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Committee on Economic, Social and Cultural Rights Fifty-third session

Summary record (partial)* of the 59th meeting

Held at the Palais Wilson, Geneva, on Friday, 21 November 2014, at 10 a.m.

Chairperson: Mr. Dasgupta (Vice-Chairperson)

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Combined third to fifth periodic reports of Romania (continued)

* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10.10 a.m.

Consideration of reports *(continued)*

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Combined third to fifth periodic reports of Romania (continued) (E/C.12/ROU/3-5; E/C.12/ROU/Q/3-5 and Add.1; HRI/CORE/ROM/2011)

1. *At the invitation of the Chairperson, the delegation of Romania took places at the Committee table.*
2. **Ms. Ciobanu** (Romania), responding to questions put by Committee members at the previous meeting, said that the replies to the list of issues had been incomplete because some government institutions had been slow in providing information.
3. With regard to the Committee's comments on growing intolerance against minorities in Romania, she said that the situation should be seen in context. The fact that the country's President, who had received overwhelming public support, was from an ethnic minority was proof of tolerance towards ethnic minorities and their unimpeded access to decision-making positions. Romania was emerging from 25 years of profound transformation; significant progress had been made, although much remained to be done.
4. Turning to unemployment, she said that detailed disaggregated statistics for the past four years would be provided to the Committee in writing. The claim that youth unemployment had reached between 60 and 80 per cent was incorrect. Up-to-date information from the National Statistics Institute, measured according to International Labour Organization (ILO) standards, showed that youth unemployment was less than 24 per cent. Moreover, fewer young women were unemployed compared to young men. Many young people were already benefiting from the programmes introduced to stimulate youth employment detailed in the replies to the list of issues.
5. The right to social security was guaranteed by the State and regulated by existing legislation. The minimum guaranteed pension for retired Romanian citizens residing in the country who had contributed to the social security system during their working lives was equivalent to €80 per month, even if their contributions fell short of the amount needed to cover the cost. Any shortfall was met by the State.
6. The national minimum wage was the equivalent of €200, calculated on the basis of the cost of living and macroeconomic indicators, and had been decided in consultation with trade unions and employer organizations. The original aim had been to reduce the gap between average income and the minimum wage to 50 per cent, but it already stood at 40 per cent. The minimum wage was complemented by means-tested social security benefits, including heating subsidies.
7. National legislation was already in place to prevent employers from making employment conditional on workers agreeing not to form or join a trade union and to guarantee full protection against acts of anti-union discrimination. Labour inspectors were responsible for ensuring that companies complied with legislation.
8. She informed the Committee that prompt responses to the remaining questions raised at the previous meeting would be provided in writing.
9. **Mr. Rotundu** (Romania) said that the Government had adopted a strategy to improve the situation of the Roma, which included goals relating to the labour market, education, health care and adequate housing. It had created a dedicated agency to deal with

Roma issues, whose main task was to provide assistance to the authorities in implementing the strategy.

10. Measures adopted to ensure greater Roma access to the labour market had been very successful, inter alia in expanding training opportunities for young people. However, the integration of Roma women into the labour market was more problematic, due to social marginalization and persistent attitudes within the Roma community. Nevertheless, a number of programmes for Roma women had achieved results, including those offering vocational training.

11. Ensuring the provision of health care to the Roma community remained a challenge. Any discrimination against Roma patients in the form of segregation or refusal of medical treatment would be dealt with swiftly by the government agency or, in the case of serious discrimination, by the Public Prosecutor's Office. The Government would be grateful if the Committee could pass on any information it had received regarding cases of discrimination, which would be duly investigated. The Government had also established a successful programme to provide health mediators to liaise with the Roma people to ensure their access to health care. The programme had been maintained despite budgetary restraints.

12. Attendance by Roma children at preschool nurseries was low, meaning that they were at a disadvantage compared to other children by the time they reached primary school, a disadvantage which continued at secondary level. Steps had been taken to resolve the problem, including: appointing education mediators to liaise with the Roma community, emphasizing the benefits of education and encouraging families to send their children to kindergarten and primary school; setting quotas for the Roma at the secondary and tertiary level; and setting quotas for the Roma at police training colleges.

