

Submission by the United Nations High Commissioner for Refugees
For the Office of the High Commissioner for Human Rights' Compilation Report
Universal Periodic Review: 3rd Cycle, 29th Session

ROMANIA

I. BACKGROUND INFORMATION

Romania acceded to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* in 1991 (hereinafter jointly referred to as the *1951 Convention*). Romania acceded to the *1954 Convention on the Status of Stateless Persons* (the *1954 Convention*) and to the *1961 Convention on the Reduction of Statelessness* (the *1961 Convention*) in 2006, with reservations to Articles 23, 27 and 31 of the former. Romania has also ratified the *1997 European Convention on Nationality* (with reservations).

Romania's *Law No. 122/2006 on Asylum in Romania* (the *Asylum Law*) and the *Methodological Norms 1251/2006 for the Application of Law No. 122/2006*¹ regulate asylum. This framework underwent considerable changes between 2014 and 2016, due to the transposition of the recast EU asylum *acquis*. The *Government Emergency Ordinance No. 194/2002 on the regime of aliens in Romania* (the *Aliens Law*)² constitutes the framework for the entry, stay and exit of aliens and their rights and obligations. Article 147 of the *Aliens Law* states that the provisions of the *Asylum Law* are applied with priority over its provisions, except for reasons of national security or public order where an alien may be removed from the territory. Article 18 of the Romanian Constitution guarantees aliens' and stateless persons' enjoyment of the general protection established by the Constitution and other laws.

UNHCR wishes to note that Romania has increased efforts related to improving reception conditions and access to rights – especially the right to employment – for applicants of international protection. Due to the deteriorating economic situation in Romania, the material support provided to asylum-seekers by the Government remained very low since 2006, and was coupled with limitations regarding access to the labour market. Nonetheless, UNHCR notes with appreciation the recent increase in the material assistance provided to asylum-seekers as well as the new provisions introduced in asylum legislation in 2015,³ in the context of the transposition of the EU Recast Reception Conditions Directive.⁴ These provisions allow *inter alia* asylum-seekers to work after 3 months from their arrival and to maintain this right if they were employed at the time of submitting an application for international protection.

According to official statistics, around 7,000 persons were granted international protection in Romania between 1991 and May 2017. Since 2013, asylum-seekers have mainly come from Syria, followed by Iraq and Afghanistan. In 2016, a total of 1,992 applications (including 1,885 new applications) were submitted, of which 30 per cent (554) were asylum-seekers relocated

¹ National Legislative Bodies / National Authorities, Romania: *Methodological Norms 2006 for the Enforcement of Law No. 122/2006 on Asylum in Romania*, 25 September 2006, available at: <http://www.refworld.org/docid/544675f64.html>.

² National Legislative Bodies / National Authorities, Romania: *Government Emergency Ordinance No. 194/2002 on the regime of aliens in Romania*, 2002, available at: <http://www.refworld.org/docid/544676df4.html>.

³ Introduced through Law no. 331/2015 of 21 December 2015 and Government Decision no. 14/2016 for modifying and supplementing the *Methodological Norms 1251/2006 for the Application of Law No. 122/2006* of 25 January 2016.

⁴ European Union: Council of the European Union, *Directive 2013/33/EU of the European Parliament and Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast)*, 29 June 2013, OJ L. 180/96 -105/32; 29.6.2013, 2013/33/EU, available at: <http://www.refworld.org/docid/51d29db54.html>.

from Greece and Italy under the EU relocation scheme. During the same period, 816 persons were either recognized as refugees or granted subsidiary protection, representing a 41 per cent recognition rate. As of the end of 2016, there were 2,905 beneficiaries of international protection registered with a valid residence permit, and 334 stateless persons (including 85 beneficiaries of international protection).⁵ The number of applications for international protection increased in 2017, reaching a total of 1,628 applications (including 1,586 new applications) during the first five months of the year, with most entries registered on the Serbian border.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Positive developments linked to 2nd cycle UPR recommendations

Linked to 2nd cycle UPR recommendation no. 109.113: “Implement comprehensive awareness raising strategies for hospital staff, administrators and other health professionals regarding their responsibilities to register births and facilitate the issuance of birth certificates, without any delay (Uruguay)”.⁶

