

OSCE/ODIHR Submission of Information about an OSCE participating State or Partner for Co-operation under consideration in the Universal Periodic Review Process

Participating/Partner State: Romania

UPR Session and Date of Review: 29th Session, Jan-Feb 2018

Background

Romania has been a participating State in the former Conference for Security and Co-operation in Europe (CSCE) and the present Organization for Security and Co-operation in Europe (OSCE) since 1973 and has thus undertaken and has recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE documents.¹

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been mandated by OSCE participating States, including Romania, to assist them in implementing their human dimension commitments. ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE area.

The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Romania and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in Romania.

Overview of this Submission

ODIHR undertook a Needs Assessment Mission (NAM) in connection with the 11 December 2016 parliamentary elections. The findings of the NAM are summarized below.

The authorities in Romania and other sources have provided information to ODIHR for its most recent (2015) annual report on *Hate Crimes: Incidents and Responses*. Extracts from this information are included below.

This submission also contains information on the situation of Roma and Sinti, mostly drawn from the Romanian authorities’ contribution to the 2013 ODIHR Status Report on Implementation of the OSCE Roma and Sinti Action Plan.

Election-related activities

From 27 to 29 September 2016, ODIHR undertook a Needs Assessment Mission to Romania in connection with the 11 December 2016 parliamentary elections.

¹ Compendium of OSCE Human Dimension Commitments, vol 1 and 2; Astana Commemorative Declaration, 2010.

The NAM yielded that most ODIHR NAM interlocutors expressed confidence in the legal framework for elections and noted the overall professionalism and impartiality of the election administration and its ability to efficiently organize elections. While a number of previous ODIHR recommendations have been addressed, ODIHR NAM interlocutors welcomed a potential observation activity, recognizing that an external assessment and recommendations would be of added-value and certain aspects of the electoral process would benefit from further review. However, due to the lack of resources no mission was undertaken. The NAM report can be found here: <http://www.osce.org/odihr/elections/romania/278346>

In 2012, an Election Expert Team (EET) concluded that the 9 December 2012 parliamentary elections “were administered professionally and efficiently by the three-tiered ad hoc election administration; the requirement of both a deposit and supporting signatures for the registration of independent candidates is unduly excessive, thus not in line with the OSCE commitments; at odds with the international standards, the Election Law favors national minority organizations already represented in parliament.” The link to the full report is available here: <http://www.osce.org/odihr/elections/98757>

Legislation reviewed by ODIHR

Upon request by authorities of a participating State, an OSCE field operation or an OSCE institution, ODIHR reviews draft or enacted legislation of OSCE participating States on topics relating to the human dimension of security for its conformity with OSCE commitments and other international standards. The legal reviews and opinions, often produced in co-operation with the Venice Commission of the Council of Europe, are available at www.legislationline.org.

Basic information about the constitutional system and legislation of Romania is available on www.legislationline.org.

No requests for legislative reviews have been received from Romania since 2013.

Tolerance and non-discrimination issues, including incidents of and responses to hate crime

OSCE participating States have made a number of commitments to promote tolerance and non-discrimination and specifically to combat hate crime, and ODIHR supports states in their implementation of those commitments. In this context, the ODIHR reports at <http://hatecrime.osce.org/> to highlight the prevalence of hate crimes and good practices that participating States and civil society have adopted to tackle them. ODIHR’s data on hate crime is launched online each year on 16 November, covering information from the past calendar year. ODIHR also helps participating States design and draft legislation that effectively addresses hate crimes; provides training that builds the capacity of participating States’ criminal justice systems and the law-enforcement officials, prosecutors and judges that staff them; raises awareness of hate crimes among governmental officials, civil society and international organizations; and supports the efforts of civil society to monitor and report hate crimes.

