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Report of the Working Group on the Universal Periodic Review*

Romania

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

* The present document was not edited before being sent to the United Nations translation services.

Romania welcomes the recommendations made in the course of its UPR on 22 January 2013 and, after careful consideration, is pleased to provide the decisions below, as well as some comments, to be included in the outcome report. As a general note, almost all the accepted recommendations are in the course of implementation. All the recommendations enjoy the support of Romania with the exception of recommendations no. 109.2, 109.4, 109.5, 109.6, 109.7, 109.8 with respect to ICRMW, 109.9, 109.10, 109.15, 109.21, 109.27, 109.31, 109.32, 109.33, 109.34, 109.73, 109.74, 109.81, 109.99, 109.100, 109.102, 109.144, 109.147, 109.151, 109.155 and 109.157.

109.1. Accepted.

109.2. Not accepted. There are no immediate plans for Romania to implement this recommendation regarding the Convention on the Protection of the Rights of all the Migrant Workers and their Families; however, the Romanian Government remains fully committed to the protection of rights of members of all vulnerable groups, including migrants.

109.3. Accepted.

109.4. Not accepted (see recommendation 2 with regard to ICRMW; as concerns ILO Convention no. 189, Romania has not signed it).

109.5. Not accepted (see recommendation 2).

109.6. Not accepted (see recommendation 2).

109.7. Not accepted (see recommendation 2).

109.8. Not accepted with respect to ICRMW (see recommendation 2); accepted concerning CPED.

109.9. Not accepted; Romania has not signed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

109.10. Not accepted (see recommendation 9).

109.11. Accepted.

109.12. Accepted.

109.13. Accepted.

109.14. Accepted.

109.15. Not accepted; already implemented - Romania has ratified CERD on 15 September 1970.

109.16. Accepted

109.17. Accepted.

109.18. Accepted.

109.19. Accepted.

109.20. Accepted.

109.21. Not accepted; already implemented – according to domestic law, the Ombudsman carries out the investigations that it considers justified, ex officio or in virtue of the complaints with which it was seized by individuals or by legal persons concerning violations of human rights, with the exception of situations in which the alleged deeds are the object of a judicial procedure.

109.22. Accepted.

109.23. Accepted.

109.24. Accepted.

109.25. Accepted

109.26. Accepted.

109.27. Not accepted; already implemented - the competence area of the institutions in the field of non-discrimination is clearly established by legal provisions. If in the case of NCCD the competence is given by the Government Ordinance no. 137/2000, in the case of institution of Ombudsman the responsibilities are established by the Law no. 35/1997, in case of RIHR the Law no. 9/1991 provides the competences and for the courts are regulated by the four existing codes. In the field of gender equality on the labour market the legal frame is provided by the Law no. 202/2002, republished. The legal system in Romania, regarding human rights and non-discrimination is a complex one, complementary and one that respects at the same time the principle of separation of powers.

109.28. Accepted.

109.29. Accepted.

109.30. Accepted.

109.31. 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.

The strategy addressed to the parents, as main responsible for the raise and care of their children and main beneficiaries of the social services, along with their children, as well to the professionals working in this field and the local communities. Regarding the budget allocated to implement this strategy, even from the moment of its approval, the financing sources were very clear mentioned. They were represented by the state budget, the local budgets (who had a special chapter dedicated on the implementation of the strategy), the budgets of the local communities, external funds, as well as any other source of financing approved by the national legislation (donors, sponsorships, contributions from persons or companies, etc.). The monitoring of the Strategy implementation was coordinated at national level by the competent structures within the Ministry of Labor, Family, Social Protection and Elderly, as central authority in the field, a feedback on the stage of implementation being also received from other independent actors, acting in this field.

109.32. Not accepted; already implemented (see recommendation 31).

109.33. Not accepted; already implemented (see recommendation 31).

109.34. Not accepted; already implemented; (see recommendation 31).

109.35. Accepted.

109.36. Accepted.

109.37. Accepted.

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- 109.68. Accepted;
- 109.69. Accepted;
- 109.70. Accepted.
- 109.71. Accepted.
- 109.72. Accepted.

