

# *Council of Europe contribution for the 43<sup>rd</sup> UPR session (April-May 2023) regarding Romania*

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## Prevention of torture (CPT)

The CPT's report on the 2021 ad hoc visit to Romania



**CPT\_inf\_2022\_06\_Rom  
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The visit focused on the treatment of persons held in prison and police establishments, and to evaluate the measures taken by the Romanian authorities to improve the situation since the Committee's February 2018 visit.

Executive summary



**CPT\_inf\_2022\_06\_part  
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Government response



**CPT\_inf\_2022\_07\_Rom  
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The CPT's report on the 2018 periodic visit to Romania



**CPT\_inf\_2019\_7\_Roma  
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During the visit the CPT's delegation examined the treatment and conditions of detention in five prison establishments, with a particular focus on the situation of persons held in the maximum security, closed and pre-trial regimes. The delegation visited ten arrest detention centres and looked into the treatment of persons deprived of their liberty by the police, including as regards the safeguards afforded to them. Further, the delegation also examined the effectiveness of several investigations into allegations of ill-treatment by law enforcement officials and penitentiary staff.

Executive summary



**CPT\_inf\_2019\_7\_Part\_  
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Government response



**CPT\_inf\_2019\_8\_Roma  
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1. In November 2018 the Commissioner carried out a [visit](#) to Romania, which focused on the **human rights of persons with disabilities** and **violence against women**. In addition, she addressed issues concerning the **independence of the judiciary** and **media freedom**, particularly the need to safeguard journalists' right to the protection of their sources of information.

In her [report](#) following the visit, published in February 2019, the Commissioner concluded that despite some advancements, there were persisting systemic obstacles which hindered the effective protection of the rights of persons with disabilities, including the inadequate financing of the social care system, the lack of clarity in the mandates of responsible institutions, and deficiencies in monitoring and in the authorities' collaboration with NGOs. She noted the lack of adequate safeguards regarding involuntary placements in closed institutions, where poor living conditions prevailed, and the lack of services to facilitate transition to independent life. She called on the authorities to repeal the legislation allowing involuntary placements and to urgently address human rights violations occurring in this context; develop community-based support services; increase the accessibility of public spaces and services; promote a more inclusive labour market; and to safeguard the right of persons with disabilities to enjoy legal capacity on an equal basis with others. Noting that many children with disabilities have been moved from large to smaller institutions, where they were better cared for, the Commissioner stressed the need to provide children with care in families.

The Commissioner called for stronger commitment to protecting women from violence, an effective implementation of the relevant legislation, improved data collection, a proper allocation of resources to the competent agencies, and better co-operation between public institutions and with civil society. She recommended that the authorities further develop the network of shelters for victims of domestic violence; ensure the systematic enforcement of protection orders; improve access to justice for women victims of domestic violence; and strengthen victims' rights.

The Commissioner also stressed the importance of maintaining the independence of the judiciary and urged the authorities to carry out the ongoing justice and criminal law reforms in full compliance with international human rights standards.



CommHR2019\_5\_Ro  
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2. On 5 August 2020, the Commissioner published her [submission](#) to the Committee of Ministers in the context of the supervision of the execution of the judgment delivered by the European Court of Human Rights in 2017 in the case of Bălșan v. Romania concerning the **authorities' failure to protect the applicant from domestic violence and their discriminatory attitude towards the applicant as a woman**. She stressed that the Romanian authorities should remove the obstacles that prevent women from accessing justice, increase the availability and accessibility of support measures for victims of domestic violence and prevent domestic violence and other forms of gender-based violence against women. The Commissioner highlighted the need for stronger

commitment by the authorities to effective protection for women from gender-based violence, as a key means of guaranteeing women's rights and advancing gender equality.



**CommHR\_Submission  
\_Romania.pdf**

3. In April 2021, the Commissioner addressed a [letter](#) to the Senate of Romania, urging senators to use the appointment of a new president of the Council for Monitoring the Implementation of the United Nations Convention on the Rights of Persons with Disabilities (Monitoring Council) to **strengthen the protection of the rights of persons with disabilities**. She stressed the importance of enhancing the independence and credibility of the Monitoring Council, notably by establishing a transparent, inclusive and merit-based appointment process for its leadership, as required by the "[Paris Principles](#)". She also underlined the need to address deficiencies in the Monitoring Council's activity, in particular regarding its duty to facilitate NGOs' access to residential institutions for persons with disabilities and to psychiatric hospital and wards.