13. The issue of forced evictions had been addressed in discussions with the Human Rights Council special procedures mandate holders. No specific information on media reports of forced evictions in Bucharest was available. However, the authorities were addressing the Baia Mare situation locally and doing their utmost to find a solution for the evicted Roma community. There had been liaison problems between the central and local authorities, not least because the local authorities had refused to deal with persons not registered with the local community. An update on the situation would be provided in writing the following week. No regulations governing evictions were currently in place, but the Government intended to establish guidelines in the near future.

14. **Ms. Bras Gomes** asked what obstacles still hindered resolution of the problems encountered by Roma, despite measures already in place. Although it was true that the President of Romania came from a minority background, a spirit of tolerance towards minorities was not reflected in society as a whole, as a recent questionnaire had revealed.

15. She asked what measures had been implemented to ensure women could achieve a work/life balance.

16. **Mr. Martynov** asked why, according to a graph distributed to the Committee, there had been a sharp increase of around 40 per cent in the number of persons with disabilities between 2006 and 2010.

17. **Ms. Ciobanu** (Romania) said that the two main obstacles to resolving the Roma situation were the persistence of certain attitudes and the economic and social situation of the Roma community. The Government was focusing on improving access to education and encouraging the Roma to send their children to school as the best means to ensure social integration. It was also encouraging them to use the health-care services available, and emphasizing their need to cooperate and participate in Romanian society. Funding for programmes was also an obstacle, and Romania was grateful for the financial support it received from the European Union and for the knowledge and practical support provided by

non-governmental organizations (NGOs). The focus should also be on raising public awareness of the valuable contribution that the Roma community and its culture and skills made to Romanian society in order to foster greater tolerance, with a view to ensuring that all members of the population learned to live together and respect diversity.

18. **Ms. Puscaragiu** (Romania) said that the Government had conducted several awareness-raising campaigns on gender equality and work/life balance, and had published a handbook for expectant parents, which promoted equal sharing of family and household responsibilities between men and women. As for persons with disabilities, the Government had recently introduced a broader definition of disability which had resulted in a sharp increase in the number of persons registering as disabled.

19. **Mr. Rotundu** (Romania) said that local authorities were responsible for allocating social housing, and gave special priority to vulnerable and disadvantaged groups, such as persons with disabilities, families and war veterans. The Government had recently relaunched the national construction initiative in order to address the social housing shortages and long waiting lists in certain parts of the country.

20. **Ms. Puscaragiu** (Romania) said that the Government had taken a number of steps to shield families from the negative effects of national austerity measures. For example, it had increased the monthly amount of paid parental leave and had developed a national strategy for social inclusion and poverty reduction which contained specific provisions for families.

21. In regard to access to justice for victims of trafficking, the Government had been working together with the police and NGOs to encourage victims of trafficking to report their cases to the relevant authorities. The National Agency against Trafficking in Persons had devised a national assistance programme for victims of trafficking, which provided information and specialized support to victims during legal and administrative proceedings. The Government had also taken steps to amend the Criminal Code so that persons involved in child prostitution could be sentenced to up to 10 years' imprisonment.

22. The Government had recently introduced restraining orders for perpetrators of domestic violence and had organized numerous informal events around the country to raise public awareness of the legal redress and support mechanisms available to victims. Information on preventing and combating domestic violence had also been uploaded to the national police website and the Crime Research and Prevention Institute had begun to analyse and monitor domestic violence cases.

23. As for registering the birth of abandoned children, the police assumed responsibility for appointing case workers in charge of registering abandoned children with the relevant authorities. In cases where children had been abandoned in a hospital or health-care facility, health-care professionals must first notify the police and other relevant authorities before birth registration could take place.

24. **Mr. Rotundu** (Romania) said that parents must register the birth of their children with the local authorities at the earliest opportunity. Late birth registrations were, however, common in remote, rural communities where access to public services was limited.

25. The State provided access to universal health care for all citizens, and monthly contributions were deducted directly from employees' salaries. There had been great national debate concerning the state of the health-care system and numerous calls for the system to be restructured or privatized. The Government had submitted a privatization bill to parliament in 2011, but it had been rejected by a large majority. Efforts were now under way to reform and improve the existing system. Endemic corruption, however, continued to hamper equal access to health care, and medical professionals often requested additional fees to perform certain procedures. The Ministry of Health had therefore devised a national integrity and ethics programme to combat fraud and corruption and had established a

complaint mechanism for patients who had been refused treatment or had been forced to pay additional fees. Sanctions had been handed down in the most serious cases of corruption, and doctors found guilty had had their medical licences revoked.

