

# Romania

## Mid-term Implementation Assessment



**UPR-INFO.ORG**  
PROMOTING AND STRENGTHENING THE UNIVERSAL PERIODIC REVIEW



## Introduction

### 1. Purpose of the follow-up programme

*The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.*

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also more specifically to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC).

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are willing to follow and implement their commitments: civil society should monitor the implementation of the recommendations that States should implement.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 22 November 2011



## Follow-up Outcomes

### 1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/romania>

We invite the reader to consult that webpage since all recommendations, all stakeholders reports and the unedited comments as well can be found at that very internet address.

15 NGOs were contacted. Both the Permanent Mission to the UN in Geneva and the State were contacted. The domestic NHRI was contacted as well.

1 NGO responded to our enquiry. The State under Review shared a mid-term report. The domestic NHRI did not respond to our enquiry.

*IRI*: 7 recommendations are not implemented, 19 recommendations are partially implemented, and 28 recommendations are fully implemented. No answer was received for 0 out of 55 recommendations.

### 2. Index

Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
1	Sexual rights, Human rights education and training, Detention conditions,	page 5	fully impl.
2	Women's rights, Right to education, Minorities,	page 5	not impl.
3	Torture and other CID treatment, International instruments, Enforced disappearances, Disabilities,	page 5	partially impl.
4	International instruments, Enforced disappearances,	page 5	partially impl.
5	International instruments, Enforced disappearances,	page 5	partially impl.
6	Special procedures, Rights of the Child, Migrants,	page 5	not impl.
7	International instruments	page 6	partially impl.
8	Torture and other CID treatment, International instruments,	page 6	not impl.
9	Sexual rights	page 6	partially impl.
10	Right to health	page 7	fully impl.
11	Rights of the Child, HIV - Aids,	page 7	fully impl.
12	Minorities	page 7	fully impl.



13	Treaty bodies, Minorities,	page 7	fully impl.
14	Minorities	page 7	fully impl.
15	Minorities	page 8	fully impl.
16	Right to health, Disabilities,	page 8	fully impl.
17	Right to health	page 9	fully impl.
18	Women's rights, Rights of the Child, Minorities,	page 9	partially impl.
19	Minorities	page 10	-
20	HIV - Aids	page 10	fully impl.
21	Detention conditions	page 10	partially impl.
22	Other	page 10	partially impl.
23	Right to land	page 11	not impl.
24	Trafficking	page 11	not impl.
25	Rights of the Child, Right to health, Right to education,	page 11	not impl.
26	Minorities	page 12	fully impl.
27	Women's rights	page 12	fully impl.
28	Rights of the Child	page 12	fully impl.
29	Migrants, International instruments,	page 13	partially impl.
30	Torture and other CID treatment, Rights of the Child,	page 13	fully impl.
31	Rights of the Child, Labour, International instruments,	page 14	partially impl.
32	Migrants, International instruments,	page 14	partially impl.
33	Special procedures, Right to health,	page 14	partially impl.
34	Women's rights, UPR process,	page 14	partially impl.
35	Women's rights, Rights of the Child,	page 15	partially impl.
36	Sexual rights, HIV - Aids,	page 15	fully impl.
37	Women's rights, Rights of the Child,	page 15	partially impl.
38	Corruption	page 15	fully impl.
39	Sexual rights, Human rights education and training, HIV - Aids,	page 15	fully impl.
40	Trafficking	page 15	fully impl.
41	Freedom of religion and belief	page 16	fully impl.
42	Freedom of religion and belief	page 17	fully impl.
43	Minorities, Freedom of religion and belief,	page 17	fully impl.
44	Detention conditions	page 17	not impl.
45	Justice, Corruption,	page 17	partially impl.
46	Trafficking, Human rights education and training,	page 18	fully impl.
47	Freedom of religion and belief	page 20	fully impl.
48	Rights of the Child, HIV - Aids,	page 20	fully impl.
49	Detention conditions	page 20	fully impl.
50	Right to health	page 21	partially impl.
51	Minorities	page 21	partially impl.
52	Women's rights, Human rights education and training,	page 21	partially impl.
53	Human rights education and training	page 22	fully impl.
54	Right to land	page 22	fully impl.
55	Sexual rights, Minorities, HIV - Aids,	page 22	fully impl.



### 3. Feedbacks on recommendations

Recommendation n°1: *Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading or Punishment in the near future and designating of an effective national preventive mechanism.* (Recommended by Czech Republic)

IRI: *fully implemented*

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Recommendation n°2: *Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.* (Recommended by Algeria)

IRI: *not implemented*

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Recommendation n°3: *Ratify the Convention for the Protection of All Persons against Enforced Disappearance, the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading or Punishment* (Recommended by Mexico)

IRI: *partially implemented*

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Recommendation n°4: *Ratify the Convention for the Protection of All Persons against Enforced Disappearance.* (Recommended by Argentina)

IRI: *partially implemented*

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Recommendation n°5: *Ratify the Convention for the Protection of All Persons against Enforced Disappearance.* (Recommended by France)

IRI: *partially implemented*

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Recommendation n°6: *Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.* (Recommended by Mexico)

IRI: *not implemented*

#### Romania response:

Romania ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2009. Moreover, the Ministry of Justice has initiated the necessary steps that would allow the designation of an effective national preventive mechanism in due course.

The Convention on the Rights of Persons with Disabilities is approaching the final stage of ratification, having already been submitted to the Parliament.

As regards the Convention for the Protection of All Persons against Enforced Disappearance, the ratification process started in the first part of 2010.



