

**STATUS OF HUMAN RIGHTS IN THE COUNTRY OF ROMANIA
FOR THE 43RD SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting human rights around the world. The ECLJ holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in Romania for the 43rd session of the Universal Periodic Review (UPR).

Background

2. Romania is a country located in southeastern Europe with an estimated population of 18.5 million people.¹ The population is predominately Christian with approximately 81.9% identifying as Eastern Orthodox, 6.4% as Protestant, 4.3% as Roman Catholic, and 7.4% as either none, unspecified, atheist, or other.²

3. Romania's previous review was held on January 16, 2018.³ Romania received 203 recommendations, 163 of which Romania supported.⁴ One recommendation made by Uruguay and noted by Romania was that the government "[e]radicate social exclusion and statements of public figures (political or religious) which hamper the sexual health and reproductive rights of women."⁵ There were several recommendations on the issue of human trafficking, including a recommendation made by Japan and supported by Romania that the government "[s]teadily implement the relevant domestic laws and its national strategy aimed at eradicating human trafficking."⁶ There were no recommendations made regarding freedom of religion.

Legal Framework

Abortion

4. Under Article 22 of the Constitution of Romania, "[t]he right to life, as well as the right to physical and mental integrity of person are guaranteed."⁷ Under Article 49, "[c]hildren and young people shall enjoy special protection and assistance in the pursuit of their rights."⁸

5. As a party to the Convention on the Rights of the Child (CRC),⁹ Romania is required to protect all human life, including children who have "the inherent right to life" and, as such, is also required to "ensure to the maximum extent possible the survival and development of the child."¹⁰

6. Romania is also a party to the International Covenant on Civil and Political Rights (ICCPR).¹¹ Under Article 6 of the ICCPR, "[e]very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."¹² Romania also holds a responsibility to uphold pro-life principles enshrined in other international agreements such as the UN Charter, Universal Declaration of Human Rights (UDHR) and the 1994 Cairo Conference on Population and Development.

7. Despite these rights enshrined in Romania’s constitution as well as in international legal instruments, Romania’s laws allow for elective abortion up to fourteen weeks if performed by a physician licensed in obstetrics and gynecology with exemptions beyond allowed for “therapeutic purposes” in the interest of the fetus or mother.¹³

Human Trafficking

8. Romania is a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.¹⁴ Article 9 of the Protocol requires States Parties to create policies and programs in order to “prevent and combat trafficking in persons; and [t]o protect victims of trafficking in persons, especially women and children, from revictimization.”¹⁵ Consistent with this obligation, Articles 210, 211, and 213 of the Romanian Criminal Code define and establish the punishment for trafficking.

9. Article 210 defines human trafficking as the “[r]ecruitment, transportation, transfer, harboring or receipt of persons for exploitation purposes” Under Article 211, the “act of recruiting, conveying, transferring, lodging or taking over a person aged 15 to 18 in order to exploit that person, [is] punished by strict imprisonment from 3 to 12 years and the prohibition of certain rights.” Further, under Article 213, “[t]he causing or facilitation of . . . prostitution . . . [is] punishable by no less than 2 and no more than 7 years of imprisonment,” “prostitution through coercion . . . [is] punishable by no less than 3 and no more than 10 years of imprisonment,” and the punishment for prostitution of “an underage person” is increased by a half.¹⁶

Abortion

10. Since the previous UPR, the number of abortions has declined in Romania. Despite this fact, Romania is included in the 42 European countries that permit abortion on request with a gestational limit of at least 12 weeks.¹⁷

11. In 2018, Romania reported 52,322 abortions, but in 2020, that number declined to 31,889.¹⁸ In June 2020, 55 of 134 hospitals said they provided abortions when asked, and only 275 of 802 specialist obstetricians-gynaecologists said they would do so on-demand.¹⁹ Of the doctors who refused to perform the procedure, one-third stated “religious reasons” and twenty of them invoked “motives of an ethical and moral nature.”²⁰ Romania’s 2016 professional code for medics “outlines that any doctor can decline to provide services if it affects their professional independence or moral values, or contravenes their professional principles.” In June 2021, only twenty-eight public hospitals said that they provided abortions. And, as of the end of 2020, Romania’s birth rate has been rising and abortions falling by 35% from 2019 to 2020.²¹