UNHCR commends Romania for its efforts to improve the birth registration system since its last review during the 2nd UPR cycle. At the national level, in June 2016 the Romanian Government adopted the *Emergency Ordinance no. 33/2016 amending and supplementing certain acts relating to civil status and identity documents of Romanian citizens*.⁷ This brought significant amendments to the legal framework relating to birth registration, simplifying procedures in order to reduce the number of children who remained unregistered, thus ensuring their effective access to fundamental rights such as health and education and overall contributing to efforts for the prevention of statelessness.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 2nd cycle UPR recommendations

Issue 1: Statelessness

Linked to 2nd cycle UPR recommendation no. 109.105: “Amend the Citizenship Law to ensure that all persons born in Romania obtain a nationality; otherwise they would be stateless, regardless of the status of the parents (Mexico)” **and no. 109.149:** “Consider amending the Citizenship Law to include safeguards against statelessness, providing that children born in the Romanian territory, who would otherwise be stateless, acquire Romanian nationality (Slovakia)”.

Despite Romania’s accession to the *1961 Convention*, the *Romanian Citizenship Law*⁸ continues to lack any safeguard against statelessness for children born on the territory, who would otherwise be stateless either because the parents are stateless themselves or because they are unable to pass on their nationality. This is not in accordance with the standards specified in Article 1 (1) of the *1961 Convention*, and also prevents the effective implementation of the obligation under Article 6 (2) of the *European Convention on Nationality*

⁵ Figures on statelessness only refer to individuals holding a valid residence permit and who are registered as stateless persons by the Romanian authorities.

⁶ All recommendations made to Romania during its 2nd cycle UPR can be found in: “Report of the Working Group on the Universal Periodic Review” (21 March 2013), A/HRC/23/5, available at: <http://www.refworld.org/docid/51a499e34.html>.

⁷ Rom: OUG Nr.33 din 28.06.2016 pentru modificarea și completarea unor acte normative privind actele de stare civilă și actele de identitate ale cetățenilor români, available at: <http://www.legex.ro/BUG-33-2016-147572.aspx>

⁸ Law no. 21/1991 regarding Romanian citizenship, republished in the Official Journal no. 576/13.08.2010, with subsequent amendments, available in Romanian at: <http://legislatie.just.ro/Public/DetaliiDocument/121439>

1997. Furthermore, UNHCR wishes to highlight that, although Romania acceded to the *1954 Convention* (with reservations to Articles 23, 27 and 31), mechanisms to identify and grant protection status to stateless persons⁹ are lacking, as no clear statelessness determination procedures are in place.

Recommendations:

UNHCR recommends that the Government of Romania:

- a) Amend the *Citizenship law* to ensure that all persons born in Romania, who would otherwise be stateless, acquire Romanian nationality; and
- b) Establish a dedicated statelessness determination procedure to ensure proper identification and protection of stateless persons.

Additional protection challenges

Issue 2: Detention of applicants for international protection

In 2014, the Committee against Torture recommended that the Government of Romania “refrain from detaining asylum-seekers and aliens, promote alternatives to detention, and revise its policy in order to bring it into line with the Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention”.¹⁰

UNHCR is concerned that amendments to the *Asylum Law*¹¹ in 2014 and 2015, and the *Aliens Law*¹² in 2015, have extended the grounds on which aliens – including asylum-seekers – may be placed or detained in “public custody” or in the so-called “specially arranged closed areas”.¹³

Following the changes, asylum-seekers who present a “high risk of absconding”¹⁴ may be placed in a Public Custody Centre pending their transfer to another EU Member State under the *Dublin III Regulation*.¹⁵ Aliens who submit their first asylum application while in “public custody” are to be released only if granted access to the ordinary procedure. Also, in order to carry out the necessary formalities for refugee status determination, applicants may be placed in a “specially arranged closed area”, especially if there is a “risk of absconding”, in order to “limit abuse of the asylum procedure”, or if the applicant is deemed to pose “a danger to national security”. Placement in detention may be considered only if two other less restrictive measures (regular reporting and designated residence, considered as alternative to detention) are insufficient.

UNHCR is concerned that the detention of families with children is still allowed by law. Although the legislation stipulates that all decisions related to children should be taken with

⁹According to the *UNHCR Handbook on Protection of Stateless Persons*: “[...] there is an implicit responsibility for States to identify stateless persons in order to accord them appropriate standards of treatment under the Convention.”, para. 8, UNHCR 2014, available at: <http://www.refworld.org/docid/53b676aa4.html>.

¹⁰ Concluding Observations, (5 June 2015), CAT/C/ROU/CO/2.