26. **Mr. Sadi** asked the delegation to provide further information on the number of persons found guilty of child prostitution, and on the severity of the penalties imposed.

27. **Mr. Rotundu** (Romania) said that there were a number of sanctions applicable to persons involved in child prostitution. Anyone who engaged in sexual relations with a child under the age of 14 was subject to prosecution.

28. **Ms. Ciobanu** (Romania) said that the delegation would provide the Committee with written information on the number of persons found guilty of child prostitution.

The meeting was suspended at 11.25 a.m. and resumed at 11.45 a.m.

29. **Mr. Rotundu** (Romania) said that the Education Act provided for free, compulsory education for all children in Romania. The Government acknowledged that there had been corruption and fraud in certain schools, and teachers had been caught requesting fees from parents. Teachers found guilty of such acts were subject to prosecution and disqualification. Local authorities had taken a number of steps to eliminate corruption in schools, but relied heavily on information from parents in order to launch inquiries. Similarly, local authorities relied on parents to inform them of other issues affecting their children's education, such as segregation or discrimination. The Government had established legislation to prevent and combat discrimination in education and strove to eradicate any form of segregation or differential treatment based on ethnicity or race. Three schools, to date, had been found to have contravened anti-discrimination legislation and had been fined for segregating Roma children in classes. The Government had, however, found no evidence of the establishment of separate schools for Roma children.

30. As for the right to cultural life, the Government had made efforts to protect the cultural heritage of ethnic minorities. There were a number of national State television channels and radio stations that broadcast weekly programmes in Hungarian and German, and local State television and radio also produced programmes for ethnic minorities. In addition, there were several private television channels and radio stations that broadcast programmes solely in Hungarian and German.

31. A government assessment had confirmed that the number of print media publications for ethnic minorities was in decline, as was the readership of those publications. The Government continued to subsidize publications in the Hungarian and German languages, and various other publications targeting particular ethnic minorities also received government funding or support. In addition to minority language publications, the Government also sometimes subsidized publications in the Romanian language that discussed the history or culture of ethnic minorities. Until 1990 there had been just 1 centralized publishing house in the country, after which the Government had decided to establish 10 more publishing houses and then privatize and subsidize them.

32. According to the 2011 census, some 6 per cent of the population belonged to the Hungarian minority. After 1990, an organization had been established to ensure the representation of that minority in cultural and public life. Members of the Hungarian minority held various government offices at different levels, including seats in the parliament. Intergovernmental mixed commissions had been established to protect the different minority groups, and bilateral treaties on minority issues had been signed with all neighbouring countries. Those commissions had the competence to conduct field visits to investigate issues raised by minority representatives, as had been done in Ukraine on a number of occasions. Given the unique relationship between Romania and Moldova, special arrangements had been made allowing Moldovans to study in Romania and to

practise certain professions there. Particular attention was paid to the teaching of the Romanian language using the Latin alphabet, which was a matter of concern given the efforts to prevent the use of that alphabet in Transnistria.

33. **Ms. Ciobanu** (Romania) said that more than 60 per cent of the population of Romania had access to the Internet. Her delegation would provide further disaggregated data on that subject in writing.

34. **Mr. Rotundu** (Romania) said that Internet access in Romania had not yet reached the levels seen in other European Union countries but that the country was catching up in that regard. As for the number of school dropouts, due to methodological differences there was some discrepancy in the figures shown in government studies compared with those in studies conducted by NGOs. Those statistical data would be provided in writing. The Ministry of Education was taking a number of measures to encourage dropouts to return to school. The “Second Chance” programme, for example, had originally targeted only Roma dropouts but had been so successful that the Government had decided to expand it to cover all school-age children. Programmes were also available for adults who wished to complete their studies up to secondary level.

35. **Mr. Kerdoun** asked why teachers were requiring parents to pay hidden costs for their children’s education. Noting that demanding such payments was a form of corruption, he wondered whether teachers were not well paid in the country.

