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Republic of Romania

Head of state: **Klaus Iohannis**

Head of government: **Dacian Julien Cioloş**

Roma continued to experience systemic discrimination, forced evictions and other human rights violations. The Council of Europe Convention on preventing and combating violence against women and domestic violence entered into force in September. A public hearing was held in the European Court of Human Rights (ECtHR) case against Romania for complicity in the US-led rendition and secret detention programmes, but a ruling in the four-year-old case remained pending. Following parliamentary elections in December, Sorin Mihai Grindeanu was nominated as Prime Minister by the President and was to take office on 4 January 2017.

DISCRIMINATION – ROMA

In his April report, the UN Special Rapporteur on extreme poverty and human rights called on the authorities to acknowledge the severe discrimination against Roma, to implement the 2015-2020 Roma Inclusion Strategy and take targeted measures in education, health care and employment, including the introduction of legal safeguards against forced evictions and improved access to social housing. In June, the Council of Europe Commissioner for Human Rights raised similar concerns.

Housing rights – forced eviction

In March, the ECtHR issued interim measures urging the authorities to stop the eviction of 10 Roma families in the town of Eforie. This would have been the third forced eviction of the families who were among the 101 people, including 55 children, whose homes had been demolished in 2013. In June, the Constanţa County Court ruled that the 2013 demolition was unlawful and the municipality

should provide the families with adequate housing. At the end of year, their housing situation remained precarious.

The 300 Roma forcibly evicted from the centre of Cluj-Napoca in 2010 and relocated to Pata Rat area – known for its waste dump, chemical dump and two already existing Roma settlements – were still fighting for justice in domestic courts, assisted by the NGO European Roma Rights Centre (ERRC). Toxic smoke from several fires on newly established waste dumps caused inhabitants respiratory issues, according to residents and NGOs. The UN Special Rapporteur on extreme poverty and human rights visited the Pata Rat area and noted the "primitive conditions", including no electricity, as well as damp and overcrowded accommodation.

Right to education

In May, the NGOs ERRC and Romani CRISS urged the European Commission to launch an investigation into breaches by Romania of EU anti-discrimination legislation with respect to persistent patterns of segregation of Roma children in schools. The Centre for Advocacy and Human Rights in partnership with the Centre for Resources for Public Participation surveyed 112 municipalities in northeast Romania and found that 82 out of the 394 schools across the region displayed some form of segregation of Roma children. In November and December, the Ministry of Education held a public consultation on a draft framework which prohibited school segregation. The framework expanded the criteria for inclusion in education, set new legal obligations and sanctions for authorities and defined the role of a National Commission for Desegregation and Inclusion.

POLICE AND SECURITY FORCES

In January, the ECtHR ruled that Romania had violated the rights of four members of the Boaca family. It found that they were subjected to torture and other ill-treatment and discriminated against. In March 2006, police officers had physically assaulted them in the police station in Clejani in Giurgiu County. Ion Boaca, father of the other three Roma victims, required 19 days of hospitalization after being kicked in the ribs and punched.

In June, the Committee of Ministers of the Council of Europe closed the supervision of the implementation of a group of key ECtHR judgments – known as the Barbu Anghelescu group – concerning police brutality against Roma and ineffective investigations, including possible racist motives. ERRC, Romani CRISS and APADOR-Helsinki Committee warned against the decision arguing that the government had not taken adequate measures to execute the judgments and tackle, among other issues, widespread institutional racism.

DISCRIMINATION – PEOPLE WITH DISABILITIES

The monitoring mechanism required by the UN Convention on the Rights of Persons with Disabilities, ratified by Romania in 2011, was created but was not operational at the end of 2016.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

According to the Civil Code, same-sex marriages and civil unions were prohibited and those contracted abroad not recognized. The case of a same-sex couple seeking recognition of their marriage officiated in Belgium remained under examination by the Constitutional Court. In

November, the Constitutional Court sought 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.

The Coalition for Family – a group of some 30 associations and foundations – ran a campaign until May to put forward a legislative proposal to restrict the constitutional definition of "family" from "marriage between spouses" to "marriage between a man and a woman". In July, the Constitutional Court allowed the proposal to be put to Parliament to decide on whether or not to hold a national referendum. The decision remained pending at the end of the year.

In April, the ECtHR found that authorities failed to carry out an effective investigation into the attack – including its potentially discriminatory motive – on Bucharest Pride march participants in 2006.

COUNTER-TERROR AND SECURITY

In June, the ECtHR held a public hearing in the case against Romania for complicity in the US-led rendition and secret detention programmes, which the CIA operated globally in the aftermath of the 11 September 2001 attacks in the USA.^[1] Abd al-Rahim al-Nashiri, a Saudi Arabian national currently held in the US detention centre at Guantánamo Bay, Cuba, had lodged an application against Romania in 2012 alleging that he was forcibly disappeared and tortured at a secret CIA detention centre in Bucharest between 2004 and 2006, and that Romania had failed to effectively investigate his secret detention. The hearing came after the Council of Europe Secretary General summarily closed in February 2016 its Article 52 inquiry into European states' involvement in the CIA operations – a severe blow to accountability. The Romanian government denied the allegations and argued an investigation was ongoing. A judgment in the case remained pending at the end of the year.

VIOLENCE AGAINST WOMEN AND GIRLS

According to General Police Inspectorate data, 8,926 cases of domestic violence were registered in the first six months of 2016 – 79% of the victims were women and 92.3% of the aggressors were men. National NGOs reported that the actual number of cases was much higher. In July, NGOs requested that the government expedite the adoption of measures to combat violence against women and domestic violence. The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) entered into force in September.

¹. CIA rendition victims challenge Romania and Lithuania at Europe's human rights court ([News story](#), 29 June)