¹¹ Introduced through the *Government Ordinance no.22/2014* of 1 September 2014, and the *Law no. 331/2015 for modifying and supplementing normative acts in the field of aliens* of 21 December 2015.

¹² Introduced through the *Law no. 331/2015* of 21 December 2015.

¹³ The Romanian legislation does not use the term “detention”, but refers to “public custody” and “specially arranged closed areas” (SACAs). The two Public Custody Centres (in Otopeni and Arad) are normally used to detain aliens who are apprehended while entering or staying irregularly on the territory. The SACAs (closed facilities) are established within the premises of the Regional Reception Centres (open facility) for the detention of asylum-seekers.

¹⁴ Article 19¹⁴ (2) of the *Asylum Law*.

¹⁵ European Union: Council of the European Union, *Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)*, 29 June 2013, OJ L. 180/31-180/59; 29.6.2013, available at: <http://www.refworld.org/docid/51d298f04.html>.

“due regard for the best interest of the child”, such assessments are done on an *ad hoc*, informal basis. Delays in initiating age assessment for possible unaccompanied children (UAC) registered as adults may lead to situations when children end up in detention. UNHCR highlights that children should never be detained under any conditions as detention is never in the child’s best interest.¹⁶

UNHCR also remains concerned that vulnerable persons may still end up in detention, especially when special needs and vulnerabilities are not properly identified or sufficiently considered when analysing the necessity and proportionality of the detention measure and the applicability of appropriate alternatives to detention. According to the *Asylum Law*, the vulnerability of the applicant does not affect the decision to detain. In addition, identification, referral and assistance of applicants with specific needs continue to present considerable challenges due to the lack of experienced and qualified staff, limited resources, and limited involvement of other relevant authorities, amongst others.

UNHCR also notes that conditions in detention do not fully meet international standards, and the new *Internal Regulation of the Regional Centres*¹⁷ (which applies also to the “specially arranged closed areas”) does not incorporate all necessary standards and safeguards.¹⁸ It is paramount that monitoring bodies have unhindered access to all detention facilities and persons who might be in need of international protection.

Recommendations:

UNHCR recommends that the Government of Romania:

- a) 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, following the examination of alternatives, and for the shortest possible period;
- b) Ensure that adequate and fully functional mechanisms for identification, referral and assistance of vulnerable persons are in place and that vulnerability assessments are made prior to any decision on detention as well as during detention;
- c) Ensure that detention of children is discontinued in law and in practice, that appropriate care arrangements and community-based programmes are established to ensure adequate reception of children and their families, and that alternatives to detention suitable for families are put in place; and
- d) Ensure that conditions of detention, where detention is necessary and unavoidable, meet international standards and include a revision of the *Internal Regulation* for that purpose.

Issue 3: Unaccompanied Children Applying for International Protection

The number of UAC seeking asylum in Romania has varied during the last three years, with a sudden increase in 2014 (131 UAC compared to 12 in 2013), followed by a decrease in 2015 (41 UAC) and 2016 (54 UAC). The main countries of origin for UAC were Afghanistan, Syria and Iraq, while around 80 per cent of them were between 15 and 17 year old.

¹⁶ UNHCR, UNHCR’s position regarding the detention of refugee and migrant children in the migration context, January 2017, available at: <http://www.refworld.org/docid/5885c2434.html>.

¹⁷ The Order of the Minister of Internal Affairs no. 130/2016 for the Approval of the Internal Regulation of the Regional Centres for Procedures and Accommodation for Asylum Seekers (issued on 2 September 2016).

¹⁸ The Internal Regulation of the Regional Centres, fails to *inter alia* set out clear standards with regards to the minimum space made available per person, considering that the current layout in some facilities do not meet international standards. Designated visiting rooms which ensure an adequate degree of confidentiality and privacy are needed. Isolation (used both as a sanction or measure to prevent or mitigate the risk of suicide and hunger strikes) does not take into account the effects on individuals in detention and that this ought to be only a measure of last resort, where strictly necessary, for the shortest possible time, and subject to independent review and effective daily monitoring (UNHCR, Association for the Prevention of Torture (APT) and the International Detention Coalition (IDC), Monitoring Immigration Detention: Practical Manual, 2014, available at: <http://www.refworld.org/docid/53706e354.html>).

