



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### List of issues in relation to the sixth periodic report of Romania\*

#### I. General information

1. Please specify the efforts made by the State party to enhance understanding among judges, prosecutors and lawyers of the provisions of the Covenant and their justiciability. Please provide information on the cases in which Covenant rights have been applied or invoked by the courts, including examples thereof. Furthermore, please provide information on legal aid provided in cases of alleged violation of economic, social and cultural rights.
2. Please clarify whether the Romanian Institute for Human Rights is provided with a clear mandate to promote and protect economic, social and cultural rights. Please provide information on the steps taken to ensure that the Institute effectively and independently discharges its mandate in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please also provide information on the legislative proposal to merge the Institute with the National Council for Combating Discrimination.
3. Please provide information on the progress made in meeting the nationally determined contributions for reducing emissions that the State party has set itself under the Paris Agreement. Please report on the measures taken within its adaptation framework to address the adverse effects of climate change on the enjoyment of economic, social and cultural rights, particularly by those living in disaster-prone areas and other disadvantaged and marginalized individuals and groups.
4. In relation to the coronavirus disease (COVID-19) pandemic, please provide information on:
  - (a) The measures taken or planned, including temporary social security programmes, to provide assistance to or mitigate the pandemic's impact on the enjoyment of economic, social and cultural rights by disadvantaged and marginalized individuals and groups, especially workers in non-standard forms of employment and in the informal economy, and the effectiveness thereof;
  - (b) The measures taken to facilitate universal and equal access to COVID-19 testing, treatment and vaccination, particularly in rural areas, including relevant statistical data in that regard; and the criteria set for prioritizing the groups to be vaccinated and the measures taken to address scepticism about the vaccination;
  - (c) The measures taken to ensure that constraints on health-care resources owing to the pandemic do not significantly hinder the provision of other health care and services.

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\* Adopted by the pre-sessional working group at its sixty-ninth session (18–22 October 2021).



## II. Issues relating to the general provisions of the Covenant (arts. 1–5)

### Maximum available resources (art. 2 (1))

5. In order for the Committee to assess whether the State party is using the maximum available resources to realize the rights recognized in the Covenant, please provide information on the evolution over the past 10 years of:

(a) The proportion of the population living below the poverty line as defined at the national level, before and after taxes and transfers;

(b) The levels of income inequality, defined as the ratio between the total income accruing to the richest decile of the population and the total income of the poorest 40 per cent of the population, before and after taxes and transfers;

(c) The levels of wealth inequality, defined as the ratio between the assets owned by the richest decile of the population and the assets owned by the poorest 50 per cent of the population;

(d) The proportion of public revenue that is generated through taxes;

(e) Tax rates levied on corporate profits and on personal income, the value added tax rate (exclusive of value added tax on luxury items, tobacco, alcohol, sugary drinks and snacks, and petrol and diesel) and the percentage of total revenue that is generated from personal income tax collected from the richest 10 per cent of the population;

(f) Public expenditure as a percentage of gross domestic product and, within total public expenditure, the proportion of the public budget that is allocated to social spending, including employment, education, food, health, water and sanitation, social security, housing and culture;

(g) Inflation-adjusted absolute levels of social spending;

(h) The measures taken to improve administrative capacity and transparency in allocating the budget in the areas relating to the realization of Covenant rights and in executing the allocated budget.

6. Please provide information on the outcome of the legislative and policy measures taken by the State party to combat corruption in the public sector, particularly in the health-care sector,<sup>1</sup> and indicate the challenges faced in implementing those measures and the steps taken to overcome them. Please also provide information on the cases of corruption filed, investigated and prosecuted, including annual statistical data, and the sentences passed on those found guilty. Furthermore, please provide information on the measures taken to combat corruption in the private sector and illicit financial flows.

