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SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF  
THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1

**Romania** \*

The present report is a summary of 18 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The periodicity of the review for the first cycle being four years, the information reflected in this report mainly relates to events that occurred after 1 January 2004.

\* The present document was not edited before being sent to the United Nations translation services.

## **I. BACKGROUND AND FRAMEWORK**

### **A. Scope of international obligations**

1. Amnesty International (AI) called on Romania to sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Convention for the Protection of All Persons from Enforced Disappearance, and the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>2</sup>

### **B. Constitutional and legislative framework**

2. In 2005 the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities (CoE AC) stated that new legislative, institutional and practical measures have been taken to strengthen the protection of persons belonging to national minorities in fields such as non-discrimination, the use of minority languages in the public sphere, as well as education, where the situation of the Roma has received particular attention, but where the necessary financial resources are not always guaranteed.<sup>3</sup> AI mentioned that the law aimed at prevention and punishment of all forms of discrimination was amended in June 2006 to meet the requirements of the EU's Racial Equality Directive. However, as of the beginning of February 2008, the Parliament had yet to approve the draft law on the protection of ethnic minorities.

### **C. Institutional and human rights infrastructure**

3. The Roma Centre for Social Intervention and Studies (RCRISS) mentioned the establishment of the National Council for Combating Discrimination, an autonomous state authority responsible for applying the Romanian legal provisions on discrimination.<sup>4</sup> According to Save the Children Romania (SCR), Romania still has no Ombudsperson for Children. A deputy for "the rights of children, family, youth, elderly people and persons with disability" is acting within the National Ombudsman. The number of received petitions and actions taken ex officio regarding children's rights is extremely low due to insufficient information, mainly with regard to the existence and role of this institution.<sup>5</sup> SOS Children's Villages Romania (SOSCVR) added that two national governmental bodies share responsibility for monitoring information on children with disabilities. These bodies have different definitions of what a "disability" is.<sup>6</sup>

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

### **A. Cooperation with human rights mechanisms**

4. AI called on Romania to submit, without further delay, all outstanding reports to the Committee against Torture, the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Committee on Economic, Social and Cultural Rights.<sup>7</sup>

### **B. Implementation of international human rights obligations**

#### **1. Equality and non discrimination**

5. RCRISS noted that in the past few years, Romania has made significant progress in the non-discrimination field. In this regard, the Government adopted Ordinance 137/2000 "on the prevention and punishment of all forms of discrimination" which prohibits all forms of

discrimination.<sup>8</sup> The CoE AC observed, in 2005, that further measures are needed to ensure more effective implementation of the anti-discrimination legislation and to raise public awareness and tolerance, especially concerning full and effective equality of the Roma.<sup>9</sup> In 2006 the European Commission Against Racism and Intolerance (ECRI) noted that the anti-discrimination legislation has hardly been applied at all and neither public officials nor the general public are aware of the said legislation or of the existence of the National Council Against Discrimination, body set up to apply it. ECRI recommended that the Romanian authorities take steps to fully apply the anti-discrimination legislation fully and provide the National Council Against Discrimination with sufficient resources to perform its tasks. ECRI also asked the Romanian authorities to apply the Criminal Code provisions on racial hatred and intolerance.<sup>10</sup>

6. AI noted that despite Romania's commitment to the Decade of Roma Inclusion in 2005, Roma continue to suffer discrimination at the hands of both public officials and private individuals.<sup>11</sup> The CoE AC stated that the social and economic situation of the Roma remains problematic, and increased efforts, including of a financial nature, are needed to address manifestations of discrimination and the difficulties still faced by the Roma in the fields of employment, housing, health and education.<sup>12</sup> The RCRISS recommended that the Government ensure effective legal protection against racial segregation and end the separation of Roma communities from non-Roma communities through walls or other physical barriers.<sup>13</sup>

7. RCRISS observed that despite the existing legal framework, there hasn't been much progress concerning the attitudes of representatives of public institutions towards the Roma minority. Serious cases of law enforcement officials' abuse against Roma occur, abuses often regarded as legal by the State authorities.<sup>14</sup>