Despite Romania being a State party to the *Convention on the Rights of the Child (CRC)* UNHCR wishes to highlight that best interests assessment and determination of unaccompanied asylum-seeking children are not applied in practice, despite the incorporation of references to the '*best interest of the child principle*' in legislation.¹⁹

UNHCR further notes that the *Asylum Law* refers to the role of a "legal representative" within the Child Protection Service who is appointed to "assist the child throughout the asylum procedure" (Art. 16(2)) and to defend the interests of the child (Art. 39). Furthermore, while *Law No. 272/2004* refers to the staff of the Child Protection Service appointed to assist and represent children's interests throughout the asylum procedure, it does not refer directly to the "legal representative" status and its mandate. This inconsistency leads to unclear roles and responsibilities for legal representatives and further creates considerable gaps in the provision of adequate protection and guardianship arrangements to unaccompanied children.

Recommendations:

UNHCR recommends that the Government of Romania:

- a) Amend national legislation and improve administrative practices so as to ensure that clear and efficient procedures for best interests assessment and determination in the asylum context are in place; and
- b) Modify existing legislation in order to ensure coherence and compatibility between the provisions in *Asylum Law* and *Law No. 272/2004*, regarding the role and responsibilities of legal representatives (legal guardians) appointed to unaccompanied children.

UNHCR
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¹⁹ Article 2(1) of *Law No. 272/2004 on the protection and promotion of the rights of the child (Law No. 272/2004)*, and in Article 8 of *Asylum Law*.

ANNEX

Excerpts of relevant Recommendations from the 2nd cycle Universal Periodic Review, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedures mandate holders

ROMANIA

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations, UN Treaty Monitoring Bodies' Concluding Observations, and recommendations from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to Romania.

I. Universal Periodic Review (Second Cycle – 2012)

Recommendation ²⁰	Recommending State/s	Position ²¹
Trafficking in persons		
109.37. That further efforts be deployed to assure that the respect of fundamental rights of the child and the fight against violence, sexual exploitation, human trafficking, child labour and any other form of child exploitation remain a priority of the Government	Italy	Supported
109.77. Take further measures to decrease serious challenges in access to justice by victims of domestic violence and human trafficking	Islamic Republic of Iran	Supported
109.84. Further strengthen efforts to combat trafficking in persons providing assistance and protection to victims, and ensuring that perpetrators of such crimes are brought to justice	Sri Lanka	Supported
109.88. Further ensure effective implementation of anti-trafficking legislation.	Republic of Moldova	Supported
109.89. Step up efforts in the area of combating trafficking of human beings, as well as invite the Special Rapporteur on human trafficking to visit the country.	Belarus	Supported
109.90. Intensify investigations of cases on trafficking of human beings for the purpose of labour exploitation and investigate all reports on alleged involvement of state officials in offenses related to human trafficking.	Belarus	Supported
109.91. Provide the victims of human trafficking with the effective access to legal remedies and compensation.	Belarus	Supported

²⁰ All recommendations made to Romania during its 2nd cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review of Romania" (21 March 2013), A/HRC/23/5, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/TOSession15.aspx>.

²¹ Romania's views and replies can be found in: *Addendum* (30 May 2013), A/HRC/23/8/Add.1, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/TOSession15.aspx>.

109.92. Strengthen its efforts to come up with measures to prevent the crime of human trafficking and its participation in bilateral and regional cooperation to address the issue of human trafficking.	Republic of Korea	Supported
109.93. Take urgent measures to fight trafficking in persons, particularly women and children, including through international and regional cooperation, also with countries of destination in order to prevent the spread of this phenomenon and work to prosecute perpetrators.	Libya	Supported
109.94. Address the root causes that result in human trafficking.	Libya	Supported
109.95. Strengthen its efforts to combat human trafficking and provide support services to victims, particularly for women and children and Roma people.	Australia	Supported
109.96. Step up its efforts for the protection and assistance of trafficking victims, including through adequate state financing for victims' shelters.	Liechtenstein	Supported
109.97. Take measure to prevent trafficking in children and their sexual exploitation by establishing education programmes and developing support services for them.	Belgium	Supported
Groups with specific needs		
109.31. Apply the 2008-2013 National Strategy on children right's protection and promotion which should ensure that special attention will be paid to children belonging to the most vulnerable groups, such as children living in poverty, Roma children, children with disabilities, children with HIV/AIDS and streets children.	Ecuador	Noted ²²
109.32. Ensure the existence of sufficient budget allocations and follow-up and evaluation mechanisms for the full implementation of the "2008-2013 National Strategy on children right's protection" in order to support children and the most vulnerable population.	Ecuador	Noted ²³
109.40. Further consolidate achievements in domains such as legislative and judicial reform, education, health care and gender equality, and continue to put more priorities and national resources on other important fields of job creation and social security, with greater focus on improving the overall	Viet Nam	Supported

