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UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review

Romania *

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its second session from 5 to 19 May 2008. The review of Romania was held at the 15th meeting on 15 May 2008. The delegation of Romania was headed by H.E. Mrs. Răduța MATAACHE, Secretary of State, Ministry for Foreign Affairs of Romania. For the composition of the delegation, composed of 23 members, see annex below. At its 17th meeting held on 19 May 2008, the Working Group adopted the present report on Romania.
2. On 28 February 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Romania: Angola, Canada and Bosnia and Herzegovina.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Romania:
 - (a) A national report submitted in accordance with paragraph 15 (a) (A/HRC/WG.6/2/ROM/1);
 - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/2/ROM/2);
 - (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/2/ROM/3).
4. A list of questions prepared in advance by Germany, Denmark, Ireland, Sweden, the Netherlands and the United Kingdom of Great Britain and Northern Ireland and was transmitted to Romania through the troika. These questions are available on the extranet of the UPR.

I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS

A. Presentation by the State under review

5. At the 15th meeting, on 15 May 2008, H.E. Mrs. Răduța Matache, Secretary of State, Ministry for Foreign Affairs of Romania, introduced the national report and noted Romania's achievements in the field of promoting and protecting human rights. She noted also the participation of NGOs in the drafting of the report, and the increased commitment of the civil society which has developed in Romania after 1989 and contributed to ensuring respect for human rights. The successive Governments have faced many challenges, particularly in reshaping a new political and civic behaviour, in rethinking and implementing strategies, as well as in breaking stereotypes. Romania is paying special attention to striking the right balance between promoting and protecting civil and political rights and ensuring the respect for economic, social and cultural rights.
6. In response to advance questions, she indicated that in Romania, the protection and promotion of human rights are secured through a wide-ranging network of judicial, quasi-judicial and administrative institutions. The competences, responsibilities, composition and methods of operation of the Advocate of the People and of the National Council for Combating Discrimination are in full compliance with the Paris Principles. Furthermore, based on the model of Sweden, Romanian authorities are preparing a reflection process for the launch of a comprehensive National Plan of Action (NPA) for Human Rights, which will be reviewed annually. Within the framework

of this process, which has also been discussed with the Commissioner for Human Rights of the Council of Europe, a conference will be convened this year, at which the authorities and the main stakeholders from the civil society will discuss the guidelines for the Action Plan.

7. Administration of justice is recognized as a pre-condition for the full enjoyment of human rights and fundamental freedoms, and several measures were adopted by the Government to strengthen the independence of the judiciary. These include a strategy for 2005 – 2007; a new system of evaluation of the professional activity; training and specialized courses for members of the judiciary; increased transparency and appropriate budgetary allotments. On the issue of combating discrimination, over the past years, the legal and institutional framework aimed at preventing and sanctioning all forms of discrimination has been steadily improved, and a comprehensive legislation has been developed which bans and punishes all forms of direct or indirect discrimination based on a number of 15 explicit criteria provided by the law. The National Council for Combating Discrimination has the authority to examine and punish discrimination cases, based on complaints and or information provided by individuals or legal persons or ex officio.

8. The situation of the Roma minority remains a special concern. In 2001, the Government adopted the Strategy for the Improvement of the Situation of Roma, which is the result of a collaboration between government authorities and Roma NGOs, which was then complemented by the General Master Plan of Measures developed to speed up the implementation of the Strategy, for which a complex network of special institutions, including a National Agency for Roma, was created. Among particular challenges regarding Roma were mentioned the Roma informal settlements, and the segregation in schools; the Ministry of Education, Research and Youth issued an order formally banning segregation of Roma pupils and adopted a methodology for the prevention and elimination of segregation of Roma children in schools. Further measures have been taken to solve the problem of Roma individuals without identification documents.

9. As regards gender equality, Romania adopted the National Strategy for Equal Opportunities for Women and Men (2006-2009) which provides for actions to promote women's rights. It also adopted a law on equal opportunities for women and men. Special attention is also paid to groups exposed to multiple discrimination, especially Roma women. Several actions were taken by the Government as part of the efforts to implement recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW). Special attention was paid to the issue of preventing and combating domestic violence and violence against women in the Government Programme for 2005-2008, and a national strategy has been adopted in that regard. As concerns protection and promotion of the rights of the child, the authorities placed great emphasis on reform and a large number of NGOs and charities have consistently assisted the Government and local communities in addressing issues relating to children. She informed on the newly established National Authority for the Protection of the Rights of the Child which intervenes in administrative and judicial procedures in order to ensure that the rights of children are observed. The National Authority for the Protection of the Rights of the Child has recently drafted the National Strategy for the protection and promotion of the child's rights for 2008-2012, which is a comprehensive strategy for all groups of children, including children with disabilities. Recently, the Romanian authorities have started to address the challenge represented by the large number of children who suffer from the prolonged absence of their parents who left the country in search for job opportunities abroad.