**CommHR\_President's  
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4. In her [written observations](#) to the European Court of Human Rights in Florin Buhuceanu and Victor Ciobotaru and 12 other cases v. Romania, published in September 2021, the Commissioner addressed **the absence of a legal framework for the recognition of same-sex relationships and the broader situation of LGBTI people** in the country. She noted that homosexual relations have been decriminalised in Romania, however, there were gaps in the protection of the human rights of LGBTI people, who continued to face widespread discrimination and harassment. In 2011, same-sex marriage was explicitly prohibited, and legislative proposals made since 2008 for the recognition of same-sex partnerships have not been successful. Repeated attempts have been made to amend the constitution to define the family as "being founded on the marriage between a man and a woman", including a referendum held in 2018. On that occasion, state officials and other actors have made statements inciting to hatred and discrimination against LGBTI people. As positive developments the Commissioner noted a decision of the Constitutional Court of September 2018 recognising that the relationship of a couple formed of same-sex persons fell under the notions of "private life" and "family life" and triggered the relevant legal protections, and the growing societal acceptance of equal rights for LGBTI people and of civil partnerships and/or same-sex marriage.



**CommHR\_Third party  
intervention\_Romania**

5. In March 2022, the Commissioner's Office carried out missions to several Council of Europe member states, including Romania, focusing on **the human rights situation of persons fleeing Ukraine**. On the basis of these missions, the Commissioner [called](#) on all Council of Europe member states to step up their role to coordinate and support the efforts of the main hosting countries. She also stressed the need for medium and long-term measures to ensure adequate protection and reception in host countries, and to ensure that special attention would be paid, and more proactive

assistance accorded to, specific groups of people fleeing Ukraine, such as (potential) victims of trafficking in human beings, unaccompanied and separated children, Roma, people of African descent, LGBTI people, older persons and persons with disabilities.

### ***Fight against racism and intolerance (ECRI)***

Conclusions on Romania (adopted on 7 December 2021 / published on 3 March 2022)



**ECRI\_2022\_04\_Roman  
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Fifth report on Romania (adopted on 3 April 2019 / published on 5 June 2019)



**ECRI\_2019\_20\_Roman  
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Government comments



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### ***Protection of minorities***

#### ***Framework Convention for the Protection of National Minorities***

The Advisory Committee on the Framework Convention adopted its 4<sup>th</sup> Opinion on Romania on 22 June 2017.



**ACFC\_OP\_IV\_2017\_00  
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The CM/ResCMN(2021)13 on the implementation of the Framework Convention for the Protection on National Minorities by Romania was adopted by the Committee of Ministers on 19 May 2021 at the 1404<sup>th</sup> meeting of the Ministers' Deputies



**FCPNM\_CM\_Res\_202  
1\_13\_Romania.pdf**

Romania submitted its 5<sup>th</sup> state report on 8 November 2019 and a delegation of the Advisory Committee visited the country from 27 June - 1 July 2022.



**ACFC\_SR\_2019\_013\_R  
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### *European Charter for Regional or Minority Languages*

The Committee of Experts adopted its second evaluation report on Romania on 23 June 2017.



**ECRML\_CM\_2018\_4\_R  
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The Committee of Ministers adopted Recommendation CM/RecChL(2018)3 on the application of the European Charter for Regional or Minority Languages by Romania on 4 April 2018 at the 1312<sup>th</sup> meeting of the Ministers' Deputies.



**ECRML\_CM\_2018\_3\_R  
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### *Action against trafficking in human beings (GRETA)*

GRETA evaluation report (3<sup>rd</sup> evaluation round)



**GRETA\_Evaluation  
report\_Romania.pdf**

[Press release](#)

### *Preventing and combating violence against women and domestic violence (GREVIO)*

Romania ratified the Convention in 2016. GREVIO published its first baseline evaluation report on Romania in June 2022 (Executive summary can be found on pp. 6-8).



**GREVIO\_baseline\_rep  
ort\_Romania.pdf**

## ***Protection of children against sexual abuse (Lanzarote Convention)***

Romania ratified the Lanzarote Convention on 17 May 2011 and it entered into force in its respect on 1 September 2011.

### **1<sup>st</sup> monitoring round on the “Protection of children against sexual abuse in the circle of trust”**

This was carried out between 2013 and 2018 and focused on the protection of children against sexual abuse in the circle of trust. It led to the adoption of two implementation reports, one related to the [legal framework](#) and the other to the [strategies](#) to tackle the phenomenon. The information submitted by Romania in the context of the 1st monitoring round is available [here](#).