8. RCRISS maintained that discrimination against members of the Roma community is still present in the Romanian judicial system. Some courts show anti-Roma prejudice and stereotypes. According to RCRISS judges, prosecutors and lawyers are not fully aware of anti-discrimination legislation. RCRISS mentioned that that its proposal, the National Institute for Magistrates would be including courses on non-discrimination legislation in the curricula for continuous training of magistrates.<sup>15</sup>

9. RCRISS maintained that prejudices, stereotypes and racial hatred against Roma are still common occurrences in Romania. The public opinion is very much influenced by the media and by the opinions expressed by public individuals from Romania.<sup>16</sup> In 2005 the CoE AC stated that the impact of awareness-raising measures taken to improve the public image of the Roma and to encourage more positive attitudes towards them within society remains limited. Public manifestations of hostility and intolerance are still reported in certain media, as well as in the statements made by certain members of public authorities and, in spite of improvements in this area, in the conduct of certain members of the police.<sup>17</sup> AI also expressed its concern about the negative ways that Roma are portrayed in Romanian media and in speeches by high-level politicians.<sup>18</sup> It recommended Romania ensure that officials refrain from making public statements which could be interpreted as encouraging discrimination against or targeting of individuals because of their ethnic origin, and ensure that manifestations of racism and racial intolerance in the Romanian media are effectively addressed. It also recommended the Government to train the police, prosecution authorities and the judiciary on how to address complaints of racially motivated crimes.<sup>19</sup>

10. The Society for Threatened Peoples (STP) quoted a 2007 Open Society Institute study which showed that 20 to 30% of Roma do not possess birth certificates or identification cards. STP noted that it is probable that the real number of Roma without official registration is much higher.<sup>20</sup> SCR mentioned that there is no official statistical data available on this issue. It added that cases of children deprived of identity documents mainly affect the Roma ethnic group or the category of street children.<sup>21</sup> The Romanian Independent Society of Human Rights (SIRDO) noted that children without identity papers can easily become victims of illegal adoptions or of human trafficking.<sup>22</sup> ECRI insisted on the need for a swift solution to the problem of Roma who have no identity papers.<sup>23</sup>

11. According to Human Rights Watch (HRW) patients living with HIV face discrimination in access to necessary medical services and doctors often refuse treatment to patients living with HIV. Breaches of confidentiality about individuals' HIV status are common and rarely punished.<sup>24</sup> HRW added that Romanian law provides for mandatory medical testing for a wide variety of jobs where the risk of HIV transmission is minimal, including hair dressers, beauticians, manicurists, child care staff, medical personnel, food services, and cleaning staff in the tourist industry. Employers and doctors also order ad hoc HIV testing for jobs where testing is not mandatory.<sup>25</sup> HRW recommended that Romania end mandatory HIV testing as a condition of employment and ensure that persons living with HIV are not unnecessarily prevented from working or attending vocational school.<sup>26</sup> HRW noted that in the few instances where the National Council for Combating Discrimination has intervened in cases involving people living with HIV, its interventions were limited to mediation in cases of children expelled from schools, or the imposition of nominal fines which are paid to the government and not to the victim.<sup>27</sup>

12. According to ACCEPT, the International Gay and Lesbian Human Rights Commission and the European Region of the International Lesbian and Gay Association (ACCEPT, IGLHRC & ILGA) the non-discrimination grounds in the anti-discrimination law include sexual orientation but not gender identity and expression, and the law on equal opportunities between women and men does not cover transgender status. ACCEPT, IGLHRC & ILGA added that the Government should protect the right to work and take measures to combat discrimination—including on the basis of sexual orientation and gender identity and expression—against teachers and other individuals who work in the fields of education and health. ACCEPT, IGLHRC & ILGA also recommended that local and central Government officials undertake public education campaigns to combat prejudice underlying violence related to sexual orientation and gender identity and ensure that LGBT people can enjoy their rights in an environment that is not dominated by fear, violence, and homophobia.<sup>28</sup>

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

13. AI stated that despite some positive legislative amendments and reforms, it continued to receive numerous reports of ill-treatment and excessive use of force by law enforcement officials in Romania. Reportedly, many of the victims of ill-treatment and unlawful use of firearms by police belong to the Roma community. Several cases reported between 2004 and 2006 resulted in the death of individuals, or in infliction of grave injuries. AI noted that the use of firearms by police officers in disputed circumstances is a long-standing concern which the Romanian authorities have failed to effectively address through impartial and thorough investigations.<sup>29</sup>