Recommendation n°7: *Take all necessary steps to ensure that relevant Romanian legislation is in conformity with its international undertakings.* (Recommended by United Kingdom)

IRI: *partially implemented*

Romania response:

The Government of Romania examines the impact upon national laws of any international undertaking and takes the measures required for the implementation of such actions. In concrete terms, the Government initiates the ratification procedure of various treaties and drafts implementation measures of decisions or resolutions adopted by the international fora.

Recommendation n°8: *Launch an awareness raising programme on protection of enjoyment of human rights by persons of minority sexual orientation and gender identity for law enforcement personnel as part of a wider comprehensive campaign to prevent and punish any acts of ill-treatment in detention against persons perceived as belonging to these groups.* (Recommended by Czech Republic)

IRI: *not implemented*

Romania response:

The Romanian Police has increased over the last years the share of human rights training in the framework of the curricula for those studying to become Police agents and for Police agents undertaking professional training activities. The abovementioned curricula include topics such as "Human rights in the international norms", "The European system of human rights protection", "The national system of human rights protection", "The respect of human rights by Police officers", "The legal protection of human rights". Human rights of persons belonging to minorities, including the LGBT, are addressed under these curricula topics.

ACCEPT response:

Romanian authorities did not organize trainings on respecting diversity and LGBT issues for law enforcement personnel. There is a serious lack of basic information and negative prejudices about sexual minorities among police forces. The only training initiative on LGBT issues was organized by ACCEPT, in collaboration with The Danish Institute for Human Rights and it was a workshop on hate crimes: "Tracing and tackling hate crimes against LGBT persons". The workshop had two sessions, that took place between 27-29 September 2010 and 11-12 April 2011 in Bucharest. A total of 25 police officers were selected by Bucharest Police, from police sections where gay clubs and cruising areas are located

Recommendation n°9: *Investigate and prosecute those responsible for the attacks on peaceful lesbian and gay activists and ensure that future LGBT gatherings, including the annual GayFests, are both permitted and protected by the Romanian authorities.* (Recommended by Finland)

IRI: *partially implemented*

Romania response:

Regarding the incidents during the Gayfest in 2007, all citizens that violated public order during the parade received fines or were criminally investigated. 65 sanctions

were applied on that occasion for disturbances of public order; 11 people were further investigated for minor crimes, 9 of whom were prosecuted. Events involving LGBT participation, including the annual GayFests, are permitted in Romania and protected as well. On the occasion of similar events occurred during the period 2008-2010, the Romanian authorities took special security measures so as to ensure their smooth development. Organisers of the parades collaborated with the Police in the establishment of the route and of the timing of the event.

ACCEPT response:

The gay marches are permitted and protected by the authorities. However, they impose a short and non-visible route which impinges upon freedom of assembly. After 2006's gay march, six of the participants were verbally and physically abused by a group of young people, due to their sexual orientation. A complaint was filed with the police and two of the aggressors were identified. In June 2011, the authorities closed the case due to status of limitations (five years). No measure was undertaken to sanction the perpetrators. After 2011 gay march, one person was assaulted; the police is investigating the case.

Recommendation n°10: *Undertake further measures to improve sexual and reproductive health especially for marginalized groups.* (Recommended by *United Kingdom*)

IRI: *fully implemented*

Romania response:

The National Health Programs implemented by the Ministry of Health have constantly provided for an increased access to services of sexual and reproduction health, especially for marginalized groups.

Recommendation n°11: *Continue to respect and promote the human rights of vulnerable groups, including the Roma communities.* (Recommended by *Philippines*)

IRI: *fully implemented*

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Recommendation n°12: *Continue to take further action to ensure equal enjoyment of human rights by Roma people.* (Recommended by *Bangladesh*)

IRI: *fully implemented*

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Recommendation n°13: *Take further appropriate and effective measures to eliminate discrimination against Roma and ensure in particular their access to education, housing, healthcare and employment without discrimination, and gives a follow up to the recommendations of the United Nations human rights bodies in this regard.* (Recommended by *Netherlands*)

IRI: *fully implemented*

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Recommendation n°14: *Take further appropriate and effective measures to eliminate discrimination against Roma.* (Recommended by *Brazil*)

IRI: *fully implemented*

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Recommendation n°15: *Ensure in particular access by Roma to education, housing, healthcare.* (Recommended by *France*)

IRI: *fully implemented*

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Recommendation n°16: *Continue to take further action to ensure equal enjoyment of human rights by Roma people.* (Recommended by *Ireland*)

IRI: *fully implemented*

Romania response:

Romania has continued to pay special attention to vulnerable groups, including the Roma communities. Various measures were implemented in the field of education, housing, healthcare and employment, which have produced concrete results over the last years. In terms of education, school mediators, which function as a valuable link between the community and the school, have been constantly trained over the last years.

The practice of reserved seats for Roma in various academic programmes, on an annual basis, has been reinforced. 492 seats were reserved and occupied by young Roma in the academic year 2009-2010 and 555 seats are reserved for Roma in the school year 2010-2011.

The Romanian Police, Border Police and the Romanian Gendarmerie continued their efforts in order to enlist national minorities, in particular Roma, to entrance exams organized by police and gendarmerie schools. The Government maintained the institution of the Roma Health Mediators, who facilitate the communication between members of the Roma community and the health personnel and also their access to health care services. With regard to access to housing, the authorities have proven to strive for making the best use of the available resources and provide persons in need with adequate social housing, irrespective of their ethnicity. The Government initiated in 2008 a pilot program "Social housing for the Roma communities", financed from the state budget and intends to implement social housing projects in the 8 development regions of Romania, in locations determined in cooperation with the local authorities and the National Agency for Roma. In 2010, a number of 301 apartments are expected to be constructed.