12. The facts above show that people inherently understand that abortion is the killing of a human being. In fact, most countries understand that there is no “international right to abortion.” While the people understand this, the government has taken an extreme approach to abortion by permitting elective abortion up to fourteen weeks.²² This is in fact an extreme position that is not shared by a majority of countries. In fact, a majority of the world has strict limitations for procedures taking the life of a preborn baby. Out of the 193 U.N. Member States, an overwhelming majority (112) of them have strict limits on abortion: twenty countries prohibit abortion altogether; forty-two countries only permit abortion where the mother’s life is at risk; and fifty only allow abortion to preserve the health of the mother.²³

Even in the sixty-two countries that have varying gestational limits for on-demand abortions, the majority of them (53) have a gestational limit of twelve weeks or less. Romania is one of only eight countries that allow abortion up to fourteen weeks.²⁴ Further, only eleven countries allow abortion throughout pregnancy for social and economic grounds, including for rape, incest, or fetal impairment.²⁵ Only two countries broadly allow pre-viability abortion.²⁶ And finally, there are only six extreme outliers among the nations, including China and North Korea, which do not have a law indicating any gestational limit on abortion, though their regulatory mechanisms vary.²⁷ Unfortunately, Romania is one of those countries that allows abortion on demand up to fourteen weeks of gestation.²⁸

13. However, it is clear that the Romanian people are choosing life now more than ever, and Romania's noting rather than supporting Uruguay's recommendation is an encouraging sign.

14. Romania must understand that its people value life, and while abortion regulations vary across the world, the one thing that almost every country agrees on is that the state maintains an interest in protecting life, not only of women and girls, but for all its citizens, including preborn babies. This is such a foundational interest that it is enshrined in international, national, and local laws. While Romania holds the right to life to be so integral that it is guaranteed to all persons in the constitution, this right is not available to children who have been in the womb for only fourteen weeks.²⁹ This diametrically opposed position is not only confusing, but it does not represent the position of the Romanian people. We encourage Romania to take a step forward, protect the preborn child's right to life and restrict abortion. Such a change will not only be consistent with Romania's own constitution, but also with international human rights law.

15. For instance, the UDHR, one of the most respected documents reinforcing human rights, states that "recognition of the inherent dignity and of the equal and inalienable rights of *all* members of the human family is the foundation of freedom, justice and peace in the world,"³⁰ and that "[e]veryone has the right to life . . ."³¹ Article 6 of the ICCPR likewise states that "[e]very human being has the inherent right to life. This right shall be protected by law."³² And the preamble of the United Nations Charter states that "the peoples of the United Nations determined . . . to reaffirm faith in fundamental human rights, in the dignity and worth of the human person . . ."³³ It is important to note that, while virtually all international treaties contain provisions for the protection and promotion of the right to life, not one contains a "right to abortion." Furthermore, the 1994 Cairo Conference on Population and Development urged U.N. Member States to "reduce the recourse to abortion"³⁴ and to "take appropriate steps to help women avoid abortion, *which in no case should be promoted as a method of family planning.*"³⁵

16. It appears that Romania's people have begun understanding that abortion is one of the gravest of all offenses against human life and justice because it entails the deliberate killing of an innocent human being. Any absolute justification of abortion fundamentally rests on the proposition that some members of the human race do not have even the most basic of human rights, i.e., the right to life. That proposition violates the international laws mentioned above.

17. Many Romanian healthcare providers even understand the inherent dangers of abortion. In fact, as mentioned above, many doctors are refusing to carry out abortions.³⁶ The Romanian government must also understand that abortion is not healthcare and it can cause physical harm to the mother, beyond the harm (i.e., death) to the preborn child. This can result directly from the procedure itself (e.g., perforation of the uterus,³⁷ laceration of the cervix³⁸), from the deprivation of the health benefits of continuing pregnancy (e.g.,

eliminating the protective effect of a full-term pregnancy against breast cancer),³⁹ or by masking other dangerous symptoms (e.g., a woman with an undiagnosed infection or an ectopic pregnancy may believe her symptoms are merely normal after-effects of abortion, leading her to delay seeking medical help).⁴⁰ Remarkably, although prepared by pro-abortion activists and lacking in any legal authority, the World Health Organization's newly published 2022 "Abortion care guideline" also acknowledges the complications of abortion.⁴¹

18. Abortion can also cause women terrible side effects post-procedure, from drug abuse to suicidal thoughts.⁴² All of these factors contribute to the negative and even devastating effects abortion has on women and girls and are further evidence of why Romania should protect women and preborn children from the devastating effects of abortion.