10. The Romanian authorities adopted a number of legislative and organizational measures designed to address the whole range of problems related to the functioning of the penitentiary system, including security and the minimum comfort of detainees. The National Administration of Penitentiary carries out regular, unannounced and specialized inspections of detention facilities.

Medical personnel are under the obligation to notify the prosecutor of any signs of torture or mistreatment detected during the examination of detainees.

11. On the issue of mental health, Ministry of Public Health attaches great importance to improving the management of the psychiatric hospitals. With regard to the situation of HIV/AIDS, the National Network for Health Promotion and Health Education is implementing educational programmes for the public and the medical personal aimed at preventing discrimination against HIV-positive persons. During the transition years, due to a variety of factors, Romania experienced rather high rates of maternal mortality, but they are again decreasing, in particular, due to a decrease in the number of abortions. In the last years, Romania has made significant progress in countering trafficking networks, by increasing its capacity to enforce anti-trafficking laws and programmes and measures in that regard, including for the victims.

12. As far as the situation of sexual minorities is concerned, the national legislation offers quite an advanced system of protection, and people have become more informed and, implicitly, more open and tolerant. She noted that this category is still vulnerable to discriminatory attitudes at the level of the Romanian society, in particular in more conservative areas, like rural areas. In terms of international cooperation, Romania is aware of the need to continue to fill existing institutional and legislative gaps to better promote human rights, and the head of the delegation reiterated Romania's commitment in that regard. Romania is at present carrying out an assessment of the international human rights instruments to which it may become a party, and intends to sign the International Convention on the Protection of All Persons from Enforced Disappearance. In conclusion, she reiterated Romania's commitment to human rights and to the follow-up of the UPR process.

B. Interactive dialogue and responses by the State under review

13. During the ensuing interactive dialogue, 38 delegations made statements praising Romania for its high-level representation as well as the quality of its presentation and national report. Many delegations also expressed words of appreciation towards the leadership of H.E. Mr. Doru Romulus Costea, Permanent Representative of Romania to the United Nations Office at Geneva, as President of the Human Rights Council.

14. Algeria, while noting that Romania is working towards improving its human rights situation, recommended that Romania adhere to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It also recommended that Romania enhance measures aimed at improving women's rights through education, in particular for Roma and rural women. It further recommended that Romania continue to work on improving the situation of children's rights, in particular Roma children's rights in the areas of health care and education, and to work on the negative attitudes and prejudices by the 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.

15. Morocco commended Romania on its commitment to human rights and fundamental freedoms and noted its accession to the Organization for Security and Co-operation in Europe, the North Atlantic Treaty Organization and the European Union. It also welcomed the establishment of the National Council for Combating Discrimination and sought information on Romania's national strategy. It cited as an example of good practice that freedom of expression guaranteed by the Romanian Constitution includes sanctions to prevent incitement to hatred or any behaviour harmful to the dignity of persons on the basis of gender, race, and religion, which was a source of inspiration in preventing disturbing signs of intolerance worldwide. It also requested information on the main lines of the national human rights action plan currently being drawn up in Romania.

16. Slovenia noted that reports raise concerns about the legal situation of religious freedom. It was concerned that the rights under the new law on religion adopted in 2006 are enjoyed only by the “recognized religious dominations”. It asked Romania to elaborate further on how the new legislation ensures equal religious freedom for all religious dominations and recommended that Romania harmonize further its legislation relating to on freedom of religion with international standards. It also recommended that Romania systematically and continuously integrate a gender perspective in the follow-up process to the review.

17. China noted that Romania is continuing to refine its national legislation by setting up specialized bodies, such as the National Council for Combating Discrimination, and formulating relevant policies and plans of actions, including for the Roma minority. Romania has also strengthened its cooperation with the international community and has participated actively in the work of the Human Rights Council. It noted that the national report refers to the challenges Romania faces in the promotion and protection of human rights. It asked about the status of implementation of the 2006 – 2009 National Strategy for Equal Opportunities and the results it has achieved.

18. Tunisia commended Romania on its efforts to promote the rights of the child and welcomed the National Strategic Plan for Children, the new national authority for protection of the rights of children and the existence of a high-level group consisting of government officials, members of Parliament, and representatives of UNICEF, the World Bank, WHO and civil society, set up to advise the Government on the implementation of a strategy ensuring that children enjoy protection in line with international standards. It recommended that Romania pursue its efforts to ensure the best possible protection to children, particularly the most vulnerable ones.