In case of evictions (which are motivated by the necessity to restore the legality or to protect the physical integrity or the property of the persons involved), the Government seeks the appropriate solutions to provide adequate housing alternatives available within the existing financial constraints. The National Agency for Cadastre and Legal Registration is currently implementing the CESAR Project, aiming at registering in the integrated cadastre and land books, the properties from a number of 19 counties. A component of the CESAR Project consists of a public campaign aiming at informing the citizens belonging to Roma communities about the benefits of this program. The CESAR Project pays great attention to the social aspects of the registering process of properties, taking thus into consideration the special situations that may occur (e.g. lack of property documents, lack of marriage certificates due to customary marriages, etc).



The National Agency for Employment has succeeded to improving the access of the Roma to the labour market, by taking measures such as: organising special Job Fairs and advertising such actions, as well as the rights of the Roma, by means of press conferences, radio and TV appearances; organising employment caravans in the Roma communities, with a view to identifying employment opportunities, as well as providing information on the rights and obligations of the Roma and the services they may benefit from in view of securing employment; developing partnerships with the National Agency for Roma and with NGOs actively supporting the Roma; partnership with the Roma Centre AMARERROMENTZA "Vocational counselling and job-matching centres for the Roma", partnership with the Resource Centre for the Roma Communities "Supporting the development of the Roma communities in the NW and Centre development regions".

The National Agency for Roma received 25 million Euros in 2008, from the European Social Fund, for projects dedicated to improving the participation of Roma on the labour market. The Government followed a complex approach, covering not only the employment objective per se, but also the provision of adequate training and diversification of opportunities for their integration in the labour market.

*Recommendation n°17: Develop further measures to combat discrimination against people living with disabilities, including by providing improved access to social and health services. (Recommended by Ireland)*

*IRI: fully implemented*

Romania response:

Based on objectives set out in the National Strategy for the protection, integration and social inclusion of persons with disabilities for 2006-2013 and its related Action Plan, the National Authority for Persons with Disabilities, together with the Ministry of Health and the Ministry of Labour, Family and Social Protection, undertook a series of measures (in the fields of health protection, professional education and training, labour and adaptation of the workplace, professional orientation and reconversion, social assistance, dwelling, arrangement of personal life surroundings, transport, access to the physical, informational and communicational environment; spending of leisure time, access to culture, sport, tourism, legal assistance, fiscal facilities) meant to ensure the same rights for people with disabilities as for the other members of the society.

*Recommendation n°18: Strengthen its efforts in bringing more equity in ensuring rights and opportunities of rural communities especially, ethnic minorities, women and children who live in those areas. (Recommended by Mexico)*

*IRI: partially implemented*

Romania response:

The 2007-2013 National Strategy for Implementing Measures on Preventing and Combating Discrimination aims at ensuring equal rights for all persons, irrespective of their ethnicity, gender, age or origin. Based on the conclusions of a recent governmental survey, the situation of women in the rural areas still needs to be addressed more vigorously, in the context of the general awareness-raising



measures on women's rights. As part of its efforts to re-launch the education in the rural areas, Ministry of Education, Research and Youth implemented a programme, in partnership with the World Bank, for the period 2003-2009, with the purpose to ensure the adequate sanitary conditions in schools from disadvantaged areas and to provide for furniture and rehabilitation works in 1500 schools from the undergraduate educational system.

Recommendation n°19: *Ensure that people living with HIV-AIDS, especially children, can fully enjoy their human rights through, among others, equitable access to basic services and education.* (Recommended by *Philippines*)

IRI: -

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Recommendation n°20: *Provide effective sanctions for discrimination against people living with HIV, to ban mandatory HIV testing as a condition of employment and to ensure that persons living with HIV are not arbitrarily prevented from working or attending vocational schools.* (Recommended by *Czech Republic*)

IRI: *fully implemented*

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Recommendation n°21: *Continue to take further action to combat the prevalence of HIV-AIDS among children and discrimination against people living with HIV-AIDS by providing adequate treatment and information.* (Recommended by *Ireland*)

IRI: *partially implemented*

#### Romania response:

The Governmental Ordinance nr. 37/2000 on the prevention and sanctioning of all forms of discrimination, as subsequently modified, offers a comprehensive definition of the concept of "discrimination", as any distinction, exclusion, restriction or preference based on race, nationality, ethnic origin, language, religion, social origin, beliefs, gender, sexual orientation, age, disability, chronic non-infectious disease, HIV infection, appurtenance to a disadvantaged category or any other criteria which have the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. The Ordinance prohibits and sanctions discriminatory acts committed by natural and legal persons, in all their forms (direct discrimination, indirect discrimination, harassment, multiple discrimination, order to discriminate and victimization).

According to the Labour Code, a person can get employed only based on a medical certificate, which indicates that the respective person is capable to carry out the required work. Hence, there is no obligation for HIV testing upon getting hired.

Romania implemented a national program focused on combating the HIV/AIDS and on improving the medical assistance provided to people diagnosed with HIV/AIDS.

Recommendation n°22: *Continue its efforts in combating discrimination.* (Recommended by *Argentina*)

IRI: *partially implemented*

Romania response:

The 2007-2013 National Strategy for Implementing Measures on Preventing and Combating Discrimination, which is still under implementation, focuses on categories most exposed to discrimination such as Roma, persons with disabilities and people living with HIV/AIDS. For more details, idem as for recommendations [17 and 19].

