



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues prior to submission of the fifth periodic report of Romania*

The Human Rights Committee, at its ninety-seventh session (A/65/40 (Vol. I), para. 40), established an optional procedure which consists in the preparation and adoption of a list of issues to be transmitted to the State party concerned prior to the submission of its periodic report. The replies of the State party to this list of issues will constitute its report under article 40 of the Covenant.

General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide information on any significant developments in the legal and institutional framework within which human rights are promoted and protected at the national level, including any relevant case law, as well as information on significant political and administrative measures taken since the previous report to promote and protect human rights under the Covenant, including the resources allocated thereto, and their objectives and results. Please also provide information on measures adopted to disseminate the Covenant among judges, lawyers and prosecutors.
2. Please provide any other information on new measures taken to disseminate and implement the Committee's previous recommendations (CCPR/C/79/Add.111), including any necessary statistical data.

* Adopted by the Committee at its 110th session (10–28 March 2014).



Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to additional previous recommendations of the Committee

Constitutional and legal framework within which the Covenant is implemented (art. 2)

3. Please indicate the measures taken to combat allegations of corruption within the National Anti-Corruption Strategy 2012–2015, in particular in the administration of justice and in the electoral process. Please provide information, including statistical data, on investigations, trials and punishments for corruption.

4. Please indicate the measures implemented to ensure that the existing national human rights institutions are in full compliance with the Paris Principles. Please provide information on measures taken to address concerns with regard to the overlap of competences between the National Council for Combating Discrimination and the office of the Ombudsman so as to ensure the effectiveness of the system for preventing and combating discrimination.

Non-discrimination, equal rights of men and women, incitement to national, racial or religious hatred, equality before the law, and rights of persons belonging to minorities (arts. 2 (para. 1), 3, 20, 26 and 27)

5. Please provide information about specific measures taken to enforce anti-discrimination legislation. Please indicate the results of the 2007–2013 National Strategy on Measures to Prevent and Combat Discrimination.

6. Please specify the steps taken to combat discrimination against minorities and the specific measures adopted within the 2012–2020 strategy for the inclusion of Romanian citizens belonging to the Roma minority. In that regard, please provide statistical data on the number of Roma children educated in schools with non-Roma children. Please explain any measures taken regarding the abolition of segregation of Roma children in schools, reducing the percentage of Roma children sent to special education facilities, and regarding the protection of the Romani language. Concerning the right to housing with regard to Roma, please provide information on any amendments made to the Housing Law that are aimed at expressly prohibiting segregation on any grounds, including race, and at forbidding forced evictions without due guarantees. Please report on the remedies available in cases of forced eviction and also provide updated information about reported cases of forced eviction in Cluj-Napoca, Baia Mare and Piatra Neamt.

7. Please indicate any legislative action taken to criminalize racially motivated behaviours and provide information on criminal and disciplinary measures taken against publications, the media, political parties, politicians and public leaders for incitement to racial, national or religious hatred. Please supply the official data on the number and type of racially motivated crimes committed against Roma, including the number of complaints, prosecutions and convictions, and information on measures designed to end racial profiling of Roma by the police.

8. Please indicate the measures adopted to combat discrimination on the grounds of sexual orientation, including societal discrimination, and discrimination in public education and in the health care system. Please indicate any steps taken to adopt comprehensive legislation allowing a change to civil status based on gender identity.

9. Please provide information on actions taken to guarantee that people living with HIV/AIDS, including children, are not discriminated against or stigmatized. Please provide information on actions taken to guarantee that people living with HIV/AIDS have access to

medical care, including sexual and reproductive health services, maternal health care, education and employment, without any discrimination.

10. Please provide information on the measures taken by the National Authority for Disabled Persons to enforce Law No. 448/2006 on the protection and promotion of the rights of disabled people and to implement the 2006–2013 national strategy for the protection, integration and social inclusion of persons with disabilities, with the aim of eliminating discrimination against persons with disabilities, particularly in regard to their access to employment.

11. In the light of previous concluding observations of the Committee, please provide information on the actions taken by the National Agency for Equal Opportunities for Women and Men to implement the legal framework on gender equality and the National Strategy for Equal Opportunities between Women and Men for 2010–2012, for combating discrimination against women. In particular, please provide statistical data and information on measures aimed at combating the gender pay gap and lessening the concentration of women in low-paid sectors of public employment, and on measures aimed at ensuring a greater representation of women in politics and in the public and private sectors.

Right to life (art. 6)

12. Please provide updated information about the investigations into the alleged killing by members of the security forces of three Roma men suspected of theft, on 31 May, 10 June and 28 July 2012 in different parts of Romania, and indicate whether the official investigations resulted in prosecutions and/or sanctions for the perpetrators. Please report on measures implemented to prevent further violations of the right to life by members of the police, including the adoption of legislation on the use of firearms by the police, as stated in previous concluding observations.

13. Please report on existing measures, including education and awareness-raising programmes, to address early pregnancies, particularly among Roma. Please provide information on the reasons why women resort to illegal and unsafe abortions despite the availability of abortions performed within the legal framework. Please provide information on the causes and extent of maternal mortality, and on the efforts made to eliminate it.

Prohibition of torture and cruel, inhuman or degrading treatment or punishment (art. 7)

14. In the light of previous concluding observations, please explain any actions taken to provide women victims of domestic violence with access to protective measures. Please provide information on whether Law No. 217/2003 on preventing and combating domestic violence allows the possibility of initiating a criminal investigation into domestic violence *ex officio*. In that regard, please indicate the number of reported domestic violence complaints, the number of investigations and the number of perpetrators punished. Please clarify whether the national strategy for preventing and combating domestic violence and its related action plan for 2005–2007 have been updated. Please clarify whether criminal legislation stating that the criminal responsibility of the perpetrator of rape is annulled if the victim withdraws her complaint or if the rapist marries the victim, has been amended.