14. CRISS noted that often, when the Police intervene in the Roma communities, disproportionate force is used. The number of policemen and gendarmes is disproportionately larger than the number of community members or, especially, than in the case of similar police actions undertaken in non-Roma communities. Torture, violence and abuse by law enforcement officials affects disproportionately the Roma, mainly due to the police officers' prejudice and stereotypes against Roma, on the one hand and poor legal knowledge of Roma, on the other.<sup>30</sup>

15. SIRDO mentioned that the worst phenomena affecting women's life in Romania are discrimination and violence (domestic violence, women traffic, prostitution, pornography and violence against women through the media) and in particular discrimination and violence against women in rural areas. It recommended Romania amend Law 217/2003 on the prevention of domestic violence so as to address its flaws, grant an adequate budget for the organization of shelters for the victims and establish specialized courts for cases of domestic violence.<sup>31</sup> In 2002 the Council of Europe Commissioner for Human Rights (CoE CHR) also recommended that Romania ensure greater protection and assistance to victims of domestic violence by efficient implementation of the Penal Code provisions and the opening of shelters.<sup>32</sup>

16. AI expressed its concern that the placement, living conditions and treatment of patients in many psychiatric wards and hospitals violate international human rights standards. In 2004, it denounced the practice of subjecting individuals to involuntary psychiatric treatment without medical grounds and the deplorable conditions to which such persons were subjected. AI added that in 2004, 18 patients were reported to have died in a hospital in Poiana Mare, most of them as a result of malnutrition and hypothermia. Despite the evidence suggesting that the deaths had occurred in suspicious circumstances in February 2005, Romania's General Prosecutor decided to close the case of deaths in Poiana Mare, as a result of not having established a link between the deaths and the personnel's treatment of the patients. AI informed that a complaint was filed requesting the re-opening of the case.<sup>33</sup> CLR mentioned that a frequent problem in these types of institutions were the lack of clear procedures for the institutions' residents to file complaints or petitions to the authorities.<sup>34</sup>

17. AI mentioned that an investigation by the UN Interim Administration Mission in Kosovo (UNMIK) into the deaths of two men and the serious injury of another during a demonstration on 10 February 2007 in Pristina, Kosovo, established that the deaths and injuries had occurred as a result of the improper deployment of out-of-date rubber bullets by members of the Romanian Formed Police Unit (FPU). Eleven members of the Romanian Special Police Unit, who were reportedly in possession of information crucial to the investigation and had previously been questioned as witnesses by investigators, were repatriated from Kosovo on 21 March 2007. In July 2007 The Romanian authorities informed AI that a penal investigation had been opened and was being conducted by a military prosecutor in Romania.<sup>35</sup>

18. SCR highlighted that the statistics provided by National Administration of Penitentiaries and Ministry of Justice show that almost 45% of the total number of children deprived of liberty are held under police arrest or in penitentiaries. In article 57, the Criminal Code provides that minors sentenced to imprisonment should execute their penalty separately from adult detainees or in special detention places, while having the opportunity to continue their compulsory education and acquire a vocational training adapted to their skills. Nevertheless, during preventive arrest, which may last a few months, children are not included in any form of school education or vocational training.<sup>36</sup> SCR added that the new

judicial organisation law represents a regression in terms of juvenile justice as it replaces the obligation of setting up specialised juvenile and family courts with the possibility of establishing such courts, leaving the decision up to the presidents of the court.<sup>37</sup>

19. SCR observed that although the Romanian Government has developed the institutional and legislative framework for preventing and combating child abuse and trafficking, implementation of these measures is slow. A 2005 study showed that 8.5% of the sex workers interviewed during the investigation proceedings were minors, and 20% of them had spent part of their childhood in child protection institutions. Furthermore, 45% of them declared they had been sold/bought, compared to 24.5% of the girls who had never been to such in child protection institutions.<sup>38</sup>

