

HUMAN RIGHTS COUNCIL

15th Session of the Working Group on the Universal Periodic Review (UPR)

Joint Stakeholders' Submission on:

The Human Rights Situation in ROMANIA

Submitted by:

**Christian Organisations Against Trafficking in Human Beings
(COATNET)**

Association Points-Cœur

Associazione Comunità Papa Giovanni XXIII (APGXXIII)

Franciscans International (FI)

(NGOs in Consultative Status with the ECOSOC)

Submitted in Geneva, July 2012

INTRODUCTION

1. This stakeholders' report is a joint submission of the above-mentioned organizations, and it represents the follow-up to the UPR recommendations accepted by Romania in 2008. The report takes note of the significant progress achieved by Romania since then and it highlights key concerns and major issues affecting Romanian related to: *I) the right to adequate standard of living; II) trafficking in persons; III) the right to health; IV) the rights of people living with HIV/AIDS; V) the rights of persons with disabilities; VI) the right to education.*

2. This submission has been prepared taking into consideration numerous factors including reliable data and information gathered in-country by this stakeholders' coalition. A consultation process, which actively involved members and partners of this coalition of NGOs for few months and an open-ended questionnaire have been used as instruments to collect information about the human rights situation in Romania for the period 2008-2012. The testimonies of teachers, professionals involved in the formal and non-formal education, doctors, parents, and their children were also taken into account.

3. **APGXXIII** is a catholic international association founded in Italy by Fr. Oreste Benzi. Its activities in the world of poverty and marginalisation brought to the direct sharing of the life with the poor in 1973 when the first family-home was opened. The Community is now present in twenty-five countries of the five continents. The Association has Special Consultative Status with the United Nations Economic and Social Council (ECOSOC) and its commitment at the UN is the result of sharing the life with the poor and is the fruit of the international elaboration and synthesis of the action for the removal of the root causes which create injustice. The Association is present in Romania since 2009.

4. The **Association Points-Coeur** is an international NGO in Special Consultative Status with the United ECOSOC. Founded in 1990, Points-Coeur is a global network of volunteers who promote human dignity, assist and form deep personal bonds with troubled, disadvantaged and socially isolated individuals in some of the world's most desperate areas. The Association Points-Coeur is present in 20 countries, in Romania since 1992.

5. **COATNET** is a network of 36 Christian organizations around the world which works under umbrella of the Caritas Internationalis and aims to help its affiliates to deliver on their commitment for combating trafficking in human beings through global advocacy actions and promotion of mutual cooperation. COATNET affiliates commit themselves to freely exchange information and expertise about their action with one another, to foster international cooperation in assistance to trafficked persons, to prevent human trafficking and raise public awareness about it, to advocate for effective anti-trafficking policies. Caritas Internationalis has had a General Consultative Status with the ECOSOC since 1999.

6. **FI** is an International NGO established in 1989. FI places respect for human dignity, equitable and sustainable sharing of environmental resources and peace at the heart of its action. FI supports Franciscans partners working at the grassroots in approximately 160 countries in every part of the world and it operates as a bridge between them and the UN policies and activities. The advocacy strategy for Franciscans International (FI) is built around two main pillars: the invaluable input of Franciscans working at grassroots and the UN policies and activities. FI uses the UPR mechanism as the driving mechanism that links grassroots to the UN. FI has had General Consultative Status with the ECOSOC since 1995.