²² **Addendum:** "Not accepted; already implemented - the National Strategy on children rights for 2008-2013 was issued as a consequence of the necessity to reunite in one single document the whole range of issues regarding children rights from all sectors of activity. The National Strategy refers to all children of Romania, referring mainly to their rights as stated by the main international documents ratified by Romania, in different sectors of interest for its children, such as: social, family, education, health, etc. The main target groups of the Strategy were the children of Romanian citizenship or found on the Romanian territory, as well as the children without a citizenship, refugees or of foreign nationality found on the Romanian territory."

²³ **Addendum:** "Not accepted; already implemented (see recommendation 31)."

conditions of vulnerable groups of children, women, youth and persons with disabilities.		
109.44. Continue implementing and strengthening measures to promote equality and protection against all forms of discrimination, placing special emphasis on the most vulnerable minority groups.	Cuba	Supported
109.48. Implement measures to eliminate discrimination against minority groups, in particular the Roma and children in vulnerable situations, including children with disabilities, with HIV/AIDS, abandoned children or victims of violence and guarantee their access to education, housing, medical care and health services.	Costa Rica	Supported
109.60. Ensure, as established by the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), access to housing without any discrimination, particularly to the most vulnerable groups, including the Roma.	Chile	Supported
109.66. Continue training efforts in the area of human rights education for security personnel and in the field of discrimination against vulnerable groups.	Tunisia	Supported
109.119. Take effective measures to remove the obstacles for vulnerable children to accede to quality education.	Italy	Supported
Sexual and gender-based violence		
109.37. That further efforts be deployed to assure that the respect of fundamental rights of the child and the fight against violence, sexual exploitation, human trafficking, child labour and any other form of child exploitation remain a priority of the Government.	Italy	Supported
109.48. Implement measures to eliminate discrimination against minority groups, in particular the Roma and children in vulnerable situations, including children with disabilities, with HIV/AIDS, abandoned children or victims of violence and guarantee their access to education, housing, medical care and health services.	Costa Rica	Supported
109.77. Take further measures to decrease serious challenges in access to justice by victims of domestic violence and human trafficking.	Islamic Republic of Iran	Supported
109.78. Redouble efforts to combat violence against women and girls, and ensure greater representation of women in managerial and decision-making positions.	Peru	Supported

109.81. Adopt a national strategy to protect the rights of children against all risk of violence, in particular, sexual abuse, neglect, abuse, and increase its efforts to combat child labour.	France	Noted ²⁴
SOGI		
109.39. Further intensify training for State and local authorities and the public at large on international human rights standards, particularly those in relation to sexual orientation and gender identity.	Finland	Supported
109.43. Intensify even further its efforts undertaken in regard to initiatives and awareness-raising programmes on gender equality and the protection of LGBT rights.	Estonia	Supported
109.45. Take practical action to ensure that existing anti-discrimination legislation is properly enforced so as to combat discrimination against its citizens, both systemic and overt, based on in particular, ethnicity, sexual orientation and gender identity, and HIV status.	Australia	Supported
109.71. Ensure that acts of discrimination against LGBT persons and persons belonging to other vulnerable groups are properly investigated and perpetrators held accountable.	Austria	Supported
Birth registration		
109.113. Implement comprehensive awareness raising strategies for hospital staff, administrators and other health professionals regarding their responsibilities to register births and facilitate the issuance of birth certificates, without any delay.	Uruguay	Supported
Right to a nationality		
109.105. Amend the Citizenship Law to ensure that all persons born in Romania obtain a nationality; otherwise they would be stateless, regardless of the status of the parents.	Mexico	Supported
109.149. Consider amending the Citizenship Law to include safeguards against statelessness, providing that children born in the Romanian territory, who would otherwise be stateless, acquire Romanian nationality.	Slovakia	Supported
Migrants		

²⁴ **Addendum:** "Not accepted; already implemented - the issue of child abuse, neglect and exploitation was one of constant interest for the Romanian authorities. Therefore, a number of clear measures were introduced in the main legislation governing the field of children rights, as well as in the national strategy in the sector. The Romanian legislation offers a complex approach of these issues, favoring a close cooperation between various institutions with competencies in this field. Besides the general law no. 272/2004 on children rights, other similar documents regarding the field of human trafficking were approved by the Government and significant parts of their content regarded the children protection field. In the same time, Romania adopted a national strategy within the family violence field (Government Decision no. 1156/2012), which offered a comprehensive approach of this field, where the issues regarding domestic violence in general and violence on children are seen together as a whole."