15. Please indicate the measures taken to prevent and eliminate the torture and ill-treatment of persons arrested and of persons in police custody and in other places of detention, and include information on the number of investigations carried out in respect of allegations of torture and ill-treatment, the length of the investigations, and their outcome. In the light of previous concluding observations of the Committee, please explain whether legislation has been adopted to invalidate statements by accused persons that were obtained

under torture and to place the burden on the State to prove that statements made by accused persons in criminal cases were given of their own free will.

Right to liberty and security of persons, and humane treatment of persons deprived of their liberty (arts. 9 and 10)

16. Please specify the measures adopted to guarantee the rights enshrined in article 9 of the Covenant to any person placed in detention facilities, including while in police custody and in pre-trial detention, and in particular the steps taken to ensure that the legally prescribed maximum duration of detention in police custody following arrest is adhered to. Please provide information on the measures adopted to reduce the length and frequency of pre-trial detention, including alternative measures to incarceration, and compile reliable data on the length and frequency of pre-trial detention. In the light of previous concluding observations of the Committee, please provide information about actions taken to limit the prerogative of the Public Ministry to allow the withdrawal of procedural safeguards in situations of deprivation of liberty. Please provide information on the measures implemented to restrict the use of administrative detention for immigration purposes and to guarantee judicial safeguards against arbitrary detention for immigrants.

17. Please indicate the measures taken to improve living conditions in prisons, including those that are aimed at addressing the problem of overcrowding and at improving the quality of medical care. Please provide statistical data on the number of persons detained and on the overall prison capacity. Please also comment on the measures adopted to improve living conditions in immigration centres and in institutions for mentally ill people, as recommended in previous concluding observations. Please describe the safeguards appertaining to the procedures for committal and for treatment of patients in psychiatric institutions. Please provide statistical data on the number of persons in psychiatric institutions.

18. With regard to allegations of secret detention facilities, please indicate whether, besides the parliamentary inquiry carried out between 2005 and 2008, any criminal investigation has been initiated and please provide information on its outcome.

Elimination of slavery and servitude (art. 8)

19. Please provide information on the measures adopted by the National Agency against Trafficking in Persons within the National Strategy against Trafficking in Persons for 2012–2016, particularly in respect of women, and women and children of Roma origin. In that regard, please indicate the steps taken to provide social assistance and protection services to victims of trafficking, independently of the victims' readiness to cooperate with law enforcement agencies, as well as the steps taken to ensure that victims are not prosecuted or stigmatized. Please provide information about the number of investigations into trafficking in persons, specifically about cases in which Government officials, police officers or border guards have been convicted for complicity in trafficking in persons. Please indicate the measures taken to effectively enforce anti-trafficking legislation.

20. Please indicate the measures adopted to protect migrant workers, particularly domestic workers, from exploitation, and to guarantee them access to health services.

Right to a fair trial (art. 14)

21. Please provide information on measures taken to ensure that the judicial reform initiated through Law No. 202/2010, in particular the new Code of Criminal Procedure and the Code of Civil Procedure, and efforts to reduce the duration of court proceedings, are in compliance with the rights of due process enshrined in article 14 of the Covenant. In line with previous concluding observations of the Committee, please provide information on

actions taken to ensure the independence of the judiciary, including within the framework of the new law of 2012 on strengthening the disciplinary responsibility of the judiciary.

Non-discrimination, freedom of thought, conscience, religion and belief, freedom of opinion and expression, freedom of association, right to form and join trade unions, and equality before the law (arts. 2 (para. 1), 18, 19, 22 and 26)

22. Please provide information on steps taken to ensure that Law No. 489/2006 on religious freedom respects the principles of equality and non-discrimination.

23. Please report about the current laws regulating defamation and the measures enshrined therein to guarantee freedom of expression, and about the use of civil defamation laws against independent journalists. Please indicate how the bans on “religious defamation” and “public offence to religious symbols” contained in Law No. 489/2006 are compatible with freedom of expression, particularly in light of the Committee’s general comment No. 34 on article 19 of the Covenant. Please indicate the existing measures aimed at encouraging an independent and diverse media and at protecting freedom of expression without fear of harassment.

24. Please provide information on the measures taken to prevent employers from making employment conditional upon the worker agreeing not to create or join a union.

Protection of minors and rights of the child (arts. 6 and 24)

25. In the light of previous concluding observations of the Committee, please indicate the steps taken to ensure that all births are registered without discrimination, with an emphasis on Roma children, children of migrant parents and street children.

26. Please provide information on measures to reduce child mortality, particularly in rural areas. Please provide information on special measures to protect children from violence and abuse within the family, in schools and in institutional or other care settings, and more specifically on actions taken to enforce the prohibition on corporal punishment as provided for in Law No. 272/2004. Please indicate the steps taken to protect children against economic exploitation, particularly in rural areas, and to prevent sexual abuse and sexual exploitation of children, including for commercial purposes. Please include information on the number of cases of violence against children that have been investigated, especially cases of sexual exploitation of migrant children in “houses of confinement” in Bucharest.

27. Please provide the official statistics on abandoned children and on children placed in family homes, foster care and child welfare institutions, and provide information on measures to protect them against abuse and neglect. Please clarify the steps taken to prevent the institutionalization of children, particularly Roma children and children with disabilities.