I. THE RIGHT TO ADEQUATE STANDARD OF LIVING

Concerns

7. This coalition of NGOs is deeply concerned about the extreme poverty in which many people are forced to live in Romania, as monthly salaries for full-time jobs range from 160 to 200 Euros. In May 2010, in order to reduce the budget deficit, the Government reduced the salaries for civil servants by 25% and it reduced pensions of 15%.¹ At the same time as these reductions were taking place, the cost of living was rising, and it is now. The reason is that in Romania prices tend to be modeled on those of Western Europe while the inflation rate of this country stalls well above the European average rate.² The price indices of industrial production (extractive, manufacturing, production and supply of electricity, gas and water) in Romania have increased from 136 in 2008 to 147 in 2010.³

8. The Romanian social security system provides unemployment benefits which are inadequate to the actual cost of living and the economic situation of the country. The benefits are proportional to the contribution period and cannot be given for more than 12 months. This means that after one year of unemployment, which is a recurrent situation at the present time, Romanians stop receiving unemployment benefits. Therefore, they have to live with the minimum income guaranteed to all persons residing in Romania which amounts to roughly 22 Euros for one person and less than 100 Euros for one family, per month. The state allocation paid for each child under 18 is less than 10 Euros per month and it is doubled if the child is disabled. Considered the actual situation, even Romanians who work full time must inevitably sacrifice their food consumption, their leisure, and often their access to medical care.

9. The Roma minority is particularly affected by extreme poverty, because a vast majority of them do not work. They live mostly in small, dirty, and dilapidated informal dwellings, commonly made of cardboard, iron, or cinderblock. Often, these shacks are constructed without access to water, electricity, or heat, and are made of one room, regardless of the number of persons living in it. This situation often leads to episodes of domestic violence, maltreatment, and sexual abuses.

10. In Romania, there has been a significant increase of migration as a result of extreme poverty. Since 2007, when this country entered the European Union, many Romanians moved abroad, mostly to Germany, Canada, United States, or Italy and left their families, children, and heritage behind for the sole purpose to have a better life.

11. This coalition of NGOs recommends the Government of Romania to:

a) Strengthen measures to reduce unemployment, particularly long-term unemployment, and promote equal access to the labor market for vulnerable groups, particularly the Roma minority and the youth;

d) Implement programs and strategies to encourage industrial, social, agricultural, and craft entrepreneurship;

¹ Law n. 118/2010, on necessary measures to restore fiscal balance. Article 2: “are reduced by 25% following salaries rights enjoyed by the staff of public authorities and institutions, regardless of funding”. Article 5: “the amount of unemployment benefits is reduced by 15%”. Available at http://www.dreptonline.ro/legislatie/legea_118_2010_unele_masuri_necesare_vederea_restabilirii_echilibrului_bugetar.php (Last visited 5 July 2012).

² For 2011, the inflation rate in Romania was 5.8% was well above European annual inflation, which corresponded to 3,1%. Eurostat . Office statistiques de l’Union européenne. Available at <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&language=fr&pcode=tsieb060&tableSelection=1&footnotes=yes&labeling=labels&plugin=1> (Last visited 5 July 2012).

³ National Institute of Statistics of Romania, available at: http://www.insse.ro/cms/files/publicatii/Romania_in%20cifre%202011.pdf (Last visited 5 July 2012).

b) Increase government budget allocations so as to raise minimum state allowances and build more social housing for disadvantaged and marginalized groups;

II. TRAFFICKING IN PERSONS

Background

12. In 2008, Romania accepted recommendations to “*take additional measures to combat human trafficking, including the provision of training for police in dealing with victims of human trafficking and sexual abuse, and the implementation of a system of witness protection in cases of trafficking and to strengthen protection of victims of trafficking against criminalization as well as to continue to improve the protection and assistance to victims, as well as to raise public awareness on the risks of trafficking.*”⁴

13. Since 2006, when Romania ratified the Council of Europe Convention on Action against Trafficking in Human Beings (Warsaw Convention),⁵ the country has made some progress in its fight against trafficking in persons. Several of these steps are that the country has adopted and further updated its anti-trafficking legislation, established the National Agency against Trafficking in Persons,⁶ and introduced a national identification and referral mechanism through which “*access protection and assistance services should be provided to all victims of trafficking without any discrimination and regardless of the victim’s decision to participate or not in criminal proceedings.*”⁷ This mechanism is particularly appreciated as it establishes that actors other than the police (NGOs, for instance) can proceed with the informal identification of victims of trafficking, and eventually refer them to the police for the official identification.

