



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

7 August 2018

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Romania and welcome the constructive engagement of your Government during the 29th session of the UPR Working Group in January 2018.

As the final outcome report on the review of Romania has been recently adopted by the Human Rights Council at its 38th session, I am writing to follow up on a number of areas raised in two reports that my Office has prepared for the review – the compilation of UN information and the summary of stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations and/or statements made by 78 countries, the presentation and responses of Romania, and the action taken by the Government to implement the 129 recommendations it had accepted during the second cycle of the UPR. The areas cover a range of issues and are set out in the annex to this letter.

I note with appreciation the establishment of and the broad mandate given to the national preventive mechanism functioning within the Office of the Ombudsman. I encourage Romania to continue its efforts to ensure effective functioning of the Office in its distinct role as the national preventive mechanism.

I also welcome the fact that Romania has adopted several national strategies in key areas, including the independence of the Judiciary, the fight against corruption and trafficking in human beings, the promotion of gender equality, the protection of the rights of persons with disabilities and the rights of the child, and the inclusion of Romanian citizens belonging to Roma minority. I call on the authorities to strengthen their efforts to ensure the effective implementation of those strategies, including by allocating sufficient budget for their implementation in line with international human rights standards in order to facilitate the achievement of concrete results in the areas contained in the annex and the preparation for the fourth cycle of the UPR. The implementation of such strategies and plans should be carried out in close consultations with all stakeholders, in particular national human rights institutions and civil society organisations.

H.E. Mr. Teodor-Viorel Meleşcanu,
Minister for Foreign Affairs
Romania

I encourage Romania to make efforts to strengthen its national mechanism for reporting and follow up in relation to international and regional human rights mechanisms and treaty obligations. I strongly recommend the use of the practical guide that my Office released in 2016 on this topic and which is available at: http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please be advised that I will be sharing my advice with all Member States as they go through the third cycle with a view to assisting them to begin implementing the UPR recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report. I welcome the submission by Romania of a mid-term report regarding the implementation of the recommendations made during the first cycle of the UPR. I encourage Romania to continue this commendable practice and submit a mid-term report for the follow-up of the third cycle of the review, by 2020.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Romania to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.



Zeid Ra'ad Al Hussein
High Commissioner for Human Rights

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the International Labour Organization Domestic Workers Convention (No. 189).

National human rights framework

- Ensure that its national human rights institutions, including the Institute for Human Rights of Romania are in full compliance with the Paris Principles.
- Ensure the full and effective functioning of the Ombudsman for the rights of the child following the adoption of the respective law which entered in force in 2018.

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

A. Cross-cutting issues

Equality and Non-Discrimination

- Strengthen measures to combat discrimination of all forms in law and in practice, notably on the grounds of gender identity and sexual orientation.
- Condemn firmly all instances of hate speech and hate crime and implement effective measures to bring perpetrators to justice and to ensure that the law prohibiting incitement to hatred is applied to all politicians who use racist rhetoric.

Development, the environment, and business and human rights

- Intensify its efforts to combat corruption in the judiciary and in the public sector at all levels by inter alia implementing effectively its anti-corruption policies, including the National Anti-Corruption Strategy and improve its anti-corruption legal framework in line with its commitments at international and regional levels, safeguard the work of the National Anti-Corruption Directorate, and step up preventive measures, such as an increase in the salaries of civil servants and health and education personnel.
- Increase its official development assistance with a view to achieving the international commitment of 0.7 per cent of its gross national product.

B. Civil and political rights

Right to life, liberty and security of person

- Ensure zero tolerance of the use of violence against persons deprived of their liberty at the time of arrest, detention and interrogation and that all incidents of ill-treatment, especially those with a racial bias, by law enforcement officials are firmly condemned, adequately investigated and sanctioned.
- Put an end to the practice of prolonged pre-trial detention in police detention and arrest centres.
- Improve material conditions of police detention centres and prisons in line with the relevant international norms and standards and strengthen measures to reduce overcrowding in prisons and other places in which persons are deprived of their liberty, including by implementing a policy that places emphasis on non-custodial sentences and alternatives to imprisonment, taking into account the provisions of the United Nations Standard Minimum Rules for Non-custodial Measures.

