

ROMANIA

Republic of Romania

Head of state: **Klaus Iohannis**

Head of government: **Florin Cițu (replaced Ludovic Orban in December)**

The government's response to COVID-19 raised human rights concerns including in relation to policing, the right to freedom of peaceful assembly and the right to education. Roma continued to experience systemic discrimination, and some faced excessive use of force and ill-treatment by police. The Constitutional Court declared unconstitutional the law adopted in June by Parliament prohibiting the teaching about gender identity. The European Court of Human Rights found the authorities had acted unlawfully in deporting two Pakistani men.

BACKGROUND

In March, the government declared a state of emergency due to the COVID-19 pandemic. It derogated temporarily from a number of rights protected under the European Convention on Human Rights, including the right to education and to freedoms of movement, expression and association. In May, the state of emergency was replaced with a "state of alert" which remained in place until the end of year.

The European Commission continued to pressure Romania to roll back legislative changes that posed a threat to the rule of law, including the independence of the judiciary.

DISCRIMINATION

A legislative proposal which would expand existing anti-discrimination legislation remained before the Senate at year's end. The bill proposed other forms of discrimination – discrimination by association, intersectional discrimination and segregation – as well as the inclusion of discrimination criteria on citizenship and skin colour.

Roma

A European Commission report in February found that Roma continued to face discrimination and segregation including in education, employment, access to housing and forced evictions.

During the state of emergency, NGOs and the media reported several cases of unlawful use of force and allegations of ill-treatment of Roma by the police.¹

Human rights groups and NGOs raised concerns about Roma being scapegoated during the pandemic. They denounced "the rise of hate speech and racism" targeting Roma in mass media and social media, especially by opinion leaders and public figures. Romania's equality body, the National Council for Combating Discrimination, criticized a local newspaper, a member of Parliament, a former President and a university professor for discriminatory statements against Roma.

Rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people

In June, Parliament passed a law which, among other things, prohibited teaching and training about gender identity. The law, adopted without public debate, prohibited "activities aimed at propagating the gender identity theory or opinion, understood as the theory or opinion that gender is a different concept from that of biological sex and that the two are not always identical."

Human rights groups and universities condemned the ban, arguing it would legitimize discrimination against the LGBTI community. The law, which also raised concerns around the rights to academic freedom and freedom of expression, was declared unconstitutional by the Constitutional Court in December.

RIGHT TO EDUCATION

Despite 2016 legislation prohibiting segregation in primary and secondary education, and subsequent guidelines adopted by the Ministry of Education to apply

the law, the government failed to implement the guidelines by year's end.

A study by the NGO Caritas Romania highlighted the challenges faced by children from vulnerable groups while accessing remote learning during the March-June lockdown, with Roma among the worst affected. According to the study, an average of only 15% of children from marginalized groups participated habitually in online activities during the lockdown, marking a drastic reduction compared to the 83% average for school attendance of the children registered before the pandemic. The main obstacles included a lack of technical equipment, overcrowded homes with a lack of adequate study spaces, and the absence of support from parents to complete online tasks.

FREEDOM OF ASSEMBLY

Following Romania's temporary derogation in March from the right to freedom of peaceful assembly, a blanket prohibition on public gatherings was in place. Civil society groups criticized such measures as disproportionate. Gatherings of up to 100 people were permitted from November as long as certain protection measures were observed.

DUE PROCESS

In October, in the case of *Muhammed and Muhammed v. Romania*, the Grand Chamber of the European Court of Human Rights found that the authorities acted unlawfully when, in 2012, they deported two Pakistani nationals residing legally in the country. The deportation was based on secret evidence seen only by the government and the courts alleging that their activities posed a potential threat to Romania's national security.²

The Court found that in expulsion proceedings people have a right to be informed of the relevant factual elements which led authorities to consider that they represent a threat to national security, and to be given access to the content of the documents and the information relied upon by the government. It found that where limitations are necessary to protect national

security, they must be accompanied by sufficient counterbalancing safeguards.

1. [Policing the pandemic: Human rights violations in the enforcement of COVID-19 measures in Europe \(EUR 01/2511/2020\)](#)
2. [Romania: European Court verdict strikes a blow to decisions based on secret evidence \(News story, 16 October\)](#)

RUSSIA

Russian Federation

Head of state: **Vladimir Putin**

Head of government: **Mikhail Mishustin (replaced Dmitry Medvedev in January)**

The COVID-19 pandemic exposed chronic under-resourcing in health care. The authorities used the pandemic as a pretext to continue the crackdown on all dissent, including through amendments to a vaguely worded law on "fake news" and tightening restrictions on public gatherings. Peaceful protesters, human rights defenders and civic and political activists faced arrest and prosecution. Persecution of Jehovah's Witnesses intensified. Torture remained endemic, as did near total impunity for perpetrators. The right to a fair trial was routinely violated while legal amendments resulted in a further reduction in judicial independence. Reports of domestic violence rose sharply during COVID-19 lockdown measures, although the draft law on domestic violence remained stalled in Parliament. LGBTI people continued to face discrimination and persecution. Thousands of labour migrants lost their jobs during the pandemic but were unable to leave because of border closures. Evidence emerged to corroborate allegations of war crimes by Russian forces in Syria.

BACKGROUND

The economic downturn, underpinned by falling oil prices, dwindling investment and foreign sanctions, and exacerbated by the COVID-19 pandemic, led to a further impoverishment of a growing proportion of the population. Discontent widened, with a