Concerns

Right to a Fair Trial

14. Romania’s obligation to fulfil the right to legal assistance for victims of trafficking in persons does not seem to be fully realized. Lawyers who accept cases involving victims of trafficking are few and poorly (or at all) paid and trained. Only a handful of legal professionals are specialized and specifically trained for dealing with cases relating to trafficking in persons. The length of the criminal proceedings dealing with trafficking is another evident obstacle to the victims’ fair trial rights.

Protection and Assistance

15. The human rights based approach to trafficking requires states to put in place a comprehensive and effective protection framework for the victims. In this respect, Law No. 230 of 30 November 2010 states that the status of victims shall no longer be dependent on whether the victim cooperates with the authorities and testifies against traffickers in a criminal trial. Once a person is recognized as victim of trafficking, she shall be entitled to protection and assistance. However, in practice, adequate funding are not allocated and NGOs operating in the field are forced to rely on humanitarian support (such as food, clothes and other goods) coming from abroad to meet the victims’ most essential needs.

⁴ Universal Periodic Review, Report of the Working Group on the Universal Periodic Review, Romania, A/HRC/8/49, 3 June 2008, Recommendation n. 12, page 15 and Report of the Human Rights Council on its 8th Session, A/HRC/8/52, 1 September 2008, par. 960.

⁵ Council of Europe Convention on Action against Trafficking in Human Beings (CETS No.: 197), available at: <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=197&CM=1&DF=&CL=ENG> (last visited 28 June 2012).

⁶ <http://anitp.mai.gov.ro/en/>

⁷ GRETA, Group of Experts on Action against Trafficking in Human Beings, GRETA(2012)2, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Romania. First evaluation round, Strasbourg, 31 May 2012, page 13, available at http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA_2012_2_FGR_ROU_en.pdf (last visited 28 June 2012)

16. Shelters for victims of trafficking are also few and do not receive enough support (personnel, equipment etc.) from the government. NGOs try to fill in this gap by offering, in many cases, support and assistance only when victims are reintegrated in their families (“home base assistance”). The reason for this is that NGOs are able to accommodate in their premises only a limited number of victims and for a limited period of time. Educational and vocational programmes, in general, work better. Victims are reintegrated into regular schools or vocational courses. Several targeted educational programs have been implemented to assist people in difficult situations, including victims of trafficking, such as the “second chance” program for those who did not finish schools, evening courses, or “distance learning” courses at the university level.

Reintegration

17. We note with concern that an increasing number of victims of trafficking who are abroad do not want to return to Romania due to the limited assistance and protection programs, in addition to the scarce social reintegration opportunities available. Even though the National Strategy and Action Plan for the period 2012 – 2016 incorporated reintegration for victims of trafficking, this has yet been translated into practical opportunities for them. NGOs have sometimes managed to successfully help victims of trafficking by supporting small businesses and so reintegrate them into the job market. This model has been particularly successful in small towns⁸, but the situation has worsened due to the economic crisis.

18. This coalition of NGOs recommends the Government of Romania to:

a) Allocate adequate financial resources to ensure the quality and the continuity of the assistance and protection services delivered to victims of trafficking in persons;

b) Develop policies and integrated assistance models for victims of trafficking promoting cooperation and synergy of actions between the different stakeholders involved, such as state institutions and civil society organisations specialising in assistance and protection services for victims of trafficking in persons.

III. THE RIGHT TO HEALTH

Early Pregnancies

19. Early pregnancies among 15-19 years old girls are frequent in Romania: each year, there are between 35 and 40 live births and between 15 and 20 abortions, per a thousand girls. This situation is directly related to the lack of information and education among young people, especially in the rural areas. The number of pregnancies among Roma girls is even higher, because of the Roma tradition to get married as young as thirteen and to begin having children immediately.