20. ACCEPT, IGLHRC & ILGA noted that one of the submitting organisations, ACCEPT, has received several complaints from individuals in detention who are perceived to be gay or transgender and as such are subjected by other inmates to rape, physical assault, and degrading treatment. However, when such inmates complain, prison authorities rarely take immediate measures to ensure their safety or prosecute the perpetrators. ACCEPT, IGLHRC & ILGA recommended that the Ministry of Justice and the National Authority of Penitentiaries should prevent abuses in detention by systematically educating prison personnel about human rights, sexual orientation, and gender identity issues. The penitentiary should promptly follow up on complaints to secure the safety of inmates and prevent their further victimization, referring perpetrators to the prosecutor.<sup>39</sup>

### **3. Administration of justice and the rule of law**

21. RCRISS noted that many cases of ill-treatment or of police brutality are not investigated adequately and remain unsanctioned. The persons involved (victims and/or witnesses), experts (such as coroners) and human rights activists are intimidated. RCRISS added that the mechanisms of ensuring impunity include, on one hand, exertion of pressure upon the individuals involved so they would not testify in court or they would not carry out all necessary actions and, on the other hand, criminal investigation leading to decisions not to prosecute cases. All cases brought by RCRISS against law enforcement officials, on grounds of unlawful conduct, resulting in bodily harm and even death, have been lost in the Romanian courts. RCRISS mentioned that at present a couple of these cases are before the European Court of Human Rights.<sup>40</sup>

22. The Foundation and the Association of Former Political Prisoners (ICAR) noted that in December 2006 Romania officially recognized the national scale of gross human rights violations committed during the 45 years of the communist regime, and publicly apologized to the surviving victims and their families. However, Romania has until now failed to break impunity and prosecute a single perpetrator of human rights violations during this period.<sup>41</sup> ICAR stressed the need for a truth commission which would have within its mandate the identification and exposure of individual perpetrators of human rights violations.<sup>42</sup>

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

23. SCR mentioned that there has been a massive migration of Romanians within European borders. This phenomenon is more characteristic for poor areas of the country, where large communities migrated abroad, leaving behind a high number of children, in the care of grandparents, other relatives or even in no one's care. According to SCR, in June 2007 the National Authority for the Protection of Children's Rights informed that a minimum of

82,464 children were left in the care of one or no parent while they were abroad for work.<sup>43</sup> SIRDO maintained that there is no coherent national policy on this, in spite of suicide cases being recorded among children who had been abandoned in a precarious family environment or with no form of adult care.<sup>44</sup>

24. ACCEPT, IGLHRC & ILGA urged that legislation be adopted to recognize the relationship between two partners, irrespective of their sex.<sup>45</sup>

#### **5. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

25. According to the Organization for Security and Co-operation in Europe's Representative on Freedom of the Media (OSCE RFOM) the situation of media freedom in Romania improved during the last years within the context of the EU accession process. However, the flow of funds for public advertising in media both on national and regional levels still lacks transparency. OSCE RFOM mentioned that it is feared that public money is used to support government friendly media. The independence of the public service broadcaster also remains an issue of concern.<sup>46</sup>

26. According to the Institute on Religion and Public Policy (IRPP) the legal situation of religious freedom in Romania is poor. Despite overwhelming domestic and international opposition to a restrictive and discriminatory law on religion, the legislation was adopted on 27 December 2006. Enjoying the greatest rights under the new law are the "recognized religious denominations," a category that, according to IRPP, is almost impossible for some faiths to join.<sup>47</sup> According to Human Rights Without Frontiers (HRWF) the new law favours the Romanian Orthodox Church and other large churches that have been recognized as religions, and discriminates against foreign religions.<sup>48</sup>

27. IRPP noted that religious communities new to Romania with less than 300 members will be deprived of the right to purchase property, to build houses of worship, to protect their rights in legal proceedings, to own assets or to have paid staff or clergy.<sup>49</sup> HRWF added that under the new law religions are required to withhold statements about majority religions and that cemeteries are controlled by recognized religions.<sup>50</sup> IRPP mentioned that the Government of Romania has failed to live up to its obligations to protect minority religious communities from both harassment and intimidation from the country's majority population. IRPP added that the Romanian Government has failed to ensure the full restitution of religious properties, including Greek Catholic churches, since the fall of the Ceaușescu regime.<sup>51</sup>