109.73. Not accepted; already implemented – the history of the Holocaust in Romania was undertaken as a part of the national history; the history curricula of VIIth,

VIIIth, Xth and XIIth grades include the subject of the Holocaust on national and international level. There is also a high school curriculum adopted in 2004, entitled “The history of Jews” and a manual for this curriculum, published in 2005. On the web page of the Ministry of National Education there is a Guide for the teaching of the Holocaust, which was also printed in 5.000 copies and distributed free of charge in schools.

109.74. Not accepted; already implemented – Law no. 165 of 16 May 2013 on the measures for finalising the restitution process in kind or by equivalent of the immovable property wrongfully acquired during the communist regime in Romania was adopted on 17 April 2013 and published in the Official Journal no. 278 of 17 May 2013.

109.75. Accepted.

109.76. Accepted.

109.77. Accepted.

109.78. Accepted.

109.79. Accepted.

109.80. Accepted.

109.81. 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.

109.82. Partially accepted – the measures stated in the national strategy (see recommendation 81) are addressing also the protection of the rights of children against all risk of violence, in particular, sexual abuse, neglect, abuse, and increase its efforts to combat child labor.

109.83. Accepted.

109.84. Accepted.

109.85. Accepted.

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109.97. Accepted.

109.98. Accepted.

109.99. Not accepted; already implemented – Romania has and will continue to develop strategies and measures aimed at making aware the society about the forbidding of all corporal punishment on children. Regarding the complaint mechanisms, Romania has in place a number of tools whose role is to support a friendly and easy way to address complaints regarding a possible violation of children rights. In this regard, at the level of each local Child Protection Directorate and at national level there are toll free lines where children or other persons can notify a possible situation of abuse or neglect of a child, the local authorities having the obligation to make an immediate intervention whose role is to verify such allegations and adopt the necessary measures.

109.100. Not accepted; already implemented – Romania is one of the few countries who have introduced in the national legislation a clear prohibition of all forms of corporal punishment on children. Law no. 272/2004 on the protection and promotion of children rights clearly prohibits all forms of corporal punishment on children within the education system, special protection, family etc.

109.101. Accepted.

109.102. Not accepted; already implemented – on 15 May 2013, the Prosecutor General, the Chief Prosecutor of the National Anti-Corruption Directorate and the Chief Prosecutor of the National Directorate for Investigating Organized Crime and Terrorism were appointed.

109.103. Accepted.

109.104. Accepted.

109.105. Accepted.

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109.140. Accepted.

109.141. Accepted.

109.142. Accepted.

109.143. Accepted.

109.144. Not accepted; Romania recalls, in this context, the Pilot Program “Social Housing for Roma Communities” (see also National Report, para. 29).

109.145. Accepted,

109.146. Accepted.

109.147. Not accepted; already implemented – all migrant workers employed legally in Romania have effective access to courts or other mechanisms of solution of disputes in conditions which are not less favourable than those provided for all workers. Also, the cases concerning the solution of work conflicts are dealt with urgently and the deadlines set cannot exceed 15 days.

109.148. Accepted.

109.149. Accepted.

109.150. Accepted.

109.151. Not accepted; already implemented (see recommendation 74).

109.152. Accepted.

109.153. Accepted.

109.154. Accepted.

109.155. Not accepted; Romania has approached this issue in a spirit of profound attachment to the rule of law and promotion and protection of human rights. A Parliamentary Inquiry Committee has carried out an investigation between 2005 and 2008. The Committee's conclusions are public and attest that the authorities have no information that CIA secret detention centres ever existed in Romania or that the country's airports could have been used by CIA for transfer or detention of suspected terrorists. Also, following a request to the judicial authorities in 2012 by a person being detained in Guantanamo, the judiciary has opened a criminal investigation which is currently under way and is carried out with the full respect of the principles of rule of law and human rights.

109.156. Partially accepted; full transparency with regard to the investigation is not possible due to the necessity to ensure all the guaranties of impartiality.

109.157. Not accepted (see recommendation 155).