Access to Healthcare Services

20. In 2010, the expenditure for health care in Romania was only 5.6 % of the total gross domestic product.⁹ Jeffrey Franks, the International Monetary Fund (IMF) mission chief for Romania, has publicly stated that the demand in the Romanian healthcare system exceeds supply, that this weakens the financial status of the system and “resources are inefficiently spent, thus depriving those in need.”¹⁰ As a

⁸ For example: support of start-up of hairdresser business with training and equipment; provision of sewing machines.

⁹ http://gamapserver.who.int/gho/interactive_charts/health_financing/atlas.html?indicator=i0&date=2010 (last visited 5 July 2012).

¹⁰ Pharmaceutical, healthcare and medical sector in Central and Easter Europe, *IMF official admits that Romanian healthcare budget is undersized*, available at <http://www.ceepharma.com/113229/IMF-official-admits-that-Romanian-healthcare-budget-is-undersized.shtml> (Last visited 5 July 2012)

consequence, the Romanian healthcare system requires patients to pay for medical consultations and medications. This coupled with the widespread poverty afflicting the country, forces people not to seek proper medical assistance and healthcare.

21. Furthermore, access to healthcare is made difficult because of the extensive corruption at the medical, paramedical, and administrative levels. It is customary that patients and their families pay additional money to receive adequate care, in addition to the cost of the consultations and medications. It has been reported that in several instances women who were in need of a caesarean delivery and were unable to pay promptly the medical staff, lost their babies because the hospital/clinic waited to be paid before the doctor could perform the cesarean. This situation casts light not only on the poor quality of the healthcare system in Romania, but also on the extremely low salaries professionals receive. Since average salaries only range between 250 and 400 Euros per month, many Romanian doctors left the country and choose to settle in other countries such as France, Switzerland, Belgium, Italy, and Germany.

Quality of Healthcare Services

22. This coalition of NGOs highlights that the lack of hygiene is one of the main concerns in Romanian hospitals. Rules of sterile technique are barely respected; visitors wear gowns that have been previously used, and sheets and mattresses are not regularly changed, especially if patients do not pay bribes.

23. Lack of medicines, adequate medical equipment, and available beds also affects public health facilities.¹¹ In addition, due to the poor conditions of local hospitals and clinics, Romanians have to travel to larger cities, sometimes located hundreds of kilometers from the place where they live, in order to receive proper care. Private healthcare facilities provide, on the contrary, quality but extremely expensive medical assistance.¹²

24. This coalition of NGOs recommends the Government of Romania to:

a) Increase the annual budget allocation so as to provide for quality healthcare as well as adequate education, training – including a human rights component – and salaries for the medical and paramedical staff;

b) Strengthen the measures already in place and implement new control mechanisms to guarantee the full respect of hygiene rules in all healthcare facilities;

c) Amend the existing legislative framework so as to provide for holistic education programs which target youth and aim at informing them on the consequences of early pregnancies and support them in cases of early pregnancies.

IV. THE RIGHTS OF PEOPLE LIVING WITH HIV/AIDS

Background

25. Romania is one of the few countries in Central and South-Eastern Europe with a significant number of people affected by HIV/AIDS. According to the National Report of the HIV/AIDS Monitoring and Evaluation Department, at the end of 2011, a cumulative total of 17,435 cases of HIV and AIDS infection had been recorded, while 10,903 persons were living with HIV/AIDS at the end of 2011. The majority of

¹¹ There was a reduction of 7,000 hospital beds in one year, between 2009 and 2010 (National Institute of Statistics of Romania, page 36, available at http://www.insse.ro/cms/files/publicatii/Romania_in%20cifre%202011.pdf, last visited 5 July 2012).

¹² For example, the cost of a traditional birth is between a thousand and two thousand and five hundreds Euros, while the average salary in Romania is between 200 to 400 Euros.

these cases were diagnosed when the concerned persons were under the age of 14. At present, the majority of the people living with HIV in Romania are adults, with the most prominent group being composed of people in their twenties. A relatively low number of children are now infected and the incidence of HIV/AIDS has been stable from 2004.¹³

Challenges

26. While we commend the positive actions taken by the Government of Romania in the fight against HIV/AIDS, we note that research and intervention, in particular for vulnerable groups and adolescents, should be strengthened. We highlight, in particular, the difficulty to insert children living with HIV / AIDS in schools, with some reported cases of children required to undergo HIV testing before actually starting school. This practice is discriminatory and detrimental to the rights of all these children.