19. Azerbaijan welcomed the democratization process and the progress achieved by Romania in the field of human rights. It noted the participation and cooperation of Romania with the treaty bodies and special procedures. It commended Romania on its comprehensive anti-trafficking laws and the enlargement of the Baby-Friendly-Hospital initiative. It asked if Romania could provide information about the state of affairs with respect to the visit of the Special Rapporteur on the right to education. Regarding a joint appeal sent by special procedures on the growing number of children trafficked and in sexual exploitation, it asked about obstacles to measures taken to address this situation. It also enquired about measures taken to tackle the issue of religious defamation and public offence to religious symbols.

20. The United States of America asked what the Government has done to ensure that government entities responsible for the implementation of the 2005 child welfare law are aware of their responsibilities and are performing their duties in a manner as required. It also asked why the implementation of the law on property restitution passed in 2005 has been so slow, and why the Government has failed to persuade the Romanian Orthodox Church to cooperate in this process. It recommended that Romania make vigorous efforts to work with the Orthodox Church on the issue of property restitution, including for it to abide by judicial rulings.

21. Canada noting that Romania’s accession to the EU was accompanied by benchmarks to monitor progress in the fight against corruption and that it had intensified its efforts, asked what additional steps were being taken in this regard. It recommended that Romania develop a coherent countrywide anti-corruption strategy and monitor its implementation. It recommended that Romania 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. It noted that Roma remain the most vulnerable ethnic minority and recommended that Romania

take additional measures to fight discrimination against minorities, including the Roma population, homosexuals and persons living with HIV/AIDS. It also recommended that Romania 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. Noting that the pace of resolving property restitution cases stemming from the Communist era was slow it asked what legal reforms were planned to accelerate this process and recommended that Romania accelerate the property restitution process.

22. The United Kingdom of Great Britain and Northern Ireland welcomed the consultative process with all stakeholders to draft the national report. It commended Romania on its accession to international human rights instruments and recommended that Romania take all necessary steps to ensure that relevant legislation is in conformity with those international standards. Welcoming Romania's commitment to initiatives aimed at improving the human rights of the Roma minority, it remains concerned that Roma still do not enjoy full equality of access to education and asked about steps taken to address this issue. It expressed concern that the living conditions and treatment of patients in psychiatric wards violate international human rights standards and recommended that Romania urgently consider improvements to conditions for psychiatric patients. It welcomed the progress made in supporting children with disabilities, but noted that much still remained to be done. The United Kingdom noted that the rates of abortion and maternal mortality have decreased since the 1990s and recommended that Romania undertake further measures to improve sexual and reproductive health, especially for marginalized groups.

23. Angola welcomed the efforts of Romania to promote and foster human rights and the consolidation of its legal and institutional framework since 1991. While noting progress made on the protection of minorities, Angola asked what could be done further to realize the rights of the Roma minority and ensure their socio-economic integration.

24. France encouraged Romania to better integrate Roma with regard to housing, health and education. On the rights of the child, it backed Algeria's recommendations to guarantee better the rights of the child, especially the rights to civil registry, education, health and protection against violence. On the rights of women, it recommended to Romania to strengthen efforts made to combat violence against women through information, prevention, and protection of victims and punishment of the perpetrators. With regard to persons living with HIV/AIDS as Canada mentioned, France highlighted the need to combat discrimination against HIV/AIDS patients. On enforced disappearances, it noted Romania's intention to sign the Convention and encouraged it to sign and ratify it.

25. Denmark welcomed the ongoing efforts to follow up on cases of abuse and excessive use of force by the police and the measures taken to improve conditions in prisons. It however noted that abuse of prisoners by authorities and other prisoners continues to be a problem. It recommended that the Government continue and strengthens 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 taken. It noted the newly adopted law on religious freedom and recommended that the Government take steps to reassess the measures needed to ensure that the principle of freedom of religion or belief is implemented without discrimination. It also recommended that the Romanian authorities be more proactive in identifying and putting a halt to incidents of religious intolerance, which often goes unpunished.

26. Republic of Korea noted efforts made since 1989 to improve the economic situation in the country, expanding freedoms and rights and paying particular attention to the protection of the human rights of children and families. It enquired about measures that have been taken by Romania

to address issues related to the health of street children, and asked if Romania could provide more information regarding the specific measures taken to achieve independence of judiciary.

27. Ireland recommended that Romania continue to take further action to ensure equal enjoyment of human rights by Roma. It recommended that Romania take further action to improve living conditions in places of detention. It also recommended that Romania enact further measures to ensure adequate provision of mental health care. It recommended that Romania 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. Finally, it recommended that Romania develop further measures to combat discrimination against people living with disabilities, including by providing improved access to social and health services.

28. Mexico welcomed the assessment of the country's human rights situation and Romania's clear commitment to human rights which has led to an open policy of cooperation with international bodies. It commended Romania on measures adopted to prohibit all forms of discrimination and progress made in the area of education and reform for better protection of children. Taking into account challenges faced by Romania, it sought more information and recommended that Romania strengthen its efforts in bringing more equity in ensuring rights and opportunities of rural communities, especially of ethnic minorities, women and children who live in those areas. It noted the broad spectrum of measures adopted to combat human trafficking and asked about its causes and further measures taken to address it. It recommended that Romania intensify its 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 the human rights of migrants. It also recommended that Romania ratify the Convention on the Rights of Persons with Disabilities; the 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 Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading or Punishment.

