. 74.
- 91 *Ibid.*, para. 97.
- 92 *Ibid.*, para. 97.
- 93 *Ibid.*, para. 3.
- 94 [CCPR/C/ROU/CO/5](#), para. 41.

- ⁹⁵ Ibid., para. 42.
⁹⁶ Ibid.
⁹⁷ [CCPR/C/135/2/Add.4](#), p. 5.
⁹⁸ [CCPR/C/ROU/CO/5](#), para. 42.
⁹⁹ [CCPR/C/135/2/Add.4](#), p. 5.
¹⁰⁰ [CCPR/C/ROU/CO/5](#), para. 41.
¹⁰¹ Ibid., para. 42.
¹⁰² [CCPR/C/135/2/Add.4](#), p. 5.
¹⁰³ See
<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25471>,
pp. 3–4.
¹⁰⁴ [A/HRC/47/38/Add.1](#), para. 77.
¹⁰⁵ Ibid., para. 97.
¹⁰⁶ UNHCR submission for the universal periodic review of Romania, p. 2.
¹⁰⁷ [CCPR/C/ROU/CO/5](#), paras. 19–20.
¹⁰⁸ Ibid., para. 44.
¹⁰⁹ Ibid., paras. 13–14.
¹¹⁰ Ibid., para. 11.
¹¹¹ Ibid., para. 12. See also [CCPR/C/135/2/Add.4](#), pp. 1–2.
¹¹² [CCPR/C/ROU/CO/5](#), para. 15.
¹¹³ Ibid., para. 16. See also
<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25554>,
p. 8.
¹¹⁴ [A/HRC/47/38/Add.1](#), para. 66. See also [CCPR/C/ROU/CO/5](#), para. 15.
¹¹⁵ [A/HRC/47/38/Add.1](#), para. 66.
¹¹⁶ UNHCR submission, p. 1.
¹¹⁷ Ibid., p. 2.
¹¹⁸ Ibid., p. 6.
¹¹⁹ [CCPR/C/ROU/CO/5](#), para. 35.
¹²⁰ UNHCR submission, p. 5.
¹²¹ Ibid.
¹²² Ibid.
¹²³ [CCPR/C/ROU/CO/5](#), para. 36. See also UNHCR submission, p. 5.
¹²⁴ UNHCR submission, p. 5. See also [CCPR/C/ROU/CO/5](#), para. 36.
¹²⁵ UNHCR submission, p. 5.
¹²⁶ Ibid., p. 6.
¹²⁷ Ibid., pp. 3–4.
¹²⁸ Ibid., p. 4.
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