27. This coalition of NGOs recommends the Government of Romania to:

a) Improve its policy and programmatic responses to prevent HIV/AIDS, especially by strengthening its commitment to ensure universal access to prevention, treatment, care, and effective interventions for people living with HIV/AIDS, particularly for school-age children;

b) Raise awareness to fight against all forms of discrimination against people living with HIV / AIDS, chiefly addressing the communities in rural areas.

V. THE RIGHTS OF PERSONS WITH DISABILITIES

Context

28. This coalition of NGOs praises Romania for having ratified the UN Convention on the Rights of Persons with Disabilities in 2011; however, it recognizes that further efforts are necessary for the effective implementation of the provisions of the Convention in the national legislation. We acknowledge a widespread sense of stigma still associated with persons with disabilities and this causes their isolation and/or abandonment. This is particularly evident in the school context. Notwithstanding the fact that since 2000 the government of Romania has made efforts to transfer children with disabilities from special schools to mainstream schools, the latter are yet not adequately equipped to receive, assist, and implement programs which suit the needs of children with disabilities.

29. Furthermore, while the Government has approved the national strategy for the protection, integration and social inclusion of the persons with disabilities for the period 2006-2013¹⁴, disabled adults still face challenges when looking for employments and are often institutionalized.

30. This coalition of NGOs recommends the Government of Romania to:

a) Ensure the effective implementation of the UN Convention on the Rights of Persons with Disabilities, through the provision of measures aiming at the elimination of impairments and attitudinal and environmental barriers which hinder the full, effective, and equal participation of people with disabilities to the society.

¹³ Romania, Country Progress Report on AIDS, Reporting period January 2010 – December 2011, Bucharest, 2012, page 15, available at : http://www.unaids.org/en/dataanalysis/monitoringcountryprogress/progressreports/2012countries/ce_RO_Narrative_Report.pdf (last visited 2 July 2012).

¹⁴ *Equal chances for the persons with disabilities - towards a society without discrimination.*

VI. THE RIGHT TO EDUCATION

Access to Education

31. This stakeholders' coalition welcomes the progress Romania has achieved in the field of education, especially concerning the "school mediators" whose role is to bridge disadvantaged families to the formal school system, facilitating academic and social reintegration. We also note the launch, in 2010, of the national program "*Ban de liceu*" (money for college) which allows students to receive financial assistance from the Government, amounting to around forty Euros per month.

32. Despite these measures, we remark difficulties in accessing education, especially for young people living in rural areas, Roma neighborhoods, and for youth living with disabilities. Some cases of segregation have been reported in the formal educational system between the Romanian and Roma communities. *De facto*, classes – and even schools – only for Roma children exist. Here, the quality of education is very low compared to formal schools. In addition, it is very difficult to integrate Roma children in regular schools, after they have been taught in separate schools.

33. Children with disabilities do not usually receive proper education as they are almost automatically placed in specialized institutions, without exploring the possibility of integration into the ordinary school system.

34. Other difficulties in accessing education are related, for example, to the poor public transportation system and to the fact that while education is free, all incidental expenses (supplies and food) are to be borne by the families. This, evidently, deters many poor families, particularly those of Roma communities, to send their children to school.

Drop-out Rate

35. The drop-out rate has sharply increased in the recent years, especially at the secondary level. In 2010, according to UNICEF, the enrollment rate was 96% at primary level and has increased to 81% for secondary students. Roma communities are the most affected, primarily due the fact that children stop going to school and start preparing for marriage at the age of twelve and thirteen: boys must find a job and girls help their mother at home while waiting to be married. School dropout is due to the lack of education of the parents who are not aware of the importance of schooling and to the fact that extreme poverty pushes children to withdraw at the end of the compulsory school to find a job enabling them to support their families. Also for this reason, children fill the streets of Bucharest and are often recruited for cheap labor, sometimes exploited, and abused. Child prostitution has been frequently observed in the capital.