28. AI mentioned that the lesbian, gay, bisexual and transgender (LGBT) community in Romania continues to suffer identity-based discrimination. A parade called the Gayfest, organized every year in May/June by the LGBT community, has been opposed by the Orthodox Church and the local authorities on several occasions. Those participating in the parade have been attacked by counter-demonstrators throwing eggs, stones and plastic bottles at the marchers, necessitating police protection.<sup>52</sup> According to ACCEPT, IGLHRC & ILGA, effective police protection at the march needs to be accompanied by police follow up to complaints about violence.<sup>53</sup>

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

29. According to the International Trade Union Confederation (ITUC) Romania is a country confronted with a shortage of labourers caused by an exodus of Romanian workers to Western Europe. This shortage on the labour market is often filled by Asian workers

accepting low wages and working conditions. There are no statistics for the wages paid to foreigners working in Romania. According to the national legislation, employers are compelled to pay the minimum wage, as they should for Romanian workers.<sup>54</sup> ITUC stated that the Romanian labour migration legislation is not effectively implemented and that many employers make use of informal recruitment practices and unregulated forms of employment, leaving migrant workers vulnerable to exploitation. ITUC quoted reports that wages paid to women migrant workers in the textile industry are sometimes as low as around 70 per cent of the minimum wage established by law.<sup>55</sup> SCR added that despite the frequency of child labour cases, it has data confirming that for the year 2005 no one was accused or convicted under laws banning child labour. According to a report on child labour in Romania, developed in 2004 by the National Institute of Statistics, the number of children involved in the worst forms of labour in urban and rural areas is about 70,000.<sup>56</sup>

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

30. SOSCVR stated that despite increasing national political commitment and international political pressure, the situation of children with disabilities in Romania has not improved over the last decade. On the contrary, children with disabilities are increasingly at risk of being abandoned and placed in residential care, and their rights and potential for development are consequently ignored. Children with disabilities are often ignored, excluded (or even hidden) and are still perceived as being children with “special needs” rather than being rights holders. About 10,000 children with disabilities have no parental care: 70% of them are in public or private placement centres and 30% are in foster care.<sup>57</sup>

31. SCR noted that there had been a decrease in the number of children with disabilities living in institutions, yet there was still poor access to recovery care for children born in rural areas. It also regretted the lack of so-called “respite centres” which allow parents to rest for periods of time.<sup>58</sup> SOSCVR mentioned that many children with disabilities, especially those who are most vulnerable to neglect and abandonment due to their social “invisibility”, are not certified as disabled by the local authorities. The lack of certification deprives children and their carers of any kind of support, which in many cases would greatly contribute towards improving their living conditions.<sup>59</sup>

32. SIRDO highlighted that the abandonment of new-borns in hospitals is a phenomenon that continues to exist in Romania.<sup>60</sup> Concerning abandoned children, the CoE CHR recommended in 2002 that Romania ensure that the process of closing obsolete institutions proceeds, that care programmes are introduced to aid the social integration of the young people leaving them; frame a policy for preventing abandonment of children, to involve awareness-raising and education campaigns; and examine the possibility of setting up reception centres for mothers.<sup>61</sup> SOSCVR observed that at the age of 18, children are reintegrated into their families (very often the family that abandoned the child in the first place), or placed in institutions for adults with disabilities.<sup>62</sup> SCR stated that there is a need for coherent strategies to be applied during institutionalisation, so that the young persons can adapt to the requirements of an independent life and mitigate the shock of de-institutionalisation.<sup>63</sup>

33. Concerning children with mental disorders, SCR stated that there are no psychiatric departments for children, who are placed within adult psychiatric departments where they are not supervised, they are sedated and at risk of being aggressed and intimidated by adult patients.<sup>64</sup> The Centre for Legal Resources (CLR) mentioned that the exact number of children with mental disabilities, as well as the type of care or number of institutions

accommodating them are hard to establish and these figures are not clearly reflected in official statistics.<sup>65</sup>