29. Sudan sought information on legal and international cooperation and measures Romania is taking to harmonize the protection of children's rights. It would like to benefit from Romanian's experience in protecting the rights of children and protecting them from attempts of abduction abroad and deportation. It commended Romania on efforts to improve social and economic welfare and would like to see more cooperation with developing countries on these issues.

30. Senegal commended Romania on its efforts to establish and implement an institutional framework favourable to human rights. It sought information on the achievements of the National Authority for the Protection of the Rights of the Child and on the role this body could play in implementing the national strategy for the protection of the rights of the child. It also asked about the main features of the national strategy for the prevention of discrimination and laws against discrimination, hoping the Government would look into including this strategy as a contribution to the preparatory process for the Durban Review Conference of 2009.

31. Turkey commended Romania on the establishment of various human rights institutions, inter alia, the National Council for Combating Discrimination and the monitoring activities of the Ombudsman, as well as on the outstanding level of cooperation with special procedures and its fight against human trafficking. However, it noted the social discrimination victims of trafficking face once they return to their hometowns in Romania. It noted with appreciation the awareness of the authorities of problems in the penitentiary system and recommended that Romania work towards improving prison conditions. It also encouraged Romania to step up its efforts to root out domestic

violence against women. It also asked about additional measures taken to address child abandonment.

32. Italy noted with appreciation Romania's cooperation with international human rights bodies but noted that it is experiencing delays in submitting its reports to treaty bodies, and asked whether the authorities intended to correct this situation. It noted that Romania had adopted legal provisions on the prevention and punishment of all forms of discrimination and had established the National Council for Combating Discrimination, but that gender discrimination, specifically domestic violence against women, remained an issue of concern. It recommended to Romania the adoption and effective implementation of measures to prevent and eliminate domestic violence against women. It also recommended that Romania 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.

33. The delegation of Romania noted the Government's initiative on a national plan for human rights, carried out in dialogue with NGOs, and which will be assessed at the end of 2008. Attention was paid to the gender perspective in the drafting process of the national report and in each sectoral review undertaken. Romania recognized that Roma women are among the most exposed to multiple discrimination. The National Council for Combating Discrimination is qualified to investigate and sanction cases of discrimination, it receives and reviews petitions and complaints and has sanctioned very high-level individuals. In 2007, the National Council adopted the national strategy on combating and preventing discrimination. The national strategy on the rights of children 2008-2013 will be adopted. It is the first strategy that refers to all categories of children including children with disabilities. The law on religious freedom was agreed by most religious denominations before its adoption by the Parliament, and the law does not restrict in any way the exercise of freedom of religion. Freedom of expression has not been restricted by this legislation, and the only aim is to prohibit hate speech and ideas that would have insulted believers. With regard to the issue of the restitution of property of the Romanian Church United with Rome, it noted a normative act and the free access for the Romanian Church United with Rome to ask in court for restitution, if its dialogue with the Romanian Orthodox Church and the Catholic Church failed. The public authorities try to enhance this dialogue.

34. The delegation noted that the cooperation and verification mechanism upon accession to the European Union had several benchmarks, including the strengthening of the independence of the judiciary, continuing the reform process of the judiciary and efficiently fighting corruption. Among recent progress, the delegation noted institutional measures, including the creation in 2007 of the National Agency for Integrity which, inter alia, verifies the declaration of assets and interests for a broad area of people in high-level positions. The National Agency for Integrity was set up and will start working in 2008. The main body specialized in fighting corruption at medium and high-level is the National Anti-Corruption Directorate within the Ministry. The delegation noted its efforts to fight corruption also at the local levels, and the strengthening of efforts to combat petty corruption. Observance of a code of conduct is encouraged not only by the authorities but also by civil society. With regard to the penitentiary system, the issue of overcrowding has been addressed over the years and is not a problem any longer. The index of occupation percentage in the prison system is 79. On the issue of policies on the rights of Roma, measures have been introduced enabling Roma communities to use European Union funds to improve their situation, and in the last three years, the National Agency representing Roma interests made the issue of EU funds a main objective. The National Agency for Roma started a raising awareness campaign within the Roma communities about accessing these funds. In April 2008, the Government noted that the national agency for Roma had received tens of millions of euros for projects in the areas of employment and education,

which will be implemented also in partnership with Roma NGOs. The legislative framework currently in place is one of the most successful in Europe to fulfil economic and social rights.