The Quality of Education

36. We welcome the new law on education adopted by the Government of Romania at the beginning of 2011 and aiming at improving the quality and performance of the Romanian educational system in order to comply with Western European countries' standards. Article 8 provides that the state budget allocated to education be at least 6% of the GDP; Article 3 recognizes and guarantees the rights of the persons belonging to national minorities to preserve, develop, and express their ethnic, cultural, linguistic and religious identity.¹⁵

¹⁵ Law n. 1/2011 adopted in January 2011. Article 3 Title I: "General provisions": "The principles that govern school and university education, as learning throughout life in Romania are: (...) The principle of recognizing and guaranteeing the rights of national minorities to preserve, develop and express their ethnic, cultural, linguistic and religious identity.» Article 8 Title I: "General provisions": To finance national education it must be allocated annually by the state a minimum budget of 6% of GDP (http://www.dreptonline.ro/legislatie/legea_educatiei_nationale_lege_1_2011.php , last visited 5 July 2012).

37. Nonetheless, we note that the overall quality of the education in Romania is hampered by a widespread phenomenon of corruption. The payment of a sum of money and sometimes personal relationships are required to pass an exam, enter university or be admitted to superior levels.¹⁶

38. Numerous are the testimonies of Roma children who feel discriminated, intimidated and harassed by the teachers and their peers. The cultural diversity in the Romanian education system is not promoted. The history and culture of the Roma and Hungarian minorities is not taught in schools and very few universities teach courses using Roma and Hungarian languages. In March 2012, a government order has established a faculty in Hungarian and English at the University of Medicine and Pharmacy of Târgu Mureş. Nevertheless, the administration of the University has requested the competent administrative court for the suspension and repeal of the above mentioned act in the part where it establishes that courses be taught in the Hungarian.¹⁷

39. The material conditions for learning are relatively good in most public schools. The infrastructures and teaching materials are satisfactory. However, we note gaps in academic and continuous training for teachers, as well as a poor method of monitoring their competences.

40. In Romania, human rights are taught as a separate discipline. At the primary level, "Civic Education" is taught in classes 3 and 4, 1 hour / week. At the secondary level, classes 7 and 8 have a subject called "Civic Culture". At the secondary level, history and geography professors teach human rights from time to time in their classes. There is not a time specifically consecrated to this subject.

41. This coalition of NGOs recommends the Government of Romania to:

a) Ensure that disabled children are integrated in the conventional school system and receive support adequate to their disabilities;

d) Integrate Roma and Hungarian cultures in the school curricula and promote the establishment of Hungarian-taught courses at the university level;

f) Establish a periodic monitoring system to evaluate teachers with the view to improve the quality of teaching and education;

c) Increase the number of technical and vocational trainings for youth so as to facilitate their entry into the job market;

a) Strictly enforce the provisions of ILO C138 - Minimum Age Convention, 1973 (No. 138), in relation to which Romania specified the minimum age at 16 years, and of ILO C182 - Worst Forms of Child Labour Convention, 1999 (No. 182), and therefore increase efforts to combat sexual and labour exploitation of children.

¹⁶ A common example is that for passing the baccalaureate in some public schools, "the Protocol" means that students pay at least 20 lei (4.8 Euros) to have "benevolence" and support from the reviewers and their teachers.

¹⁷ See: <http://www.bucarest-hebdo.ro/index.php?page=detalii&categorie=actualite&id=20120402-1975> and <http://www.gandul.info/news/hotararea-de-guvern-privind-infiintarea-unei-noi-facultati-la-umf-targu-mures-suspendata-de-instanta-9593864> (last visited 5 July 2012).