Administration of justice, including impunity and the rule of law

- Continue to implement its judicial reforms in line with its international and regional human rights obligations in order to reinforce the independence of the Judiciary.
- Guarantee that all detained persons were afforded, in practice, all the fundamental legal safeguards from the start of their deprivation of liberty, including the right of detainees to be informed about the charges against them and about their rights, in a language that they understand; to have prompt access to a lawyer and, if necessary, to legal aid and to have immediate access to an independent medical examination.
- Implement effective measures to guarantee access to legal aid to vulnerable groups by increasing the annual budget allocated to legal aid and removing any restrictions to the practice of non-state legal aid schemes, such as pro bono lawyering and university legal clinics.
- Set up an independent mechanism to receive complaints from the victims of police abuse.

Prohibition of all forms of slavery

- Continue its efforts to combat trafficking in human beings, including for the purpose of labour exploitation by improving the timely identification of victims of human trafficking and by ensuring that human trafficking cases are investigated effectively, prosecuted successfully, and lead to proportionate and dissuasive sanctions, including in cases in which the perpetrators were public officials, as well as by guaranteeing the adequate access of victims to shelters and legal, medical and psychosocial assistance.

Economic, Social and Cultural Rights

- Intensify its efforts to eliminate poverty and reduce the inequalities between urban and rural areas, including in the area of education and health care.



- Ensure an adequate provision of social care services at the local level through an effective distribution of resources and accountability of local authorities in the delivery of such services and ensure that the amounts of benefits, such as child-raising allowance, unemployment benefits and the minimum pension, are sufficient to provide the recipients and their families with a decent standard of living.
- Step up its efforts to further reduce unemployment, in particular unemployment among young people, Roma, and persons with disabilities.
- Ensure access to affordable and good quality health care and medical treatment for all segments of the population, including persons living in rural and remote areas, as well as disadvantaged and marginalized individuals and groups, increase the vaccination rate and address the underlying causes of infant, child and maternal mortality.
- Ensure unimpeded access to sexual and reproductive health services and comprehensive education on sexual and reproductive health in schools with the provision of sufficient teacher training on sexuality education.
- Review its laws and policies to provide adequate access to legal abortion and post-abortion services to all women, including by ensuring that institutions were precluded by law from raising conscientious objections, by defining the permissible grounds for raising such objections by health professionals and by guaranteeing mandatory referrals in cases of conscientious objections by health professionals.
- Ensure universal access to safe drinking water and adequate sewage and sanitation facilities, particularly in rural areas and for the most disadvantaged and marginalized groups.
- Improve the quality of education and the access of quality education in rural areas and for children from poor families, including by ensuring adequate public spending on education and by providing quality training for teachers as well as intensifying measures to prevent the early school leaving.

C. Rights of specific persons or groups

Women

- Promote gender equality by implementing effective strategies to overcome barriers preventing women from participating in public and political life and to achieving a more balanced sharing of professional and family responsibilities between women and men, as well as implement legislation on equal pay for work of equal value to address persistent gender pay gap.
- Strengthen measures to eliminate discriminatory stereotypes, including in the media and public discourse, concerning the roles and responsibilities of women and men in the family and in society.
- Improve its legal framework to address all forms of gender-based violence and domestic violence, including marital rape, introduce police protection orders and provide a legal basis for the issuance of emergency police protection orders, introduce ex-officio prosecution for gender-based violence and ensure that cases of violence against women were under no circumstances addressed under mediation procedures.

- Ensure that victims of domestic and gender-based violence have full access to medical and psychological support, safe shelters within a reasonable distance and counselling and rehabilitation services throughout the country.