Human Trafficking

19. A European Commission report done in October 2021 found Romania's human trafficking rate to be seventy-four per million, *the highest of all the EU countries*.⁴³ Of those who are trafficked, about 50% are minors who are forced into labour, sexually exploited, or harvested for their organs.⁴⁴ Victims are often kidnapped, sold by their parents, or recruited using tactics such as the "lover boy method," which exploits economic and social hardship through seducing victims with lavish gifts and promises of a better life abroad.⁴⁵

20. Throughout Europe, Romania remains the primary source for sex and labour victims.⁴⁶ A study conducted jointly by Europol and Eurojust in 2019 found that seven out of ten of Europe's prostitutes are from Romania. The primary destinations for victims include the United Kingdom, Germany, Italy, and Spain. Of all women trafficked to the United Kingdom, three-quarters come from Romania. An investigation conducted by Leicester police between 2016 and 2018 found that 86% of the women in 156 brothels were Romanian.⁴⁷ Similarly, Northumbria conducted an investigation during a similar time finding that 75% of the women in eighty-one brothels were Romanian as well.⁴⁸ As of the end of 2020, 35% of all registered prostitutes in Germany were Romanian.⁴⁹ "The Romanianization of Germany's sex industry is such that some brothels promote themselves by advertising [to] the potential customers that they are '100% Romanian', using ads like 'Don't worry, our girls are very beautiful, indeed they are Romanians!'" In Italy, Romanians represent 22% of all street prostitutes with minors making up an overwhelming majority of the percentage. The Spanish Ministry of the Interior believes that 35%-50% of all prostitutes in the country are Romanian.

21. Romania has been making legislative and policy progress to combat human trafficking.⁵⁰ In 2020, Romania made amendments to the Criminal Code, introducing new aggravating circumstances and increasing the minimum penalty for the trafficking of children.⁵¹ On June 3, 2021, the MPs in the Chamber of Deputies voted to remove the statute of limitations for crimes that include forced labor, rape, and human trafficking.⁵² "A new National Strategy against Trafficking in Human Beings for 2018-2022 and a National Action Plan for 2018-2020 were also adopted."⁵³ Additionally, in 2019, Romania updated the National Identification and Referral Mechanism (NIRM).⁵⁴ The updated NIRM formal framework will allow for greater cooperation between Romania and other countries to protect and promote the rights of Romanian trafficking victims.

22. On May 18, 2022, fourteen people were arrested on suspicion of trafficking women into the escort business in London and Romania.⁵⁵ In London, two men and four women were apprehended after a raid of six sites found two Romanian women who were trafficked on the

properties.⁵⁶ The ten raids in Romania, targeting the same organized crime group, resulted in seven men and one woman being arrested.⁵⁷ The Romanian police seized assets of about €1 million and four cars valued at €250,000.⁵⁸ The operation was the result of cross-continental cooperation between London's Met Police, Eurojust, and the Romanian National Police.⁵⁹

23. On March 29, 2022, more than a dozen men were arrested in Luton, England, after the raid of seven properties by Bedfordshire Police.⁶⁰ Those arrested were charged on the suspicion of conspiracy to traffic for the purpose of sexual exploitation and paying for sexual services of someone subjected to force.⁶¹ The victims identified were Romanian women being groomed to be forced into sex work in England.⁶² An additional four were arrested after the raid of eleven addresses in Romania.⁶³ Along with more than 100 Bedfordshire officers, Romanian police, Europol, and Eurojust were involved in the coordination and sharing of information.⁶⁴

24. On March 22, 2022, French and Romanian national police conducted sixteen house raids culminating in seven arrests, two in France and five in Romania.⁶⁵ Thirty-two victims of human trafficking for sexual exploitation were identified of whom nineteen were Romanian nationals. The members of the criminal network used rented locations in France and Romania, channelling around €1.3 million in illegal proceeds to the leaders of the criminal organization in Romania through the use of internet cafes in Barcelona.⁶⁶ The operation is the culmination of a joint task force created in 2020 between France, Spain, and Romania to target the criminal network.⁶⁷ The joint investigation team between France and Romania was set up by Eurojust, while Europol coordinated the operational activities and facilitated the exchange of information and analytical support.⁶⁸

25. Announced in July 2021, Spanish and Romanian national police arrested thirteen involved in a sex trafficking gang after two raids were conducted on sixteen buildings in Spain and Romania.⁶⁹ Of the twenty-five victims identified, twenty-four were Romanian of which sixteen were located in Spain.⁷⁰ The gang trafficked the victims to Spain from Romania, taking them to nightclubs where they were sexually exploited.⁷¹ Europol worked in coordination with the two countries in the effort.⁷²

Recommendations

26. As can be seen in the above examples, Romania's trends regarding abortion and human trafficking are encouraging, but still much more needs to be done, as its ranking in both categories are among the worst of the European countries. While much of the abortion decline has been due to the Romanian people and doctors taking the initiative, the government needs to follow their lead and provide more legislative protection for the unborn.