Information concerning Romania in the most recent (2015) edition of the annual hate crimes reporting² includes the following:

- **Overview of officially reported data**

Romania regularly reports hate crime data to ODIHR. Romania's criminal law contains a general penalty-enhancement provision and a substantive offence. Police data and prosecution data also include hate speech offences. The Ministry of Administration and Interior, the police, the Prosecutor's Office and the Superior Council of Magistracy collect hate crime data. The annual 2015 figures included 15 incidents recorded by police; 24 prosecuted cases and 59 sentenced cases.

Police and prosecutor figures include cases of hate speech.

National development

Romania amended its criminal code to prohibit deeds with a fascist, racist or xenophobic character.

The Romanian Police implemented the project "Integrated approach for prevention of victimization in Roma communities" in partnership with ODIHR and funded by a grant from the government of Norway.

- **Overview of incidents reported to ODIHR by civil society**

Bias Motivation	Attacks Against People		Attacks Against Property
	Violent Attacks	Threats	
Bias against disabilities and other groups	3	0	0
Total	3	0	0
Grand Total	3		

The following civil society organizations reported information on incidents to ODIHR

Bias against Christians and members of other religions

- Jehovah's Witnesses – Romania reported three physical assaults, targeting two women and a blind man, respectively.

Roma and Sinti issues

ODIHR has a specific mandate to assist participating States in implementing the OSCE Action Plan for Improving the Situation of Roma and Sinti within the OSCE Area.³ A Status Report on implementation of the Action Plan was issued by ODIHR in 2013. The Report included the following/no specific information about the situation in Romania.

In its response to the questionnaire related to the 2013 Status Report, Romania listed some specific achievements with regard the improvement of situation of Roma and Sinti.⁴

² Available at <http://hatecrime.osce.org/romania>.

³ <http://www.osce.org/odihr/17554>.

⁴ Ibid, p. 19.

Regarding the approach to the implementation of the National Roma Integration Strategy in Romania, it involves “a mixture of general programmes run and supported by the budgets of particular ministries, combined with specific measures co-ordinated by the Roma National Agency”.⁵ Romania further reported that there were “40,581 Roma beneficiaries of the more than 71 projects funded through the European Social Fund in Romania”⁶, implemented by public institutions, including regional agencies or Ministries and by “civil society and private sector actors”.⁷ In its response, Romania also included some outcomes of its policy measures targeting Roma such as “the number of Roma who are employed either as experts or as civil servants in various offices and institutions (Roma mediators, Roma experts in mayors’ offices, Roma school inspectors and Roma advisors in ministries); the number of places at universities reserved for Roma students; and the number of teachers of the Romani language employed in schools”.⁸

As to housing and living conditions, a FRA/UNDP/European Commission/World Bank survey conducted in 12 countries, including Romania, confirmed “the precarious or substandard living conditions for Roma”.⁹

Regarding healthcare, a study conducted in a number of countries including Romania by the World Bank and cited by the Status report refer to factors which are impacting Roma family life such as “high, long-term unemployment, welfare dependency, segregation and isolation in ghetto-type, settlements” and which are “especially evident among the younger generation, in the form of drug and alcohol addiction, with a related increase in the incidence of HIV/AIDS”¹⁰ As to healthcare related policies, the most reported measure targeted at improving the health status of Roma was the expanding of Roma health mediator programmes. The programme has been institutionalized in several countries, including Romania, where “health mediators are trained and employed by health ministries”.¹¹ The Status report refers also to programmes aimed at providing training to Roma health professionals, and gives as an example a EU-funded scholarship programme in Romania, which has been “developed by OSI and the Roma Education Fund”, and which “gives Roma students and professionals the opportunity to study medicine, nursing or pharmacology”.¹²

When it comes to unemployment and economic problems, a World Bank research revealed that “while most Roma are among the poorest categories of the population, it is a misperception that the majority of Roma live off of social assistance.”¹³ The report further stressed that “only 12 per cent of working-age Roma individuals” receive guaranteed minimum income support in Romania.”¹⁴ Information submitted by Romania in its response to the questionnaire related to the 2013 Status Report also refer to governmental programmes “stimulating formal self-employment to the development of social enterprises”, “including under its Human Resources Development Operational Programme”.¹⁵

⁵ Ibid, p. 22.