36. **Mr. Rotundu** (Romania) said that the public education system had been underfunded for at least the past 30 years, especially at the primary and secondary levels. While a small number of model schools were well funded, the rest had lagged far behind. At the same time, teachers had long been among the most poorly paid civil servants. The hidden costs were not exorbitant, however, and were more a nuisance than a scourge. Tuition and textbooks were still provided free of charge, while hidden costs were charged mainly for extracurricular activities. Parents were entitled to lodge complaints with the Ministry of Education, which could lead to prosecution in court. In one well-publicized case, a school headmistress had been removed from her position as punishment for such behaviour.

37. **Ms. Ciobanu** (Romania) said that, as a result of government subsidies provided to young people wishing to start their own small businesses, more than 5,000 such businesses had been established and more than 2,600 jobs had been created. Another programme was in place to encourage young entrepreneurs and facilitate their access to capital. Through that programme, 128 start-ups had been established by young people and 384 jobs had been created. A total of 27 youth employment centres had been set up under the Youth Guarantee scheme, and more than 2,500 young people had received personalized support through those centres. Of those, more than 600 had undergone vocational training while 30 had signed apprenticeship contracts.

38. **Mr. Rotundu** (Romania) said that, of the more than 87,000 young people who were not in the education system according to the database kept by the national employment agency, 37,000 had received advice and information from the agency, which had also issued 46,500 scholarships. Subsidies had been paid to more than 3,000 companies in return for hiring young people. Youth received grants from the agency to help them actively seek work, and in 2014 about 9,000 young people had attended training courses paid for by the agency.

39. **Ms. Shin** asked whether the Directorate for Equal Opportunities established within the Ministry of Labour, Family, Social Protection and the Elderly was mandated to deal with gender equality issues outside the sphere of labour, such as women’s political participation. She asked whether the Government had considered introducing temporary special measures in the form of quotas to boost women’s representation in politics. The

figures provided on the percentage of the population with a disability were very low, and she encouraged the Government to look into the matter to ensure that those figures truly reflected the reality on the ground.

40. **Mr. Abdel-Moneim** drew attention to a recent judgement by the Court of Justice of the European Union, in which the Court had determined that a Romanian woman living in Germany could be refused social benefits on the ground that she had never actively looked for work. That judgement should be viewed in the light of article 6 of the Covenant. In his view, the Covenant took precedence over regional agreements.

41. He welcomed the information on efforts to reduce poverty in Romania but said that caution should be exercised when calculating the poverty line, as in many countries the line was set so low that persons with incomes above the line could still not enjoy a decent standard of living.

42. **Ms. Puscaragiu** (Romania) said that the mandate of the Directorate for Equal Opportunities included all issues relating to women's empowerment and not just those linked to the world of work. The issue of gender quotas had been debated in the parliament, but thus far the debates had not led to any successful initiatives.

43. **Ms. Ciobanu** (Romania) said that her Government would give due attention to Mr. Abdel-Moneim's reflections on the judgement issued by the Court of Justice of the European Union. She thanked the Committee members for the opportunity to learn from their expertise about the issues they believed should be given greater consideration. Her Government regarded all human rights as being of equal importance, and it had learned much about human rights issues during its membership in the Human Rights Council. She assured the Committee that her delegation would do its utmost to reply to the pending questions in writing, and she thanked the Committee members for their understanding and for their constructive approach to the dialogue.

44. **Mr. Schrijver** (Country Rapporteur) expressed his appreciation for the delegation's cooperation despite the unusual circumstances in which the dialogue had taken place. He found it regrettable that the delegation had not included more representatives from the various government ministries involved in the implementation of the Covenant and that the State party's written replies to the list of issues had failed to address many of the issues raised. Nevertheless, he was impressed by the delegation's efforts to fill those gaps and looked forward to receiving further information in writing. Romania should be proud of the effort and commitment shown by the NGOs working in the country, which had greatly contributed to the Committee's work. It was clear that Romania faced many challenges due to the austerity measures adopted in the light of the economic crisis. The transition from a communist regime to a free, pluralistic and democratic State had not yet been fully completed, but he was encouraged to hear that the process was guided by respect for the Covenant rights and a belief in the universality and indivisibility of all human rights.

45. **The Chairperson** thanked the delegation for its efforts to make the dialogue constructive and useful despite the obstacles faced. He urged the delegation to submit its pending replies before Monday, 24 November, so that the Committee would have time to consider them.

The discussion covered in the summary record ended at 12.45 p.m.