

Document #1425621

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Amnesty International Report 2017/18 - The State of the World's Human Rights - Romania

Laws extending pardons and amnesties for corruption and official misconduct were put forward, sparking protests across the country. European and international institutions criticized overcrowding in prisons and inadequate detention conditions. Amendments were proposed to the law regulating civil society organizations and foundations. Roma continued to face discrimination.

Background

In January, tens of thousands of people protested against two emergency ordinances adopted without substantial discussion by the then recently formed government. The bills extended a pardon of persons sentenced for certain corruption offences and decriminalized official misconduct. National institutions, some foreign embassies and the European Commission criticized the laws which were then repealed in February. In April, a new draft law – granting an amnesty for sentences of less than five years, including for corruption – was put forward, sparking more protests throughout the country during the year. The bill had not been adopted by the end of the year.

Legal, constitutional or institutional developments

Amendments were proposed to the law regulating NGOs and foundations introducing additional administrative and financial obligations. National NGOs criticized the new measures as arbitrary, unnecessary and vague. The Conference of international NGOs of the CoE highlighted in December shortcomings regarding compliance with international standards and best practices. The proposals, adopted by the Senate in November, remained pending before the Parliament's Chamber of Deputies at the end of the year.

The proposal for a new National Strategy for Housing remained pending.

In March, the Senate rejected a draft law calling for the repeal of part of the Anti-discrimination Law that instituted the national equality body. The draft law was proposed by a former MP who was fined by the body in 2016 for homophobic statements.

Detention

In April, the European Court for Human Rights (ECtHR) advanced recommendations aimed at reducing overcrowding in prisons in a “pilot judgment” issued against Romania. It imposed an obligation on the state to resolve the highlighted structural dysfunctionalities or risk sanctions.

Discrimination – Roma

In February, the European Commission stated that the risk of living in poverty was almost three times higher for Roma than for the rest of the population.

Right to housing and forced evictions

In September, according to NGOs, around 30 Roma, half of them children, living in the town of Eforie Sud in Constanta county, were verbally threatened by local authorities with eviction from a publicly owned property. They had occupied the building since October 2013 when they had been repeatedly forcibly evicted by local authorities from a long-standing settlement and rendered homeless.

In May, around 35 of the Roma families from the Pata Rat informal settlements – located on the outskirts of Cluj-Napoca, near a waste and chemical dump – received new homes across the city's neighbourhoods and nearby villages as part of a multi-stakeholder desegregation project. This included around 20 families from the former Coastei Street community, forcibly evicted in December 2010 by local authorities. The legal case brought by the community against the municipality challenging the forced eviction remained pending in national courts at the end of the year.

Right to education

New legislation aiming to prevent, combat and prohibit segregation in primary and secondary education entered into force after its adoption in December 2016 by the Ministry of National Education and Scientific Research. Two ministerial orders established a public policy against segregation in schools on a wide range of grounds, including ethnic origin, disability and socio-economic status of families, and a related action plan scheduled to be implemented by October.

Rights of lesbian, gay, bisexual, transgender and intersex people

The Senate's decision on a national referendum on the possible restriction of the constitutional definition of “family” from “marriage between spouses” to “marriage between a man and a woman” remained pending at the end of the year. The Coalition for Family – a group of some 30 associations and foundations – has been promoting such restriction since 2016.

The case of the same-sex couple seeking recognition of their marriage officiated in Belgium remained under examination by the Constitutional Court. The Court had sought a preliminary ruling from the European Court of Justice on the harmonic interpretation of EU legislation on freedom of movement and residence for same-sex couples.

Counter-terror and security

The case of Abd al-Rahim al-Nashiri, a Saudi Arabian national currently held in the US detention facility at Guantánamo Bay, Cuba, remained pending before the ECtHR. The case was lodged against Romania in 2012 for allegations of the enforced disappearance and torture of Abd al-Rahim al-Nashiri at a secret CIA detention facility in Bucharest, the capital, between 2004 and 2006.

Discrimination – people with disabilities

Living conditions in social care and psychiatric institutions for people with disabilities remained extremely precarious. The monitoring mechanism required by the UN Convention on the Rights of Persons with Disabilities, ratified by Romania in 2011, was not fully operational at the end of the year.

Violence against women and girls

In July, the UN Committee on the Elimination of Discrimination against Women recommended broadening existing legislation to address all forms of gender-based violence, strengthening women’s access to justice and remedies, disaggregated data collection, and improved access to sexual and reproductive health and rights.

In May, the ECtHR noted that despite existing legislation and a national strategy there was insufficient commitment from the government to take appropriate action to prevent and combat domestic violence. The ECtHR also criticized the limited number of shelters for women victims of domestic violence available across the country.

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ecoi.net summary:

Annual report 2017/18 (covering 2017)



Country:

Romania

Source:

AI – Amnesty International (</en/source/10960.html>)

Original link:

<https://www.amnesty.org/en/countries/europe-and-central-asia/romania/report-romania/>
(<https://www.amnesty.org/en/countries/europe-and-central-asia/romania/report-romania/>)

Document type:

Periodical Report

Language:

German

Published:

22 February 2018

Document ID:

1425621 (former ID [353990](/en/document/353990) (</en/document/353990>))

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ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