34. SCR mentioned that statistics show an increasingly worrying situation regarding drug consumption in Romania. While drugs like marijuana were used in the past, now there is a direct passing to intravenous heroine. Consumers' age has decreased dramatically. According SCR research conducted in 2004-2005, 4% of the children aged 11 to 18 have used drugs. Children living in large cities, especially boys, are the most exposed. SCR highlighted that there are few centres for methadone treatment, and that, despite the existence of services dealing with the physical addiction, there is no constant intervention on the psychological addiction developed by drug use.<sup>66</sup>

35. In their joint submission, the Centre on Housing Rights and Evictions (COHRE) and the Roma Centre for Social Intervention and Studies (RCRISS) expressed their concern that there is a pattern of forced eviction and threatened forced eviction of Roma, leading to racial segregation in a number of localities.<sup>67</sup> RCRISS reported on recent cases of violation of Roma's right to property and arbitrary demolition of their homes. Although local authorities prevailed over Law 50/1991, their actions were illegal and didn't respect the provisions of the above mentioned law. RCRISS also noted that in the last years Roma have been evicted and relocated to places near garbage dumps, sewage treatment plants or industrial areas at the outskirts of the city. RCRISS identified in the 2005-2007 period 10 cases of violation of housing rights committed by public authorities, which included elements of forced evictions, environmental racism, and residential segregation. RCRISS mentioned that in 2007, a mixed working group for the improvement of the housing conditions of the Roma was formed, through the Ministry's of the Development, Public Works and Housing Order.<sup>68</sup>

36. STP mentioned that many Roma live in precarious housing conditions in isolated settlements and communities, also in order to avoid discrimination. According to UNICEF statistics quoted by STP, almost a third of Roma live in homogenous Roma settlements, many of them living in informal or illegal settlements.<sup>69</sup>

37. The STP stated that material poverty is both cause and effect of social and economic exclusion. The poverty rate of the Roma in north-eastern Romania is up to 50 per cent higher than that of the average rate. According to 2003 World Bank information quoted by STP, Roma make up only 2.5 % of Romania's total population, yet 7% of the poor and 12.5% of the extremely poor in the country are Roma.<sup>70</sup>

## **8. Right to education and to participate in the cultural life of the community**

38. SCR stated that the reform of the national educational system registered a rapid evolution, but the generated effects were not always positive. The main problems of the educational systems are given by the instability of the adopted measures, by reduced financial motivation of the teachers and by the major differences between rural and urban areas as to material conditions and scholar registration rate. The poor economic situation of a large number of families and also parents' and children's mentality towards education contributed to a high school drop-out.<sup>71</sup> According to a research carried out by the Open Society Institute in 2006 and quoted by SCR, in the Roma families' culture, girls are generally encouraged to leave school earlier than boys.<sup>72</sup>

39. With regard to education, the STP stated that Roma continue to be discriminated against. In comparison to children of the same age of the majority population, Roma children

have considerably higher rates of illiteracy. On average they also attend school for fewer years and in many cases they are automatically sent to schools with higher Roma rates. Several studies show that there is de facto segregation in the education system. In Romania schools are considered “segregated schools” if more than half the students are Roma. In rural areas segregation is more widespread. Due to this segregation system Roma children are strongly disadvantaged in terms of their chances for social integration and advancement.<sup>73</sup>

40. Although legislation was adopted in July 2007 banning segregated schools, according to RCRISS the legal provisions regarding segregation are not enough for eradicating this phenomenon. Few school directors are aware of this legislation. Though not a state policy, in practice segregation does occur, leading to educational and social malfunctions, particularly in terms of unequal quality of education.<sup>74</sup> The education of children with disabilities still takes place mainly in segregated form, although remarkable efforts for including them in the mass education system are being made.<sup>75</sup> SCR stated that the school registration rate of Roma children is much lower than the national average. Also, multicultural education is still insufficiently promoted; the number of classes in Romani language is low.<sup>76</sup> HRW mentioned that more than 7,200 Romanian children and youth are living with HIV—the largest such group in any European country. Fewer than 60 percent of Romanian children living with HIV attend any form of schooling. Children in school risk ostracism, abuse, and even expulsion if their HIV status becomes known.<sup>77</sup>