### Non-discrimination (art. 2 (2))

7. Please specify the outcome of the measures taken under the strategy for the inclusion of Romanian citizens belonging to the Roma minority over the period 2012–2020, including the progress made and the challenges faced in implementing the strategy. In relation to the cases of discrimination based on Roma ethnicity filed with the National Council for Combating Discrimination, please provide information on the remedies provided to victims and any recommendations made by the National Council calling for policy or structural change. Furthermore, please indicate the steps taken to improve the collection of data on access to employment, social security, housing, health care and education by Roma and provide relevant statistical data in this regard.

8. In the light of the amended legislative framework that allows asylum seekers to work three months after their asylum procedure has begun,<sup>2</sup> please indicate any steps taken to recognize the qualifications and competencies of asylum seekers acquired in their countries

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<sup>1</sup> E/C.12/ROU/6, paras. 52–57, 202–203.

<sup>2</sup> Ibid., para. 118.

of origin and other measures taken to facilitate their access to employment. Please specify the measures taken to improve the living conditions in reception centres and to increase the non-reimbursable financial aid to enable asylum seekers to cover their basic needs. Please indicate the number of foreigners with “tolerated” status and the measures taken to ensure that the temporary nature of their status does not hinder their enjoyment of the rights enshrined in the Covenant.

9. Please provide information on the progress made by the State party in combating discrimination based on sexual orientation and gender identity, including in access to services relating to economic, social and cultural rights, particularly employment and health-care services. Please indicate the measures taken to implement the recent judgment of the European Court of Human Rights regarding recognition of the gender identity of transgender persons.<sup>3</sup>

#### **Equal rights of men and women (art. 3)**

10. Please provide information on:

(a) The measures taken, including temporary special measures, to improve women’s representation in decision-making positions in both the public and private sectors, with updated statistical data in this regard;

(b) The measures taken, and the effectiveness thereof, to address the reported large gender gap in labour market participation and employment;

(c) The measures taken to address the high incidence of gender-based violence, particularly during the COVID-19 pandemic, and to tackle the low level of reporting of such violence, particularly rape, and the inappropriate response of law enforcement officials thereto.

### **III. Issues relating to the specific provisions of the Covenant (arts. 6–15)**

#### **Right to work (art. 6)**

11. Please specify the progress made and the difficulties encountered in implementing the Youth Guarantee Implementation Plans for 2014–2015 and 2017–2020, and other measures taken to reduce the high incidence of young people who are not in employment, education or training. In this regard, please provide annual statistical data since the implementation of the plans. Please report on the implementation of the quota of 4 per cent for the employment of persons with disabilities, including relevant statistical data and the sanctions imposed in case of non-compliance, and on other measures taken, and their outcome, to improve the employment of persons with disabilities. Furthermore, please provide information on the measures taken to create decent jobs for older persons and to facilitate their employment.

12. Please provide information on the numbers of workers in the informal economy and of workers in non-standard forms of employment in the State party. Please specify the measures taken to facilitate the transition from the informal to the formal economy and to protect the economic and social rights of workers in non-standard forms of employment.

#### **Right to just and favourable conditions of work (art. 7)**

13. Please clarify whether the national minimum wage covers all workers in the State party, including self-employed workers, migrant workers and those in the informal sector, and whether it is sufficient to provide workers and their families with a decent living. Please provide information on the enforcement of the national minimum wage, including the level of compliance and the sanctions imposed in case of non-compliance. Please also provide information on the measures taken to address the high gender pay gap in certain sectors, including the financial and insurance, manufacturing and construction sectors, and clarify

<sup>3</sup> European Court of Human Rights, *X and Y v. Romania*, Applications No. 2145/16 and No. 20607/16, Judgment, 19 January 2021.

whether the principle of equal pay for work of equal value is incorporated into the labour legislation and collective agreements. Furthermore, please provide information on the efforts made by the State party to ensure that all workers have a fair wage, as provided in article 7 (a) (i) and (ii) of the Covenant and elaborated upon in paragraph 10 of the Committee's general comment No. 23 (2016) on the right to just and favourable conditions of work.