Recommendation n°23: *Take additional measures to fight discrimination against minorities, including the Roma population, as well as homosexuals and persons living with HIV-AIDS.* (Recommended by *Canada*)

IRI: *not implemented*

Romania response:

The 2007-2013 National Strategy for Implementing Measures on Preventing and Combating Discrimination, which is still under implementation, focuses on categories most exposed to discrimination such as Roma, persons with disabilities and people living with HIV/AIDS. For more details, idem as for recommendations [17 and 19].

ACCEPT response:

The authorities do not take preventive measures to fight discrimination against homosexuals. The 2007-2013 National Strategy for Implementing Measures on Preventing and Combating Discrimination does not have action plans for its implementation and no activities have been carried out so far focusing on discrimination on sexual orientation.

Recommendation n°24: *Continue the adoption of measures, including awareness raising programmes, against negative prejudices and discrimination against people living with HIV and sexual minorities.* (Recommended by *Czech Republic*)

IRI: *not implemented*

Romania response:

The 2007-2013 National Strategy for Implementing Measures on Preventing and Combating Discrimination, which is still under implementation, focuses on categories most exposed to discrimination such as Roma, persons with disabilities and people living with HIV/AIDS. For more details, idem as for recommendations [17 and 19].

ACCEPT response:

The authorities did not initiate awareness raising programs against negative prejudices and discrimination against sexual minorities.

Recommendation n°25: *Take additional measures to fight discrimination against homosexuals and persons living with HIV-AIDS.* (Recommended by *France*)

IRI: *not implemented*

Romania response:

The 2007-2013 National Strategy for Implementing Measures on Preventing and Combating Discrimination, which is still under implementation, focuses on categories most exposed to discrimination such as Roma, persons with disabilities and people living with HIV/AIDS. For more details, idem as for recommendations [17 and 19].



ACCEPT response:

According to the survey "Fenomenul discriminării în România", November 2010, ordered by the National Council for Combating Discrimination, homosexuals are the second most discriminated group (with 55% of the population feeling some discomfort on daily interaction with a homosexual). Yet, no measures to combat discrimination were undertaken by the State. Moreover, legislative measures aimed against same-sex couples were initiated in the Parliament and some of them were adopted. These lead to further stigmatization and discrimination of homosexuals in the society. For example, the new Civil Code, which will come into force in October 2011, introduced a restrictive definition of family - a man and a woman united by marriage - compared to the previous definition formulated in gender-neutral terms. Further, it prohibits same-sex marriage and does not recognize same-sex marriages and civil partnerships contracted abroad, by Romanian citizens or by foreigners. There are no programs initiated, trainings organized, codes of conduct drafted within public authorities addressing the issue of discrimination on the ground of sexual orientation. Sexual orientation is not addressed in education system and sexuality education is not taught in schools. A positive development is a decision taken by the 2nd District Court, Bucharest, sanctioning the National Authority of Penitentiaries for not ensuring effective protective measures against discrimination and sexual violence taking place in penitentiaries against LGBT people. The decision is not final. The National Authority of Penitentiaries appealed and persisted in the manifestation of discriminatory attitudes on grounds of sexual orientation in the written motivation of its appeal.

Recommendation n°26: *Continue to work on improving the situation of children's rights in particular Roma children's right general public, in political discourse and media presentations, on police brutality and discrimination and to raise awareness of the need to improve the overall situation of human rights.* (Recommended by Algeria)

IRI: *fully implemented*

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Recommendation n°27: *Guarantee better the rights of the child, especially the rights to civil registry, education, health and protection against violence.* (Recommended by France)

IRI: *fully implemented*

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Recommendation n°28: *Continue to work on improving the situation of children's rights.* (Recommended by Tunisia)

IRI: *fully implemented*

Romania response:

Although the main objectives of child protection reforms have already been achieved, changes are still ongoing as part of the adaptation process to the realities of contemporary Romanian society and to the best interests and needs of the Romanian children. Given the high priority of children's rights on the national political agenda since 1990, the general public and the authorities have become more educated on child-related topics. Nevertheless, the Government needs to continue its efforts in the area. No complaint concerning ill-treatment or abuse of children by



Police officers was referred to the Police from 2007 on. The children's access to medical and recovery services is guaranteed, without any discrimination, by the State and the related costs are borne by the National Fund for Health Social Insurances and the state budget. All children up to 18 years old benefit from free insurance, in the absence of any contribution to the National Fund for Health Social Insurances. For reducing phenomena such as school dropout and absenteeism, the Ministry of Education, Research and Youth has developed educational programmes for supporting school participation throughout the entire undergraduate system, such as: supporting the education of disadvantaged groups (PHARE Programme "Access to education for disadvantaged groups", "The Second Chance" Programme); offering financial support and school transport (Programmes: "Money for high school", EURO 200, "Roll and Milk"); the rehabilitation of the educational facilities and the building of new educational units (kindergartens, school campus), the programme for relaunching school education.

*Recommendation n°29: Intensify efforts to implement the recommendations made by the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on human rights of migrants. (Recommended by Mexico)*

*IRI: partially implemented*

Romania response:

The national legislation covers any form of violence, abuse (including of sexual nature), bad treatment or negligence targeting children. Based on the existing legislative framework, the Government also adopted the National Action Plan for preventing and fighting sexual abuse and sexual exploitation of children for commercial purposes. The efforts of the authorities focussed, inter alia, on supporting and developing specialized services accessible to child victims, including the creation of specialized emergency and social rehabilitation centres. Romania has assumed an active role within the regional and international networks which fight against sexual abuse of children and young people, as well as against sale and trafficking for commercial purposes. The authorities also developed awareness-raising programmes and campaigns addressed to the general public. Information was also provided in the educational units (e.g. meeting with pupils, debates on personal safety etc). Partnership protocols have been closed between the county police inspectorates, other responsible institutions and the NGOs. The 2007 Lanzarote Convention on the protection of children against sexual exploitation and sexual abuse is approaching the final stage of ratification, having already been submitted to the Parliament.