**Lanzarote  
Committee\_1st imple**



**Lanzarote  
Committee\_2nd imple**



**Lanzarote  
Convention\_T-ES\_2014**

The recommendations requiring Romania to take steps to implement the Lanzarote Convention effectively in the context of this monitoring round are as follows:



**Lanzarote  
Committee\_recommen**

### **Urgent monitoring round on “Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse”**

To respond to the urgent migrant and refugee situation in Europe, the Lanzarote Committee decided in 2016 to address the protection of children affected by the refugee crisis from sexual exploitation and sexual abuse through an urgent monitoring round. This resulted in a [special report](#) published in March 2017. The information submitted by Romania in the context of this round is accessible [here](#). To follow-up on the Special report and its monitoring findings, the Committee carried out a compliance procedure to assess the conformity of Parties with the recommendations urging them to act (the “urge” recommendations), as well as those considering that they should act (the “consider” recommendations).



**Lanzarote  
Committee\_special\_re**



**Lanzarote  
Convention\_T-ES\_2016**

Following the compliance procedure, the recommendations still requiring Romania to take steps to implement the Lanzarote Convention effectively in the context of this monitoring round are as

follows:



**Lanzarote  
Committee Recomma**

**2nd thematic monitoring round: Protecting children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): Addressing the challenges raised by child self-generated sexual images and/or videos.**

This was carried out between October 2017 and March 2022 and was dedicated to “Protecting children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs)”, with a focus on “Addressing the challenges raised by child self-generated sexual images and/or videos”. It led to the adoption of an implementation report, which will soon be made available on the [website of the Lanzarote Committee](#). The information submitted by Romania in the context of the 2<sup>nd</sup> monitoring round is available [here](#).



**Lanzarote  
Convention T-ES\_2017**

The recommendations requiring Romania to take steps to implement the Lanzarote Convention effectively in the context of this monitoring round are as follows (editing of the recommendations to be verified with the final version of the implementation report):



**Lanzarote  
Committee Recomma**

## **Fight against corruption (GRECO)**

Romania was evaluated in 2015 under the Fourth Evaluation Round on “Prevention of corruption in respect of members of parliament, judges and prosecutors”. The corresponding 4<sup>th</sup> Round Evaluation Report was adopted by GRECO Plenary and made public in 2016.



**GRECO\_EvalivRep\_20  
15\_4E\_Romania.pdf**

GRECO’s 4<sup>th</sup> Round Compliance Report, 4th Round Interim Compliance Report and 4th Round Second Interim Compliance Report, assessing the implementation of the recommendations, were made public respectively in 2018, 2019 and 2021. Additional information from the authorities was due by 31 March 2022.





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**GRECORCA\_2019\_11\_  
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## *Execution of judgments and decisions of the European Court of Human Rights*



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## *Social and Economic Rights (ECSR)*



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## *Venice Commission*

Since 2018, concerning Romania, the Commission adopted:

- four opinions on the judiciary:
  - Opinion on the draft law on the dismantling of the section for investigating criminal offences within the judiciary ([CDL-AD\(2022\)003](#)),



**CDL-AD\_2022\_003\_Ro  
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- Opinion on the draft law for dismantling the Section for the Investigation of Offences committed within the judiciary ([CDL-AD\(2021\)019](#)),



**CDL-AD\_2021\_Roma  
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- Opinion on Emergency Ordinances GEO No. 7 and GEO No. 12 amending the Laws of Justice ([CDL-AD\(2019\)014](#)),



**CDL-AD\_2019\_014\_Ro  
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- Opinion on draft amendments to Law No. 303/2004 on the Statute of Judges and Prosecutors, Law No. 304/2004 on Judicial Organisation, and Law No. 317/2004 on the Superior Council for Magistracy ([CDL-AD\(2018\)017](#));



**CDL-AD\_2018\_017\_Ro  
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- one opinion on functioning of the criminal justice system:
  - Opinion on draft amendments to the Criminal Code and the Criminal Procedure Code ([CDL-AD\(2018\)021](#)); and



**CDL-AD\_2018\_021\_Ro  
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- an opinion concerning the freedom of association:
  - Joint Opinion on Draft Law No. 140/2017 on amending Governmental Ordinance No. 26/2000 on Associations and Foundations ([CDL-AD\(2018\)004](#)).



**CDL-AD\_2018\_004\_Ro  
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