35. The Czech Republic sought further information on measures taken to prevent and fight trafficking in women and children and recommended that Romania strengthen the protection of victims of trafficking against criminalization. It also asked about measures adopted to eliminate negative societal attitudes and discrimination toward persons living with HIV/AIDS and persons of minority sexual orientation or gender identity. It recommended that Romania provide effective sanctions for discrimination against people living with HIV, that the Government ban mandatory HIV testing as a condition of employment and ensure that persons living with HIV are not arbitrarily prevented from working or attending vocational schools. It also recommended that Romania continue the adoption of measures, including awareness raising programmes, against negative prejudices and discrimination against persons living with HIV and sexual minorities. It recommended that awareness-raising programmes on the protection of the enjoyment of human rights by persons of minority sexual orientation and gender identity be launched, also 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. It recommended the ratification of Optional Protocol to the Convention against Torture in the near future and the designation of an effective national preventive mechanism.

36. Colombia noted with great interest the information provided by Romania in the national report on the issue of discrimination and the broad definition adopted within its legal and institutional context, which prohibits and combats any type of discrimination for reasons of race, religion, nationality, gender or sexual orientation. It asked Romania how it facilitates the participation of civil society in the implementation of the National Strategy for the Implementation of the Measures to Prevent and Combat Discrimination and asked whether there are any indicators envisaged to measure its impact.

37. Qatar highlighted the challenges and commitments identified by Romania in their national report. It suggested that those commitments should be embodied as part of the recommendations adopted by the UPR working group.

38. Bangladesh commended Romania on steps taken towards democratisation, including its efforts the area of human rights. It also noted the concern expressed by the treaty bodies and referred to the discrimination against minorities, particularly the Roma community. It urged Romania to continue to improve the situation of the Roma community so that they can benefit from the socio-economic opportunities and enjoy their fundamental human rights. It also referred to CEDAW concerns about discrimination against women, particularly rural women in the labour market. It also asked about measures taken to implement recommendations made by the Committee on the Rights of the Child.

39. Guatemala commended Romania on overcoming the various obstacles and in becoming a genuine liberal democracy and a member of the EU. It noted there were still obstacles to the full enjoyment of human rights, in particular, by minorities such as Roma. It appreciated the Government's initiatives in resolving this issue and the creation of the National Council for Combating Discrimination, and welcomed the fact that Romania continues its efforts, particularly in combating negative attitudes towards persons with HIV/AIDS and towards sexual minorities, through activities, awareness campaigns and open dialogue. It recommended Romania to apply the recommendation of the Special Rapporteur on the right to health as there are still 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. As CEDAW did, it

recommended that there should be awareness campaigns for education on human rights and in particular on women's rights.

40. Finland noted that according to the Institute on Religion and Public Policy (IRPP), the legal situation of religious freedom in Romania is poor, and asked what steps the Government has taken to protect the rights of persons belonging to minority religious communities. It recommended that Romania strengthen its efforts to protect the right 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. Finland noted the parade called the "GayFest" organized every year in May and June by the Lesbian, Gay, Bisexual and Transgender (LGBT) community and recommended that Romania investigate and prosecute those responsible for 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.

41. Philippines welcomed the remarkable transition Romania has undergone from a totalitarian regime to a thriving democracy and commended the exemplary manner in which Romania contributes to fighting climate change. It also noted with appreciation the serious attention paid by Romania to the issue of human trafficking and the various measures taken in that regard and the challenges it still faces. It asked if the Government has additional plans to promote the rights of victims in society, including their rehabilitation and reintegration. It also asked whether Romania will invite the Special Rapporteur on trafficking in persons to further examine strategies and how the issue can be more fully addressed. It encouraged Romania to ensure that persons living with HIV/AIDS, especially children, can fully enjoy their human rights through, inter alia, equitable access to basic services and education. It recommended that Romania continue to respect and promote the human rights of vulnerable groups, including the Roma communities.

42. Germany welcomed the detailed answers provided to the questions put in advance with respect to measures taken to combat discrimination against Roma, especially women and children. It sought complementary information on the work of the National Council for Combating Discrimination and the National agency for Roma and whether the members and/or representatives of the Roma community are involved in the work of these two institutions. It also inquired on Roma's NGOs actively working to improve by mutual assistance within community network the situation of, specifically Roman women and children.

43. Bosnia and Herzegovina, while noting that Romania has ratified the core international human rights instruments, expressed hope that the Government will make additional efforts in its activities to increase cooperation with the human rights treaty bodies, especially with regard to its reporting obligations. It also made reference to information contained in the summary report with regard to a high number of children in the care of grandparents or other relatives, or who do not receive any care. It asked if Romania has a coherent national policy to address this problem and if the National Authority for the Protection of the Rights of the Child has developed programmes that address those vulnerable categories of children. It also asked if Romania will address this problem as part of its National Strategy for the protection of the child for 2008-2013.