*Recommendation n°30: Expressly prohibit corporal punishment in the home, school and institutions and promote alternative methods of discipline. (Recommended by Russian Federation)*

*IRI: fully implemented*

Romania response:

The 2004 law on the protection and promotion of the rights of the child expressly prohibits corporal punishment of children in any circumstances. Any disciplinary



actions applied in schools must be taken in observance of the child's dignity. Physical punishments or those affecting the child's physical and mental development or emotional state are forbidden.

Recommendation n°31: *Take effective steps to ensure the implementation of the Convention on the Rights of the Child and the ILO Conventions No. 138 concerning Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.* (Recommended by *Russian Federation*)

IRI: *partially implemented*

Romania response:

Romania took concrete steps to ensure the implementation of those conventions in the past, but has continued to work towards increasing the effectiveness of such measures. Relating to the implementation of the ILO Convention No. 182, the Government approved the Decision no. 867/14 August 2009 concerning the prohibition of dangerous forms of child labor, which also includes a list of such forms of child labor. This document lays out operational definitions for the concepts introduced by the ILO Convention No. 182, including criteria for indicating dangerous forms of child labor, as useful instruments for employers, experts in the field of child protection, law enforcement structures and civil society. The Decision is applicable to all employers from the formal sector, as well as from the informal sector, including NGOs, authorized natural persons, family associations and also individuals who are using child labor. Moreover, the Decision introduces a series of methodological approaches regarding the identification and the referral of children victims or children in risk.

Recommendation n°32: *Enhance measures aimed at improving women's rights through education, in particular for the Roma and rural women.* (Recommended by *Algeria*)

IRI: *partially implemented*

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Recommendation n°33: *Recommended that there should be awareness campaigns for education on human rights and in particular for women's rights.* (Recommended by *Guatemala*)

IRI: *partially implemented*

Romania response:

The National Agency for Equal Opportunities between Women and Men has implemented projects such as "The network of pilot centres for women -ESTHIA" and "FemRRom- Improving access of Roma women on the labour market and supporting the social economy". The Agency has also undertaken several information and awareness campaigns on women's rights.

Recommendation n°34: *Systematically and continuously integrate gender perspective in the follow up process to the review.* (Recommended by *Slovenia*)

IRI: *partially implemented*

Romania response:

A new Strategy in the field of Equal Opportunities between Women and Men, for 2010-2012, was adopted by the Government, after consultation of the relevant authority with all interested parties. This document aims at ensuring gender mainstreaming in all national policies and programs.

Recommendation n°35: *Adopt and effectively implement measures to prevent and eliminate domestic violence against women.* (Recommended by Italy)

IRI: *partially implemented*

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Recommendation n°36: *Strengthen the efforts made to combat violence against women by way of information, prevention, protection of victims and punishment of the perpetrators.* (Recommended by France)

IRI: *fully implemented*

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Recommendation n°37: *Adopt and effectively implement measures to prevent and eliminate domestic violence against women.* (Recommended by Turkey)

IRI: *partially implemented*

Romania response:

A new strategy to combat domestic violence for 2008-2013 and its related Action Plan are currently implemented. On this basis, a project on "Prevention of the family violence in the rural environment" was undertaken between September 2008 and September 2009, aiming at increasing the expertise of the Police officers that are responsible with prevention and victim protection activities. Moreover, the Police and the National Agency for Equal Opportunities between Men and Women undertook preventive campaigns directed at informing potential victims with regard to the impact of domestic violence and its social consequences and at encouraging victims/other citizens to promptly report such cases.

Recommendation n°38: *Take additional measures to combat human trafficking, including the provision of training for police in dealing with victims of human trafficking and sexual abuse, and the implementation of a system of witness protection in cases of trafficking.* (Recommended by Canada)

IRI: *fully implemented*

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Recommendation n°39: *Strengthen protection of victims of trafficking.* (Recommended by Czech Republic)

IRI: *fully implemented*

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Recommendation n°40: *Continue to improve the protection and assistance to victims, as well as to raise public awareness on the risks of trafficking.* (Recommended by Ukraine)

IRI: *fully implemented*

Romania response:

The Romanian Government adopted a National Strategy against Trafficking in Persons and a National Action Plan for the Strategy's implementation for 2008-2010.



With the view to implementing the Action Plan, the National Agency against Trafficking in Persons concluded cooperation protocols with several institutions, such as: the General Inspectorate of Border Police, the National Office of Trade Registry, the Ministry of Health and non-governmental organizations (e.g. Save the Children Romania, the Ecumenical Association of the Churches in Romania (AIDRom), the Institute for Social Policies). In the framework of national and international projects related to trafficking in human beings, the Romanian police officers are constantly trained for ensuring the success of their interaction with victims of trafficking and of their protective mission. Moreover, the National Agency against Trafficking in Persons implements, through its regional centres, the "Program of coordination of victims -witnesses/third party in criminal proceedings", which aims at ensuring permanent contact between its staff and the victims, offering information about the rights victims have and the legal aspects of proceedings. According to the Witness Protection Law no. 682/2002, a witness to a serious crime, such as trafficking in persons, can be included in the witness protection programme, based on the decision of a prosecutor or a court. Victims of trafficking in human beings are also provided with assistance and protection services, either in centres set up by the State, in accordance with art. 32 of Law no.678/2001 regarding the prevention and fighting against trafficking in persons, or in centres organized by NGOs. The Romanian authorities also undertook several campaigns meant to raise public awareness on the risks of trafficking, as follows: "Your money makes the drug dealers reach... Your money murders souls!", organised between October 2008 - June 2009; "the Man with two faces", a national campaign launched in July 2009, in order to prevent the sexual exploitation of women; "REACT"- Raising awareness and Empowerment against Child Trafficking, a project targeting children.