109.147. Establish effective ways that all migrant workers and their families could lodge complaints for violation of their rights without fear of reprisal.	Mexico	Noted
109.148. Continue efforts to protect all migrant workers and their families, ensuring that abusive employers are held accountable and brought to justice.	Sri Lanka	Supported
109.150. Further strengthen measures to ensure rights of migrants.	Bangladesh	Supported

II. Treaty Bodies

Committee on Economic, Social, and Cultural Rights

Concluding Observations, (9 December 2014), [E/C.12/ROU/CO/3-5](#)

Asylum seekers

12. The Committee notes with concern that asylum seekers are not allowed to work during the first year of their stay in the State party and therefore depend on the subsistence allowance. The Committee is also concerned that the amount of allowance provided to asylum seekers is not sufficient to cover their basic needs (arts. 6 and 11).

The Committee recommends that the State party take the appropriate steps to amend its legislation allowing asylum seekers to obtain a work permit within one year after their arrival in the State party. The State party should also enforce the Asylum Law and ensure that the allowance granted to asylum seekers is sufficient to cover their basic needs.

Health-care system

21. The Committee is concerned that Romania has a low life expectancy at birth, and very high infant and maternal mortality rates. It is also concerned about the inequalities in terms of access to and quality of health services, especially in rural and remote areas and for disadvantaged and marginalized groups, and regrets that the decentralization process has led to a decrease in the number of Roma Health Mediators. Furthermore, cases of alleged segregation of Roma patients in sub-standard hospital wards and negligent treatment of those patients are of particular concern to the Committee. The Committee is further concerned that the practice of payments of non-official fees persists, despite measures taken to combat corruption (art. 12).

The Committee calls on the State party to continue health sector reforms and substantially increase funds allocated to public health. It recommends that the State party intensify its efforts to ensure de facto access to affordable, good quality and timely 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. In order to curb infant and maternal mortality, the State party should thoroughly assess the causes of all cases of mortality and develop specific and adapted strategies in that regard. The number of community nurses and Roma Health Mediators should be increased and all cases of discrimination and segregation of patients should be severely punished. The Committee also calls on the State party to take the necessary measures to fight corruption in the health sector so that non-official fees are not collected from patients.

Education

23. The Committee is concerned that, although primary education should be provided free of charge, parents are burdened with extra school payments for various purposes. While recognizing recent progress, the Committee notes that the quality of education and training in the State party should be subject to considerable improvement. The Committee expresses concern at the high percentage of Roma children who have no formal education and at the high dropout rates, despite the measures the State party has taken in this regard. The Committee is also concerned at cases that indicate that the practice of segregating Roma children and children with disabilities persists in the school system (art. 13).

The Committee calls on the State party to:

- (a) **Strengthen the implementation of existing measures to improve access to and quality of primary and secondary education for all children;**
- (b) **Substantially increase the budget allocated to education;**
- (c) **Ensure that access to free primary education is not impeded in reality by additional material costs and informal fees;**
- (d) **Strengthen its efforts to address the economic, social and cultural factors identified as root causes of the persistently high school dropout rates;**
- (e) **Increase the number of Roma School Mediators, conduct campaigns to raise awareness among Roma families of the importance of education, and continue to offer related incentives;**
- (f) **Pursue its efforts to combat the segregation in schools of Roma children and children with disabilities, amend Law No. 1/2011 on National Education to introduce a prohibition of segregation in schools, ensure the effective enforcement of Order No. 1540/2007 against Roma segregation in school and the establishment of a body to monitor its application, and raise awareness of the prohibition among teachers and the population at large;**
- (g) **Take into consideration the Committee's general comment No. 13 (1999) on the right to education.**

Committee against Torture

Concluding Observations, (5 June 2015), [CAT/C/ROU/CO/2](#)

Trafficking in human beings

11. While taking note of the National Strategy against Trafficking in Human Beings for 2012–2016 and of the establishment of the National Agency for Preventing Trafficking in Human Beings and Monitoring the Assistance Accorded to the Victims of Trafficking in Human Beings, the Committee is concerned that the State party remains a country of origin, transit and destination for human trafficking, in particular for sexual and labour exploitation and forced begging (arts. 2, 10, 12, 13 and 16).