44. Japan commended Romania on measures to protect and promote the rights of children. It sought further information on concrete measures that Romania is planning to take to raise public awareness of trafficking risks. Japan welcomed Romania's sincere efforts to implement a wide range of measures addressing the issue of discrimination against the Roma minority. However, it noted concerns expressed by the Committee on the Rights of the Child and CEDAW in that regard and requested information on how various institutions engaged in the elimination of discrimination

against the Roma work together to implement strategic plans and measures in a coordinated way to address this issue in a comprehensive manner.

45. Argentina encouraged Romania to continue its efforts in combating discrimination. Argentina welcomed steps taken to sign the International Convention for the Protection of All Persons against Enforced Disappearance, and encouraged early ratification of the instrument.

46. Chile highlighted the legal and institutional framework for the promotion of equality between men and women, in particular the national institution for the promotion of equal opportunities created in 2005. Chile asked Romania how it expected to prevent the vulnerability, marginalization and violence suffered by women. Chile also expressed concern about complaints on human trafficking, noting the measures adopted by the Government to address this problem, as described in the national report. Chile made reference to information in the compilation and the summary reports with regard to discrimination against Roma population, and while noting efforts in this regard, called upon the Romanian authorities to adopt strategies to improve the living conditions of Roma, especially women and children, through programmes that involve the Roma community and give them a sense of ownership.

47. The Netherlands commended Romania on progress made with regard to the adoption of a legal framework which guarantees the protection of human rights. It appreciated the response to the written questions and noted that integration and discrimination of Roma minority is a major challenge for Romania, especially in the field of education, housing, health care and employment. It recommended that Romania take further appropriate and effective measures to eliminate discrimination against Roma and ensure in particular their access to education, housing, health care and employment without discrimination, and to provide follow-up to the recommendations of the human rights bodies in this regard.

48. The Russian Federation noted that according to the Committee on the Rights of the Child, cases of ill-treatment against children and use of torture by the authorities or health service staff are still widespread. It also referred to a number of concerns expressed by treaty- -bodies regarding the high levels of domestic violence not only in respect to women but also to children. It recommended that the Government of Romania, inter alia, expressly prohibit corporal punishment in the home, school and institutions and to promote alternative methods of discipline. It referred to reports by the Committee on the Rights of the Child and UNICEF on child labour and recommended that Romania take effective steps to ensure implementation of the Convention on the Rights of the Child and 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.

49. Brazil commended Romania on the enactment of new laws to protect human rights, its harmonization of national legislation with international conventions, as well as the establishment of a national institution for human rights. It enquired about the competencies of the 2001 National Council for Combating Discrimination and on how the Government assesses its progress in fighting, monitoring and sanctioning all forms of discrimination. It also asked about concrete improvements in the situation of the Roma minority and noted the important legal reforms undertaken with regard to discrimination against women and asked how Romania assesses the concrete results of its initiatives to ensure women's rights. Brazil recommended that Romania strengthen its efforts and measures to improve the situation of discrimination against the Roma minority.

50. Australia noted that the Romanian Institute for Human Rights was accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of

Human Rights (ICC) in March 2007 and asked whether there are any plans to develop the institution to comply fully with the Paris Principles. While acknowledging efforts in combating trafficking, it noted with concern reports of continuing incidents of trafficking in persons, especially women and children. It sought further information as to how Romania is seeking to address this issue.

51. Jordan indicated that Romania has in place an adequate normative framework and appropriate institutional infrastructure to ensure the adequate promotion and protection of human rights. It noted however that Romania has pointed out that some gaps still exist, a transparency that is very assuring. Jordan asked Romania to elaborate more on the causes of this situation and the remedies that are being envisaged in this regard.

52. Ukraine welcomed the fulfilment of the voluntary pledges and commitments made by Romania as well as activities aimed at implementing the recommendation of the treaty bodies. It highlighted its efforts aimed at combating trafficking in human beings, and encouraged Romania to continue to improve the protection and assistance to victims, as well as to raise public awareness of the risks of trafficking. Noting the extensive legal and policy framework developed for the promotion of equality between women and men and the elimination of discrimination against women, it was concerned that women themselves might not be aware of their rights or lack the capacity to claim them. It asked Romania to elaborate more on efforts aimed at raising individual and public awareness and understanding of human rights.

53. Egypt commended on the leadership Romania is showing in steering the presidency of the Human Rights Council as another testimony of its commitment to the cause of human rights. Based on the information contained in the national report and in the stakeholders' report, it sought further information on the status of minorities in Romania and the efforts made to address their claims.