Recommendation n°41: *Harmonize further its legislation in the field of religious freedom with international standards.* (Recommended by *Slovenia*)

IRI: *fully implemented*

Romania response:

The report of the 8th UPR session states that Romania accepted all the recommendations, except for two of them, among which the recommendation 18, concerning "the need to further harmonize its legislation in the field of religious freedom with international standards". The report further sets out that "With regard to its legislation regarding freedom of religion, Romania considered that its 2006 law is in line with international standards. The Romanian legislation provides for a framework that ensures the non-discriminatory exercise of the freedom of conscience by all Romanian citizens. The new law establishes a transparent system for the recognition of religious denominations. The law also regulates the institution of religious associations. Both religious denominations and religious associations represent associative structures with legal personality and religious purpose, being differentiated only by the fact that the religious denominations are granted de jure the status of public utility and, therefore, benefit from direct financial support from the State. This delineation does not infringe, in any way, upon a person's right to freely exercise his/her religion or belief. In addition, the religious associations also benefit from a series of fiscal exemptions.



Recommendation n°42: *Take steps to reassess the measures needed to ensure that the principle of freedom of religion and belief is implemented without discrimination.* (Recommended by *Denmark*)

IRI: *fully implemented*

Romania response:

The relevant authorities are monitoring the situation of the implementation of the principle of freedom of religion or belief and are ready to react in case any discrimination is perceived.

Recommendation n°43: *Strengthen its efforts to protect the rights to freedom of religion by ensuring that persons belonging to religious minorities are able to freely exercise their religion and that rights of persons belonging to religious minorities are protected and respected without discrimination.* (Recommended by *Finland*)

IRI: *fully implemented*

Romania response:

Law no. 489/2006 on the religious freedom and the general regime of religious denominations provides and ensures religious freedom to the persons belonging to religious minorities. Both the 2006 Law and the Governmental Ordinance no.137/2001 on the prevention and sanctioning of all forms of discrimination, as further revised, prohibit any form of discrimination based on religion. The 2006 Law forbids any requirement to mention one person's religion in his/her relations with public authorities or private law entities. Also, using personal data relating to religious beliefs or appurtenance to a religious denomination is prohibited unless the respective person has expressly consented in this regard or for the purpose of a legally approved census. Another important aspect is that freedom of religious education is guaranteed, as well as the right of parents or legal tutors to ensure, in accordance with their own convictions, the education of their minor children.

Recommendation n°44: *Be more proactive in identifying and putting a stop to religious intolerance.* (Recommended by *Denmark*)

IRI: *not implemented*

Romania response:

Up to present, the relevant Romanian authority, the State Secretariat for Religious Denominations, has not received any complaint concerning acts of religious defamation or intolerance from any of the religious denominations or from any individual.

Recommendation n°45: *Develop a coherent country-wide anti-corruption strategy and monitor its implementation.* (Recommended by *Canada*)

IRI: *partially implemented*

Romania response:

In 2008 the Government adopted "the National anti-corruption strategy for the period 2008-2010 concerning vulnerable sectors and the public local administration". A Monitoring Committee was tasked with monitoring the application of the Strategy on



an annual basis. Also, an expert-level Working Group was set up in order to supervise the implementation of specific measures provided in this Strategy. It comprises representatives of all central authorities with competencies in the area, as well as representatives of 11 local public authorities. Furthermore, the Working Group prepared mid-term evaluation reports on the implementation of each sector falling under the scope of the Strategy. The reports describe not only the progress achieved in implementing these measures, but also the impact generated by these implementation efforts. Proposals for rendering the anticorruption actions more efficient will be presented during the next meeting of the Monitoring Committee. In September 2010, the intermediate evaluation report was debated by the Monitoring Committee.

This Committee formulated a number of recommendations, such as:

- drafting a new strategic document establishing new objectives for preventing and combating corruption within the public administration;
- extending the monitoring of the implementation of the new strategic document to a larger number of administrative territorial units;
- elaborating certain SMART objectives, as well as identifying both quantitative and qualitative indicators etc.

*Recommendation n°46: Strengthen the capacity of the judiciary at all levels and accelerate legal reforms, especially in the field of judicial treatment of high-level corruption as per the objective stated in the European Commission report of 27 June 2007 under the Cooperation and Verification Mechanism. (Recommended by Canada)*

*IRI: fully implemented*

#### Romania response:

As an essential step forward in the fulfilment of the justice reform process, the Civil and Criminal Procedure Codes were adopted by the Parliament on 22 June 2010. In order to advance the implementation of some important reforms, including with reference to the Procedural Codes, the Government approved, on 23 July 2010, a draft law for accelerating the judicial procedures, the so-called "small reform law". The draft law is pending approval by the Parliament. It aims at reducing the workload of the High Court of Cassation and Justice (HCCJ), as well as reducing the workload of judges from labour and social security court sections; reducing the duration of trials and increasing the efficiency of judicial proceedings in criminal matters; eliminating the unjustified delays in a trial by formulating the obligation for the court to set short procedural terms; reforming the procedure for solving the appeals in the interest of the law, both in civil and criminal matters (e.g. extending the categories of subjects who have legal standing to submit such an appeal, reducing the duration of the procedure by introducing deadlines for solving the appeal in the interest of the law, for its motivation and publication etc.); improving the procedure for the enforcement of judgments in civil matters; reducing the workload of tribunals in order to ensure the celerity of complex criminal cases.