14. Please clarify whether labour legislation provides protection for all workers, including self-employed workers, workers in the informal economy and migrant workers, and indicate any legislative gaps in the protection of the rights of workers to just and favourable conditions of work. Please provide information on the enforcement of labour legislation through the Labour Inspectorate, including relevant disaggregated statistical data, the main areas of concern identified through inspections and any legislative and policy measures taken as a result. In addition, please provide information on the measures taken to enhance the effectiveness of the Labour Inspectorate and to ensure that it does not serve to verify the migration status of workers.

15. Please specify the measures taken to improve occupational safety and health and to prevent the incidence of occupational accidents and diseases. In this regard, please provide information on the numbers of occupational accidents (including injuries and deaths) and occupational disease, including relevant statistical data disaggregated by industry and sex. Please explain what measures have been taken to ensure that workers are not exposed to additional safety and health risks as a result of the COVID-19 pandemic and to protect those workers who cannot perform their jobs remotely.

#### **Trade union rights (art. 8)**

16. Please indicate any legislative review conducted in order to lift restrictions on the exercise of the trade union rights of certain groups of workers, including workers in non-standard forms of employment and public servants. Please also indicate any progress made in removing obstacles to forming a trade union, including minimum membership requirements and control of or restrictions on unions' finances and activities. Please provide detailed information on the cases of anti-union discrimination and of interference in the exercise of the rights of trade unions that have been filed with the relevant authorities, including exemplary cases and the sanctions imposed in such cases. In relation to collective bargaining, please provide information on the representation criteria, annual statistical data on the number of collective agreements concluded and the proportion of those concluded with trade unions, and information on the measures taken to increase the coverage of collective bargaining.

#### **Right to social security (art. 9)**

17. Please provide information on:

(a) Any review conducted of the eligibility criteria for and pick-up rates of universal social benefit programmes, and the measures taken to increase the amounts of those benefits;

(b) The measures taken to expand the coverage of the Minimum Social Insertion Income programme and to increase the amounts of the benefits, and the indexation of both universal and means-tested social benefits;

(c) The measures taken to increase the coverage and the amounts of contributory social benefits, including pension and unemployment benefits, and the steps taken to equalize the retirement age for men and women.

18. In the light of the Committee's previous concluding observations,<sup>4</sup> please provide information on:

(a) The measures taken, including budgetary and institutional measures, to address the adverse impact of decentralization of social services on their provision;

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<sup>4</sup> E/C.12/ROU/CO/3-5, para. 16.

(b) The steps taken to address the large disparities between rural and urban areas in access to social services that are essential to the realization of economic, social and cultural rights;

(c) The supervision and monitoring of social services through the Social Inspection mechanism,<sup>5</sup> including the main areas in which irregularities and deficiencies occur, the measures taken to address them and the sanctions imposed on service providers.

#### **Protection of the family and children (art. 10)**

19. Please provide information on:

(a) The implementation of the measures taken by the State party to ensure the equal distribution of childcare responsibilities between men and women,<sup>6</sup> including any obstacles to benefiting from these measures reported by parents and statistical data, disaggregated by sex, on take-up rates of parental leave and the duration of parental leave taken;

(b) The measures taken to strengthen the child protection system for unaccompanied children seeking asylum, particularly in terms of legal representatives, interpretation services and reception conditions, including relevant statistical data on the coverage of legal representatives and the ratio of interpreters to children;

(c) Any steps taken to amend Law No. 21/1991 with a view to granting nationality to children born in the State party who would otherwise be stateless.

#### **Right to an adequate standard of living (art. 11)**

20. In the light of the Committee's previous concluding observations,<sup>7</sup> please specify the measures taken, and the progress made thereby, to reduce the level of poverty, particularly among Roma, children, older persons, persons with disabilities and persons living in rural areas. Please provide information on the measures taken to tackle socioeconomic inequalities, including fiscal measures.