54. The delegation of Romania responded to questions put to it. With respect to issues raised on trafficking of persons, it recalled that a comprehensive system was developed and is currently in place. With regard to the legal framework, all relevant international instruments have been ratified and translated into domestic law. At the institutional level, Romania has specialized units at the level of police and boarder police, a network of prosecutors and the Directorate of Organized Crime and Terrorism. At the operational level, Romania has in place a national strategy for the period 2006-2010 and a first National Action Plan has been already implemented. Discussions are under way for a new National Action Plan for 2008-2010. A national database has also been established in order to respond rapidly to the need of victims and there are approved standards on the assistance to victims. The National Agency against Trafficking in Persons also provides grants to NGOs to assist victims. Awareness and prevention campaigns which target children and women have also been developed. With the support of the US Department of State and the Embassy of the United States in Bucharest, Romania has developed a victim-witness coordination programme. Some trends have also been identified, indicating a decrease in the total number of victims of trafficking, a decrease in the number of victims trafficked for forced labour, and a decrease in the number of women trafficked for sexual exploitation.

55. With regard to questions on efforts to address the issue of discrimination, it indicated that the aim of the national strategy is to prevent and combat discrimination and to develop an inclusive and inter-cultural society. This strategy is based on five main objectives oriented towards the groups more frequently affected by discrimination in different forms, which includes age, sex, religion, HIV infection, sexual orientation and disability. Romania cooperates with NGOs in all phases of the strategy, including in the planning, revision, implementation and monitoring phases, and vulnerable groups also participate in its implementation. The Roma minority is highly

represented within the National Council on Combating Discrimination. One of the members of the Steering Board is of Roma origin and has the rank of Secretary/Ministry of State.

56. Regarding the use of force by police forces and the problem of Roma being victims of police abuse during arrests, it informed that the protection of human rights within the Ministry of Interior follow six pillars which focus, inter alia, on adopting the legislative framework to ensure the observance of human rights; basic and continuing training; rigorous selection of personnel; periodic checks and inspections; monitoring and control mechanisms to prevent abuse such as the Committee on Human Rights and Humanitarian law. In this regard, NGOs have the right to visit police detention centres and to talk to persons in detention. It was also highlighted the observance of the separation of persons in police arrest to ensure their security and physical integrity. Concerning a question on gay fest parades, it informed that all citizens that violated public order during the parade were fined or criminally investigated. 15 persons were fined and 5 persons were criminally investigated. With regard to the issue of corporal punishment, it indicated that the law states very clearly that all forms of corporal punishment of children are forbidden. Regarding children of parents living abroad, Romania is focusing on prevention measures and also is offering best services in order to maintain them in their familiar environment. With regard to the issue of child abandonment, it indicated that the National Authority for the Protection of the Rights of the Child has concern in this regard and is working together with the Ministry of Public Health to establish obligations for all responsible institutions to be involved, including with the view to provide a legal identity for the children.

57. H.E. Mrs. Răduța Matache, Secretary of State, Ministry for Foreign Affairs of Romania thanked for the fruitful interactive dialogue and indicated that all comments and recommendations will be given greatest attention.

II. CONCLUSIONS AND/OR RECOMMENDATIONS

58. **In the course of the discussion, the following recommendations were made to Romania:**

- 1. To ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Algeria, Mexico); the Convention for the Protection of All Persons against Enforced Disappearance (France, Argentina, Mexico) the Convention on the Rights of Persons with Disabilities (Mexico); and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading or Punishment (Mexico) in the near future and designating of an effective national preventive mechanism (Czech Republic);**
- 2. To take all necessary steps to ensure that relevant Romanian legislation is in conformity with its international undertakings (United Kingdom);**
- 3. To launch an awareness raising programmes 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 (Czech Republic);**
- 4. To continue its efforts in combating discrimination (Argentina) and to take additional measures to fight discrimination against minorities, including the Roma population, as well as homosexuals (Canada) and persons living with**

HIV/AIDS (Canada, France), and to continue the adoption of measures, including awareness raising programmes, against negative prejudices and discrimination against people living with HIV and sexual minorities (Czech Republic);

- 5. To continue to respect and promote the human rights of vulnerable groups, including the Roma communities (Philippines) and to continue to take further action to ensure equal enjoyment of human rights by Roma people (Ireland, Bangladesh) as well as to take further appropriate and effective measures to eliminate discrimination against Roma (Netherlands, Brazil) and ensures in particular their access to education, housing, healthcare (Netherlands, France) and employment without discrimination, and gives a follow up to the recommendations of the United Nations human rights bodies in this regard (Netherlands);**
- 6. To develop further measures to combat discrimination against people living with disabilities, including by providing improved access to social and health services (Ireland);**
- 7. To 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 (Mexico);**
- 8. To 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 (Finland);**
- 9. To 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 (Philippines); to 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 (Czech Republic); to 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 (Ireland);**
- 10. To enhance measures aimed at improving women's rights through education, in particular for the Roma and rural women (Algeria) and that there should be awareness campaigns for education on human rights and in particular for women's rights (Guatemala);**
- 11. To systematically and continuously integrate gender perspective in the follow up process to the review (Slovenia);**
- 12. To 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 (Canada) and to strengthen protection of victims of trafficking against criminalization (Czech Republic) as well as to continue to improve the**

protection and assistance to victims, as well as to raise public awareness on the risks of trafficking (Ukraine);