Children

- Provide sufficient resources to the mechanisms that had been set up to identify, report, prevent and monitor cases of violence against and abuse of children in any setting, strengthening programmes for recovery and social reintegration of child victims, and ensure that such cases are investigated and that the perpetrators are held accountable.
- Ensure that the prohibition of corporal punishment was properly enforced in all settings, and promote positive, non-violent and participatory forms of child-rearing and discipline through awareness-raising programmes and campaigns.
- Ensure effective implementation of the Deinstitutionalization Plan for Children in Residential Care and Ensuring their Transition to Community-based Care, including by providing adequate resources for its implementation, by putting in place a strong monitoring system; by expediting placement in family-based care; and by strengthening support for children leaving care to enable them to reintegrate into society.
- Strengthen efforts to prevent the separation of children from their families and support the reintegration of such children in their families as well as provide alternative care where this is in the best interest of the child.
- Prevent child begging in the streets and ensure that children in street situations receive all the support needed and have effective access to education, health services, shelter and food.
- Improve its juvenile justice system by ensuring the effective functioning of specialized juvenile courts and procedures with allocated adequate resources and with specialized judges, by providing qualified legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings; by promoting the use of alternative measures at sentencing and by ensuring that detention is used as a last resort and for the shortest possible period of time.

Persons with disabilities

- Strengthen strategies and mechanisms aimed at addressing high levels of deinstitutionalization of persons with disabilities, including by allocating adequate resources to increase community-based alternatives.
- Promote an inclusive environment conducive to the full integration of persons with disabilities in society, including by ensuring effective access of persons with disabilities to the public and private labour market and accessible physical environment and services available to persons with disabilities.
- Intensify its efforts to ensure inclusive education, including by establishing targets for the transfer of children with disabilities from special to mainstream education and by ensuring the accessibility of all education institutions to persons with disabilities.
- Improve the conditions and treatment in psychiatric hospitals and institutions for persons with psychosocial disabilities, and ensure that all cases of death in



psychiatric hospitals and institutions are promptly and effectively investigated and those responsible for acts of torture, ill-treatment or negligence are prosecuted and punished with appropriate penalties.

Minorities

- Improve legal framework on the protection of national minorities to bring it in full compliance with the obligations stemming from the ratified treaties on the rights of minorities.
- Strengthen measures to ensure favourable environment for national minorities to express and develop their culture, traditions and customs in their own language as well as integrate the history of national/ethnic minorities within the mandatory course of history at all levels of education.
- Remove any physical or financial barriers in accessing education in minority languages, and ensure technical and vocational education in the minority languages.
- Ensure that the principle of equal treatment is applied as concerns the display and use of national and regional symbols and to remedy any breach thereof.
- Intensify its efforts to combat discrimination and hate speech against the Roma, including by addressing the root causes of discrimination and social exclusion faced by the Roma, especially prejudices and negative stereotypes and by adopting special measures to ensure equal access of Roma in education, health care, employment and housing.
- Ensure effective implementation of the strategy for Roma inclusion for 2012-2020 by allocating sufficient funding for its implementation and by taking measures to strengthen its implementation mechanism at central level and to ensure the accountability of local authorities in implementing the strategy.
- Continue the efforts made to provide the Roma with personal documents, including birth certificates.
- Prevent forced evictions of Roma by amending its legislation to provide a minimum degree of security of tenure for persons living in informal settlements and to ensure that evictions were carried out in compliance with international human rights standards, and by ensuring that laws and policies on public housing include Roma as a category of priority beneficiaries in the allocation of social housing and an increase of the annual budget allocation for social housing.
- Strengthen measures to address the high percentage of Roma children who had no formal education and the high dropout rates, and ensure the inclusion of Roma children in the school system by enforcing effectively national legislation against Roma segregation in schools.

Migrants, refugees, and asylum seekers

- Ensure that all persons applying for international protection have access to a fair refugee determination procedure.
- Refrain from detaining asylum seekers, and ensure that alternatives to detention are implemented in practice and that detention of applicants for international protection is used only as a measure of last resort and for the shortest possible



period as well as ensure that conditions of detention, in cases in which it was necessary and unavoidable, meet international standards.

- Step up its efforts to ensure that the integration programmes for refugees and persons who have been granted other forms of protection are fully implemented and that the effective exercise of the right to employment and access to housing are facilitated through specific measures targeting, inter alia, employers and the housing sector; and to address practical barriers preventing access to education for asylum-seeking and refugee children.

Stateless persons

- Amend its Citizenship Law to ensure that all persons born in Romania, who would otherwise be stateless, acquire Romanian nationality, and establish a dedicated procedure to determine statelessness to ensure proper identification and protection of stateless persons.