## **9. Minorities and indigenous peoples**

41. In 2005, the CoE AC noted that special measures adopted in order to promote the full and effective equality of persons belonging to national minorities have produced results in various fields, including education, the use of minority languages in the public sphere, and participation in decision-making. Representatives of national minorities acknowledge the existence of a social climate favourable to tolerance and intercultural dialogue and agree that progress has taken place in this regard.<sup>78</sup> AI highlighted that as of February 2008, the Parliament had yet to approve the draft law on the protection of ethnic minorities.<sup>79</sup>

42. According to Unrepresented Nations and Peoples Organization (UNPO) the Hungarian minority makes up roughly 6.6% of the total population of Romania. The grievances of the Hungarian minority have been focused on several issues: restitution of church property confiscated by the communist regime; the right to use their mother tongue in their public administration and tribunals; the right to have instruction at all levels of education in their mother tongue; and limited local autonomy in the regions where they form the majority.<sup>80</sup>

## **10. Migrants, refugees and asylum-seekers**

43. ECRI noted that programmes destined to facilitate the integration of asylum seekers and refugees into Romanian society receive virtually no government funding.<sup>81</sup>

## **11. Human rights and counter-terrorism**

44. According to AI, there is strong evidence to suggest that Romania may have hosted a detention facility of a third country on its territory in which individuals were secretly detained, outside the rule of law, and that persons unlawfully deprived of their liberty were flown into and over the territory of Romania. AI also alleged that Romanian state agents knew of, acquiesced in and facilitated these human rights violations.<sup>82</sup> The International Commission of Jurists (ICJ) highlighted that allegations that a third country intelligence run-

secret detention centres existed in European countries including Romania were confirmed by the findings of Senator Dick Marty's inquiry for the Parliamentary Assembly of the Council of Europe.<sup>83</sup>

45. According to the ICJ, the Romanian government has strongly denied that renditions or secret detentions have taken place on Romanian territory, and has pointed to internal investigations by relevant Romanian authorities into the allegations. The inquiry, which issued its final report in March 2007, found that there was no evidence of third country intelligence rendition aircraft landing in Romania or overflying Romanian territory, that no Romanian authorities could have participated, either knowingly or through omission or negligence, in unlawful detainee transfer operations through Romanian territory, and that there was no facility at Mihail Kogalniceanu base which could have been used for the purpose of detention. The ICJ mentioned that the adequacy of the Senate investigations has been questioned.<sup>84</sup>

46. The ICJ urged Romania to establish an independent and transparent inquiry, with full investigative powers to require the attendance of persons and the production of documents, to investigate allegations of the involvement of Romanian officials in renditions and secret detentions. It also recommended that Romania ensure the accountability, including where appropriate through the criminal justice process, of those persons responsible for renditions and secret detentions on Romanian territory and provide measures of reparation to the victims of renditions and secret detentions in Romania.<sup>85</sup>

### **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

47. ECRI observed that since 2002 progress has been made in a number of fields. Romania has made a declaration under Article 14 of the CERD. The Romanian authorities have adopted an anti-discrimination law and set up the National Council Against Discrimination. Moreover, the Romanian Criminal Code has been amended to include, among others, provisions against racial hatred. Under the Strategy for the Improving the Situation of the Roma, the authorities have set up programmes designed to place members of the Roma community on an equal footing with the rest of the population. They have also provided members of the judiciary and the police with training courses on discrimination issues.<sup>86</sup>

48. ICAR pointed out that in December 2006 the Romanian president was the first head of a former communist state to make an official political statement condemning the crimes of the former communist regime and offering an official apology to its victims.<sup>87</sup>

### **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

NA

### **V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE**

NA

*Notes*

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<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.)