⁶ Ibid, p. 22.

⁷ Ibid, p. 22.

⁸ Ibid, p. 22.

⁹ Ibid, p. 27.

¹⁰ Ibid, p. 33.

¹¹ Ibid, p. 35.

¹² Ibid, p. 37.

¹³ Ibid, p. 39.

¹⁴ Ibid, p. 39.

¹⁵ Ibid, p. 41.

Regarding improving access to education, in terms of efforts towards addressing the segregation of Roma children, the Status report notes the attempts of some states “to desegregate education through the adoption of regulations (such as Romania)”.¹⁶ The FRA survey pointed also that in a number of countries, including in Romania, “at least 10% of Roma children aged 7 to 15” are identified as “not attending school, meaning that they are either still in preschool, not yet in education, skipped the year, stopped school completely or are already working”.¹⁷ As to “completing any type of upper-secondary general or vocational education”, the same report concludes that in five out of 11 EU Member States, including in Romania, “fewer than one out of 10 Roma is reported to have completed upper-secondary education”.¹⁸ The Status report also noted that in Romania, only “37 per cent of Roma children aged 3-6 are in preschool education”.¹⁹ A number of programmes implemented in Romania, one related to early childhood education reform, another related to the transition from kindergarten to primary school were also mentioned in the response to the questionnaire related to the 2013 Status Report.²⁰ Information is also provided regarding scholarship programmes for children coming from disadvantaged groups²¹ regarding the use of quota systems for access to secondary and tertiary education for Roma students,²² and regarding remedial educational programmes.²³

In the area of enhancing participation in public and political life, according to the information submitted by the participating State, in Romania, in the 2012 elections 161 Roma won seats as local councilors²⁴, a decrease compared to previous elections. Regarding the parliamentary elections in 2012 in Romania, the ODIHR Election Expert Team Report reported on a number of challenges which require attention: “A number of ODIHR EET interlocutors raised concerns about possible election irregularities in some Roma communities”.

This perceived vulnerability was largely seen as due to social exclusion, poverty, and lower education levels amongst the Roma population. Although the authorities have taken measures to address the continuous problem of lack of proper identification or documentation in some Roma communities, an unknown number of Roma voters still do not possess documentation. People living in informal settlements, including some Roma communities, are treated as homeless and given temporary identification that has the name of the voter and the city of residence. Homeless voters are supposed to vote in one designated polling station in each district. The ODIHR EET was informed that in at least one locality in the country, homeless voters were spread throughout all district stations, potentially causing confusion.

A large-scale civic education programme targeting selected minority communities and aimed at increasing the understanding of electoral processes could be developed and conducted in close co-operation with relevant civil society organizations, including those representing

¹⁶ Ibid, p. 43.

¹⁷ Ibid, p. 45.

¹⁸ Ibid, p. 45.

¹⁹ Ibid, p. 46.

²⁰ Ibid, p. 47.

²¹ Ibid, p. 49.

²² Ibid, p. 50.

²³ Ibid, p. 50.

²⁴ Ibid, p. 53.

Roma”.²⁵ In its response to the questionnaire related to the 2013 Status Report, Romania reported that it is continuing its “programme of issuing civil status and identity documents for Romanian citizens of Roma origin in accordance with the law”.²⁶

Country-specific ODIHR monitoring, assessment, co-operation and assistance activities (other than elections)

N/A

Other assessments and recommendations contained in ODIHR reports on thematic human issues

N/A

²⁵ Romania, Parliamentary Elections, 9 December 2012, OSCE/ODIHR Election Expert Team Final Report, Warsaw, 16 January 2013, available at: <http://www.osce.org/odihr/98757>.

²⁶ OSCE/ODIHR, Implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, Status Report 2013 (Warsaw: OSCE/ODIHR, 2013), p. 53.