The State party should:

- (a) **Continue taking measures to prevent and eradicate human trafficking, including by providing specialized training to public officials on identifying victims and on investigating, prosecuting and sanctioning perpetrators;**

- (b) **Allocate sufficient funds to combat trafficking and vigorously implement national legislation and continue conducting national prevention campaigns about the criminal nature of such acts;**
- (c) **Provide the Committee with comprehensive disaggregated data on the number of investigations, prosecutions and sentences handed down, for human trafficking, and on the provision of effective redress to the victims.**

Situation of asylum seekers and aliens

12. The Committee is concerned that persons in need of international protection do not have the unhindered access to asylum procedures, including refugee status determination, that is required by international standards. It is also concerned at the reportedly unnecessary detention both of asylum seekers who are to be transferred under regulation (EU) No. 604/2013 of the European Parliament and the Council of the European Union and of rejected asylum seekers and other aliens, including those whose removal is pending. It is further concerned at the absence of a statelessness determination procedure in the State party (arts. 3, 14 and 11).

The State party should:

- (a) **Ensure that all persons applying for international protection have access to a fair refugee determination procedure and are effectively protected against refoulement to countries where they risk torture, and consider establishing a statelessness determination procedure;**
- (b) **Refrain from detaining asylum seekers and aliens, promote alternatives to detention, and revise its policy in order to bring it into line with the Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum Seekers and Alternatives to Detention.**

III. Special Procedures Mandate Holders

Report of the Special Rapporteur on extreme poverty and human rights on his mission to Romania

Addendum: Mission to Romania, (8 April 2016) [A/HRC/32/31/Add.2](#)

B. Children

30. The levels of poverty, social exclusion and material deprivation from which children suffer in Romania are especially unjustifiable in an upper-middle income country like Romania. According to Eurostat, 51 per cent of all children are at risk of poverty or social exclusion, which is the worst score in the European Union. 22 Children are also vulnerable to the risk of severe material deprivation. Some 42.3 per cent of single-person households with dependent children and 47 per cent of households with two adults and more than three children suffer from severe material deprivation. These rates are alarmingly high compared to the European Union average of 20.1 per cent and 11.4 per cent, respectively.

C. Persons with disabilities

38. Romania ratified the Convention on the Rights of Persons with Disabilities in 2011. The importance of that step is not to be underestimated, but nor should the scale of the challenge that remains. Even the concept of “disability” in the Convention on the Rights of Persons with Disabilities is not consistently applied. Romanian authorities still refer to children as being “handicapped”, having “special needs” or being “invalids”. And HIV/AIDS and “rare disease”

are classified as a disability. Such classifications are entirely incompatible with international standards. The lack of a consistent definition of “disability” undermines the authorities’ ability to collect reliable data on the situation of persons with disabilities, leading to a lack of accurate and comparable data that could be used to design adequate policies. The Special Rapporteur has also been informed that the official Romanian translation of the Convention on the Rights of Persons with Disabilities is inaccurate. For example, the translation of article 12, which guarantees the right of persons with disabilities to be recognized as persons with legal capacity on an equal basis with others, is narrowly interpreted as a right to legal assistance. In general, there appears to be a lack of political will to fully include persons with disabilities in Romanian society and to recognize their human rights. More generally, there is no strategic vision of their role in society, as illustrated by the fact that a new national disabilities strategy has been awaiting adoption for almost two years now.

C. Children

62. The Special Rapporteur makes the following recommendations on children:

- (a) The Ministry of Education and Research should publish, including on its website, yearly statistics on school costs. These statistics should make clear, per school district, how much parents on average spend on costs such as school supplies, school uniforms and transport. The Ministry should also publish the number and nature of the complaints it receives relating to school costs for parents;**
- (b) The Ministry of Education and Research should ensure that the lack of identity documents, such as birth certificates, does not exclude children from accessing education. The process of issuing birth certificates should be simplified, so that it is a straightforward administrative procedure that can be undertaken on a free-of-charge basis;**
- (c) The Government should appoint a children’s commissioner, with a broad mandate and power to protect children’s rights. The commissioner’s office should be adequately resourced and independent.**