The Ministry of Justice and the World Bank agreed on the implementation of a program for assistance in preparing the impact assessment of the new codes. The



technical evaluation report on the changes in courts' workload was approved by the World Bank and is scheduled to start this September. Also, a Strategy for the Development of the Judiciary as Public Service (2010-2014) is currently pending Governmental approval. The Strategy sets out the main objectives of the public policies regarding the judiciary for the next four years. On the basis of the Strategy, an Action Plan will be drawn up. The most important objectives of the Strategy are focussed on the new codes, namely: the adoption of the laws for the implementation of the new codes, the preparation of the related impact studies and preparation of the system for the entering into force of the codes. Furthermore, the Strategy aims at strengthening the judiciary from both the institutional and legislative perspective; ensuring proper financing of the judiciary; modernizing the statute of some professionals in the system or of those connected to the judiciary; promoting a transparent communication strategy.

With reference to the activity of the Public Ministry, the Twinning Light Program "Consolidating the Romanian Practical and Legal Framework in the Field of Confiscation and Assets Recovery" was implemented and finalised in June 2010. The program aimed at increasing the institutional capacity in the field of asset recovery by evaluating the current system, training the prosecutors and drafting a best practices guide. Following this program, a new project regarding the training of financial investigators within the prosecutor's offices and judicial police was elaborated. With regards to strengthening the transparency and accountability of the Superior Council of the Magistracy (SCM), progress had been made, namely: - based on the recommendations from the EC Report in July 2009, the SCM has updated its main directions of action for 2009-2010 as follows: submitting a legislative amendment for limiting the categories of magistrates who might ask for anticipated retirement; focusing the professional training of magistrates for 2010 on the new civil and criminal codes; improving the legal framework on the evaluation of judges and prosecutors; the elaboration of a collection of jurisprudence on disciplinary matters for 2007-2009. The activities towards accomplishing the measures are monitored and assessed. - Since the last Commission's report, the SCM ensured the publication of the reasoned decisions of SCM on its own website as well as the publication of the collection of jurisprudence on disciplinary matters for the period 2006-2009. Furthermore, the complete agendas of the meetings are now routinely published. - In response to concerns regarding the objectivity and transparency of the evaluation process undertaken by the SCM in order to select judges for promotion to the HCCJ, the SCM Plenum approved, in April 2010, the Guidelines on the selection of the candidates for the judge position at the HCCJ.

The draft Law for modifying Law no.47/1992 on the organisation and functioning of the Constitutional Court was adopted by the Senate in August 2010. The new law will speed up judicial proceedings, by eliminating the de jure suspension of the case when the constitutionality of a legal text is challenged during a trial, thus avoiding unreasonable delays and abuses of law in judging cases. In order to preserve compliance with the Constitution, a special ground for revision is introduced both in the Civil and Criminal Procedure Codes, applicable to the situations in which the Constitutional Court declared unconstitutional the challenged legal text after the settlement of the case. Also, Romania has developed its track record in the fight



against corruption. The National Anti-Corruption Directorate continues to show a good track record in the investigation of high-level corruption reflected in further indictments and an increased number of final court judgements.

Two awareness-raising campaigns were designed and implemented, addressing mainly the impact of corruption on citizens: "Corruption convicts you" and "Family has a future, corruption does not!". Another campaign "I finance the slavery!" is currently being implemented

Recommendation n°47: *Continue and strengthen its efforts to avoid ill-treatment of prisoners, while ensuring that all cases of abuse and excessive use of force by authorities be investigated and appropriate measures be taken.* (Recommended by Denmark)

IRI: *fully implemented*

Romania response:

Any complaint concerning ill-treatment or abuses by the Police is thoroughly investigated, by the relevant control structures within the Police or by prosecutors from tribunals or appellate courts, depending on the allegation. Sanctions can vary from disciplinary to criminal ones. In order to prevent such abuses, the police officers and other personnel members are informed about the legal norms that apply, either on the occasion of training or through several internal legal procedures. Furthermore, the judicial authorities strive to respond to any report of ill treatment. The right to file complaints is guaranteed, including for non-governmental organizations. Where the administration of the detention place finds any violations of the rights of persons who are deprived of freedom, it takes measures to punish those responsible, and, where necessary, notifies the bodies of criminal prosecution. Persons deprived of freedom may appeal against any measures taken by the penitentiary administration concerning the exercise of their rights with the delegated judge for execution of custodial penalties. The delegated judge solves the appeal by means of a reasoned order. The detained person may appeal against such order with the first instance court under whose jurisdiction the penitentiary is located.