*Civil society*

ACCEPT, IGLHRC & ILGA	ACCEPT, International Gay and Lesbian Human Rights Commission (IGLHRC) and the European Region of the International Lesbian and Gay Association* (ILGA), Joint UPR Submission, February 2008
AI	Amnesty International*, London, United Kingdom, UPR Submission, February 2008
CLR	Centre for Legal Resources, Bucharest, Romania, UPR Submission, February 2008
COHRE & RCRISS	Centre on Housing Rights and Evictions* and the Roma Centre for Social Intervention and Studies, Geneva, Switzerland, Joint UPR Submission, February 2008
HRW	Human Rights Watch*, New York, United States, UPR Submission, February 2008
HRWF	Human Rights Without Frontiers, Brussels, Belgium, UPR Submission, February 2008
ICAR	Foundation and the Association of Former Political Prisoners, Bucharest, Romania, UPR Submission, February 2008
ICJ	International Commission of Jurists*, Geneva, Switzerland, UPR Submission, February 2008
IRPP	Institute on Religion and Public Policy, Washington D. C., United States, UPR Submission, February 2008
ITUC	International Trade Union Confederation*, Brussels, Belgium, UPR Submission, February 2008
CRISS	Roma Centre for Social Intervention and Studies, Bucharest, Romania, UPR Submission, February 2008
SCR	Save the Children* Romania, Bucharest, Romania, UPR Submission, February 2008
SIRDO	Romanian Independent Society of Human Rights*, UPR Submission, February 2008
SOSCVR	SOS Children's Villages* Romania, UPR Submission, February 2008
STP	Society for Threatened Peoples*, Göttingen, Germany, UPR Submission, February 2008
UNPO	Unrepresented Nations and Peoples Organization, The Hague, Netherlands, UPR Submission, February 2008

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*Regional intergovernmental organization*

- OSCE RFOM    Organization for Security and Co-operation in Europe, Representative on Freedom of the Media, UPR Submission, February 2008
- CoE            Council of Europe, February 2008, submission consisting of
- Advisory Committee on the Framework Convention for the Protection of National Minorities, Second Opinion on Romania, adopted on 24 November 2005, ACFC/OP/II(2005)007
  - Resolution CM/ResCMN(2007)8 on the implementation of the Framework Convention for the Protection of National Minorities by Romania (Adopted by the Committee of Ministers on 23 May 2007 at the 996th meeting of the Ministers' Deputies)
  - European Commission Against Racism and Intolerance, Third report on Romania, 24 June 2005, CRI (2006) 3
  - Report of Mr Alvaro Gil-Robles, Commissioner for Human Rights, on his visit to Romania, 5-9 October 2002, CommDH(2002)13
  - Follow Up Report on Romania (2002-2005), Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights, CommDH (2006)7
  - Rapport au Gouvernement de la Roumanie relatif aux visites effectuées en Roumanie par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants (CPT), du 16 au 25 septembre 2002 et du 9 au 11 février 2003, CPT/Inf (2004) 10
  - Réponse du Gouvernement de la Roumanie au rapport du CPT, CPT/Inf (2004) 11
  - Letter to Secretary General transmitting the response of the Romanian Government on the second part of the investigation initiated by the Secretary General of the Council of Europe, in accordance with Article 52 of the European Convention on Human Rights, 6 April 2006
  - Response of the Romanian Government on the second part of the investigation initiated by the Secretary General of the Council of Europe, in accordance with Article 52 of the European Convention on Human Rights, 20 February 2006
  - Table of pending cases against Romania

<sup>2</sup> Amnesty International, p. 1

<sup>3</sup> Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities, Second Opinion on Romania, p. 1

<sup>4</sup> Roma Centre for Social Intervention and Studies, p. 1

<sup>5</sup> Save the Children Romania, p. 1

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<sup>8</sup> Roma Centre for Social Intervention and Studies, p. 1

<sup>9</sup> Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities, Second Opinion on Romania, p. 1

<sup>10</sup> Council of Europe, European Commission Against Racism and Intolerance, Third report on Romania, p. 6

<sup>11</sup> Amnesty International, p. 2

<sup>12</sup> Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities, Second Opinion on Romania, p. 1. See also Council of Europe, European Commission Against Racism and Intolerance, Third report on Romania, p. 6

<sup>13</sup> Roma Centre for Social Intervention and Studies, p. 5

<sup>14</sup> Roma Centre for Social Intervention and Studies, p. 1

<sup>15</sup> Roma Centre for Social Intervention and Studies, p. 1

<sup>16</sup> Roma Centre for Social Intervention and Studies, p. 3

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- <sup>17</sup> Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities, Second Opinion on Romania, p. 37
- <sup>18</sup> Amnesty International, p. 2
- <sup>19</sup> Amnesty International, p. 3
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