13. To adopt and effectively implement measures to prevent and eliminate domestic violence against women (Italy, Turkey) and to strengthen the efforts made to combat violence against women by way of information, prevention, protection of victims and punishment of the perpetrators (France);
14. To continue to work on improving the situation of children's rights (Algeria, Tunisia), in particular Roma children's right in the areas of health care and education and to work on the negative attitudes and prejudices by the 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 (Algeria); and to guarantee better the rights of the child, especially the rights to civil registry, education, health and protection against violence (France);
15. To 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 (Mexico);
16. To, inter alia, expressly prohibit corporal punishment in the home, school and institutions and to promote alternative methods of discipline (Russian Federation);
17. To 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 (Russian Federation);
18. To harmonize further its legislation in the field of religious freedom with international standards (Slovenia);
19. To take steps to reassess the measures needed to ensure that the principle of freedom of religion or belief is implemented without discrimination (Denmark);
20. To 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 (Finland);
21. To be more proactive in identifying and putting a stop to religious intolerance (Denmark);
22. To develop a coherent country-wide anti-corruption strategy and monitor its implementation (Canada);
23. To 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 (Canada);

24. To 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 (Denmark);
 25. To take further action to improve living conditions in places of detention (Ireland, Turkey);
 26. To consider urgently improvements to conditions for psychiatric patients (United Kingdom) and to enact further measures to ensure adequate provision of mental health care (Ireland);
 27. To undertake further measures to improve sexual and reproductive health especially for marginalized groups (United Kingdom);
 28. To 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 (Guatemala);
 29. To 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 (Italy);
 30. To accelerate the property restitution process (Canada) and to make vigorous efforts to work with the Orthodox Church on the issue of property returns, including for it to abide by judicial rulings (United States).
59. These recommendations will be examined by Romania, which will provide responses in due time. The response of Romania will be included in the outcome report to be adopted by the Human Rights Council at its eighth session.
60. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and /or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.

III. VOLUNTARY COMMITMENTS OF THE STATE UNDER REVIEW

61. Reference is made to the commitments made by Romania to launch a National Plan of Action for Human Rights, as announced by the Head of Delegation in the introductory statement (see paragraph 6 above).

Annex

Composition of the delegation

The delegation of Romania was headed by H.E. Mrs. Răduța MATACHE, Secretary of State, Ministry of Foreign Affairs of Romania, and composed of 23 members:

H.E. Mr. Doru Romulus COSTEA, Permanent Representative of Romania to UNOG and Other International Organizations in Switzerland

Mr. Dumitru Licsandru, Head of the National Agency for Combating Human Trafficking

Ms. Mihaela Mostavi, Head of the National Agency for the Protection of the Family

Ms. Liliana Preoteasa, Director General, Ministry of Education, Research and Youth

Ms. Olga Jora, Director, National Agency for the Protection of the Family

Ms. Elena Tudor, Director, National Authority for the Protection of the Rights of the Child

Mr. Adrian Bunoaică, Director, National Council for Combating Discrimination

Ms. Mădălina Manea, Program Coordinator, National Agency for Combating Human Trafficking

Ms. Monica Andriescu, Counselor, Department for Inter-Ethnic Relations

Ms. Dan Oprescu, Counselor, National Agency for the Roma

Ms. Cerasela Bănică, Counselor, National Agency for the Roma

Ms. Cristina Cuculas, Counselor, National Authority for the Protection of the Rights of the Child

Mr. Adrian Țelu, Legal Advisor, Higher Council of Magistrates

Ms. Alina Barbu, Legal Advisor, Ministry of Justice

Mr. Gabriel Crăciun, Legal Advisor, Ministry of Interior and Administration Reform

Ms. Lucia Ratcu, Legal Advisor, Ministry of Interior and Administration Reform

Ms. Adriana Samoilescu, Counselor, National Agency for Persons with Disabilities

Ms. Steluta ARHIRE, Deputy Permanent Representative, Permanent Mission of Romania to UNOG and Other International Organizations in Switzerland

Mr. Răzvan Rotundu, Director, Ministry of Foreign Affairs of Romania

Mr. Nicolae Blindu, Permanent Mission of Romania to UNOG and Other International Organizations in Switzerland

Mr. Octavian Stamate, Ministry of Foreign Affairs of Romania

Ms. Elisabeta David, Permanent Mission of Romania to UNOG and Other International Organizations in Switzerland

Ms. Laura Onisii, Ministry of Foreign Affairs of Romania.