Recommendation n°48: *Take further action to improve living conditions in places of detention.* (Recommended by Ireland)

IRI: *fully implemented*

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Recommendation n°49: *Take further action to improve living conditions in places of detention.* (Recommended by Turkey)

IRI: *fully implemented*

Romania response:

The Romanian authorities have taken further measures to improve living conditions in places of detention. Several programmes for thermal plants rehabilitation have been implemented, which led to the installation of modern gas plants and light fuel plants. The efficiency of lucrative activities involving detainees has also been enhanced, standards of internal control have been strengthened and investments have been made into the quality of the detention facilities. As for food standards, the



value norm has replaced the caloric norms, consequently, there are no more differences between the food provided to inmates and to staff members. In terms of health, the inmates benefit from free health care and medicines. Each penitentiary has at least a general practitioner, a dentist and nurses providing permanent health care. The prisoners suffering from acute or chronic disorders benefit from special care and surveillance in the prison infirmaries, specialized ambulatories, public hospitals or hospitals in their own health network, and in case of medical or surgical emergencies, they are transferred to the nearest hospital in the community. In order to observe the legal rights of the detainees, works have also continued in order to rehabilitate/modernize police detention facilities and to provide them with the necessary facilities (e.g. a bed per person; modern means of transportation; mail-boxes and phones, libraries; TVs). More than 70% of the court clerks offices and visiting rooms have been rehabilitated.

Recommendation n°50: *Consider urgently improvements to conditions for psychiatric patients.* (Recommended by *United Kingdom*)

IRI: *partially implemented*

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Recommendation n°51: *Enact further measures to ensure adequate provision of mental health care.* (Recommended by *Ireland*)

IRI: *partially implemented*

Romania response:

Experts from the Ministry of Health (MH) and from the National Centre for Mental Health (NCMH) drafted together a series of national plans addressing the issue of mental health. As for specific measures, social assistants responsible with monitoring the observance of human rights in psychiatric hospitals were hired in any unit and specific training was provided to them. The Ministry of Health also invested in medical infrastructure and the development of mental health centres, with the aim of reducing the number of admissions and readmissions and the duration of hospitalization. Moreover, a Guide on health services and care standards for mental health patients in hospitals and community centres has been elaborated. Since 2008, the number of professionals has also increased substantially.

Recommendation n°52: *Apply the recommendation of the Special Rapporteur on the right to health on obstacles to access to health services by marginal populations, and to address this problem through educational programmes on diversity, and to train professionals in the health sectors.* (Recommended by *Guatemala*)

IRI: *partially implemented*

Romania response:

As mentioned [in recommendation 11], the Roma Health Mediators and the Community Nurses are mainly tasked to facilitate access of Roma people and other marginal populations (e.g. from rural zones) to health care services. They receive adequate training, which prepares them for responding to the specificities of their job.

ACCEPT response:



The State does not have a policy as to diversity and non-discrimination training for health care professionals and students learning to become healthcare professionals.

Recommendation n°53: *Develop a national strategy for human rights education in the school system in accordance with the Plan of Action 2005-2009 of the World Programme for Human Rights Education, including the review and revision of curricula and textbooks, the training of teachers, and the practice of human rights in the school community.* (Recommended by *Italy*)

IRI: *fully implemented*

Romania response:

The educational policy of Romania is in agreement with the objectives, directions and recommendations of the Plan of Action 2005-2009 of the World Programme for Human Rights Education. The Strategy for the Development of Pre-university Education includes a section on education in the field of human rights, which is achieved based on formal curricula or informal extra-curricula. The formal curricula imply systematic education, structured according to the level of education, and specialized personnel (educators in kinder garden, primary school educators and teachers). The disciplines that include human rights subjects are as follows: civic education, civic culture, sociology, philosophy, social studies and intercultural education. Informal extra-curricula consist in educative activities undertaken outside the formal education system, by the school or in partnership with local authorities, NGOs or other institutions. As regards teachers, they can annually participate to the "National contest on didactic creativity in relation to auxiliary documentation for education in the field of human rights, democracy and a culture of peace in the pre-university education", organized by the Ministry of Education, Research, Youth and Sports and the Romanian Institute for Human Rights.

Recommendation n°54: *Make vigorous efforts to work with the Orthodox Church on the issue of property returns, including for it to abide by judicial rulings.* (Recommended by *United States*)

IRI: *fully implemented*

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Recommendation n°55: *Accelerate the property restitution process.* (Recommended by *Canada*)

IRI: *fully implemented*

Romania response:

So far the Orthodox Church returned to the Romanian Church United with Rome (Greek-Catholic) 232 places of worship, among which four out of the five Episcopal cathedrals. The State Secretariat for Religious Denominations promotes dialogue as a means to find equitable solutions for the situations in the field. Cases that cannot be solved by amicable understanding are to be solved in court. Judgements are compulsory for any litigant party.

## Methodology

### A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted both the delegate who represented the State at the UPR and the Permanent Mission to the UN in Geneva or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we consider positive feedbacks from the latter.

### A. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, communication is split up among recommendations we think it belongs to. Since such a task opens the way of misinterpretation, we strongly encourage using the Excel sheet.

If the stakeholder does not clearly mention neither the recommendation was “fully implemented” nor “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

While we do not mention recommendations which were not addressed, they can be accessed on the follow-up webpage.



## B. Implementation Recommendation Index (IRI)

*UPR Info* developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show both disputed and agreed recommendations.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is noted as 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review says the recommendation has been fully implemented and a stakeholder says it has been partially implemented, score is 0.75.

Then the score is transformed into an implementation level, according to the table hereafter:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Contact

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**UPR Info**

Avenue du Mail 14

CH - 1205 Geneva

Switzerland

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Website:

<http://www.upr-info.org>



Phone:

+ 41 (0) 22 321 77 70

Fax:

+ 41 (0) 22 321 77 71

*General enquiries*

[info@upr-info.org](mailto:info@upr-info.org)

*Follow-up programme*

[followup@upr-info.org](mailto:followup@upr-info.org)

*Newsletter "UPR Trax"*

[uprtrax@upr-info.org](mailto:uprtrax@upr-info.org)