21. Please provide information on the framework legislation and policy adopted with a view to realizing the right to adequate housing. In particular, please specify:

(a) The measures taken, and the progress made thereby, to address the significant discrepancy between the demand and the supply of social housing and to review the eligibility criteria;

(b) The progress made in implementing the measures taken to regularize dwellings in informal settlements, including the amendment of the law on cadastre and real estate, and in improving basic living conditions in such settlements, including access to clean drinking water, sanitation facilities, electricity, public transportation and other basic services;

(c) Whether Roma representatives have been involved in the development and implementation of the measures taken by the State party to provide adequate housing to Roma and to improve their housing conditions,<sup>8</sup> and the extent to which progress has been made through those measures.

22. In the light of the Committee's previous concluding observations,<sup>9</sup> please provide information on:

(a) Legal provisions on protection from forced evictions and on a procedure for evictions that is in compliance with international human rights standards;

(b) The measures taken, and the outcome thereof, to prevent forced evictions of Roma and to ensure that due process is followed;

<sup>5</sup> E/C.12/ROU/6, paras. 150–152.

<sup>6</sup> Ibid., paras. 90–96.

<sup>7</sup> E/C.12/ROU/CO/3-5, para. 17.

<sup>8</sup> E/C.12/ROU/6, paras. 170–171.

<sup>9</sup> E/C.12/ROU/CO/3-5, para. 19.

(c) The evictions carried out in the past seven years, including statistical data, disaggregated by region, on the numbers of forced evictions and of affected households and individuals, and the forms of alternative housing provided for those evicted.

23. Please provide information on the steps taken to address the large number of households, particularly those in social housing and Roma, who are in arrears of utility bills, and the measures taken to prevent the cutting-off of utility services for non-payment of bills. Please indicate any measures taken to ensure that the pricing policy on utility services, including electricity and gas, are based on human rights norms and principles.

**Right to physical and mental health (art. 12)**

24. Please indicate the measures taken to expand the coverage of the social health insurance, including to workers in the informal economy and asylum seekers, and the scope of health-care services covered by the insurance; to increase the public budget allocation to the insurance; and to reduce out-of-pocket payments. Please provide information on the measures taken to improve the availability, accessibility and quality of mental health-care services, and the proportion of the public health budget allocated to the mental health sector. Please specify any measures taken to enhance preventive health-care services, including relating to ischaemic heart disease, alcohol-related diseases and HIV/AIDS.

25. Please specify the conditions under which abortion may be legally carried out and the measures taken, and the effectiveness thereof, to address the impeded access to safe and legal abortion resulting from the exercise of conscientious objection by medical professionals and the reported refusal of public hospitals to carry out abortion. Please clarify the criteria for being “eligible” for free contraceptive products,<sup>10</sup> and indicate the measures taken to ensure free access to reproductive health information and services, including contraceptives. Furthermore, please indicate the measures taken to improve the effectiveness of the programme on active early detection of cervical cancer.

**Right to education (arts. 13–14)**

26. Please indicate any assessment carried out of the impact of decentralization on the right to education, especially on children in areas with poorer local governments, and the measures taken to address any adverse impact in this regard. Please provide information on the steps taken to meet the minimum level of financing for national education, as provided for in the Law on National Education, with a timetable. Please specify the measures taken to address the high level of functional illiteracy among 15-year-old students and to improve the overall academic achievement of students at all levels, particularly Roma and other disadvantaged and marginalized students. In addition, please provide information on the measures taken to address the disruption of education due to the COVID-19 pandemic so as to ensure it does not disproportionately affect those most disadvantaged and marginalized.

**Cultural rights (art. 15)**

27. Please provide information on education in minority languages and the measures taken to preserve and promote the languages, history and culture of national and ethnic minority groups, including the Hungarian and Roma minority groups. Please indicate the measures taken to promote the use of minority languages by the local authorities in towns and villages with a significant presence of national and ethnic minority groups.

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<sup>10</sup> E/C.12/ROU/6, para. 235.