27. Romania has followed through with its support of Japan's recommendation of making domestic legislative changes and incorporating a national strategy to combat human trafficking. Its cooperation with other countries and international justice and policing divisions such as Eurojust and Europol have been fruitful in investigations of human trafficking gangs. More measures must be taken though to pursue and punish human traffickers, training more in law enforcement to recognize the signs of sex exploitation, and closely monitoring the communities that are most effected. Public campaigns educating and informing of traps such as the "lover boy method" in poor teenagers would benefit those most vulnerable and help prevent many from suffering emotional and physical exploitation.

¹ Romania, THE WORLD FACTBOOK (July 7, 2022), <https://www.cia.gov/the-world-factbook/countries/romania/#people-and-society>.

² *Id.*

³ Universal Periodic Review – Romania, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/r-oindex> (last visited Aug. 16, 2022).

⁴ Romania, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session29/RO/ROMANIA_Infographic_29th.pdf.

⁵ UPR of Romania (3rd Cycle – 29th Session): Thematic List of Recommendations, OHCHR, at A/HRC/38/6/Add.1 - Para. 8, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session29/RO/UPR29_Romania_Thematiclist_of_recommendations_E.docx.

⁶ *Id.* at A/HRC/38/6/Add.1.

⁷ CONSTITUTION OF ROMANIA Dec. 8, 1991, art 22.

⁸ *Id.* art. 49.

⁹ Status of Ratification – Romania, OHCHR, <https://indicators.ohchr.org/> (last visited July 28, 2022).

¹⁰ Convention on the Rights of the Child art. 6.

¹¹ Status of Ratification – Romania, *supra* note 9.

¹² International Covenant on Civil and Political Rights, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, art. 6 [hereinafter ICCPR], <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

¹³ CRIM. CODE OF ROM., special pt., tit. I, ch. IV, art. 201, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2018\)042-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2018)042-e).

¹⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, UNITED NATIONS, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&clang=_en.

¹⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2237 U.N.T.S. 319, art. 9 § 1 (Nov. 15, 2000), https://treaties.un.org/doc/Treaties/2000/11/20001115%2011-38%20AM/Ch_XVIII_12_ap.pdf.

¹⁶ CRIM. CODE OF ROM., *supra* note 13, art. 210–11, 213.

¹⁷ The World's Abortion Laws, CTR. FOR REPROD. RTS. (Feb. 23, 2021), https://reproductiverights.org/sites/default/files/WALM_2021update_V1.pdf.

¹⁸ Wm. Robert Johnston, *Historical Abortion Statistics, Romania*, JOHNSTON'S ARCHIVE (July 3, 2022), <https://www.johnstonsarchive.net/policy/abortion/ab-romania.html>.

¹⁹ Rosa Schwartzburg, *In Romania, Hard-Won Abortion Rights Are Being Systematically Undermined*, THE WIRE (Jan. 20, 2022), <https://thewire.in/women/romania-abortion-rights-right-wing-reproductive-rights>.

²⁰ *Id.*

²¹ Lucia Benavides, *Activists say Romania has been Quietly Phasing Out Abortion* (Sept. 1, 2021), <https://www.npr.org/2021/09/01/1021714899/abortion-rights-romania-europe-women-health>.

²² CRIM. CODE OF ROM., *supra* note 13, special pt., tit. I, ch. IV, art. 201.

²³ The World's Abortion Laws, *supra* note 17.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ CONSTITUTION OF ROMANIA, *supra* note 7, art. 22.

³⁰ G.A. Res. 217 (III) A, Universal Declaration of Human Rights, preamble (Dec. 10, 1948) (emphasis added).

³¹ *Id.* art. 3 (emphasis added).

³² ICCPR, *supra* note 12, art. 6.

³³ U.N. Charter pmbl.

³⁴ U.N., *Report of the International Conference on Population and Development*, ¶ 8.25, U.N. Doc. A/CONF/F.171/13/Rev.1 at 58 (Sept. 5-13, 1994), https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/icpd_en.pdf.

³⁵ U.N., *Report of the International Conference on Population and Development*, ¶ 7.24, U.N. Doc. A/CONF/F.171/13/Rev.1 at 58 (Sept. 5-13, 1994), https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/icpd_en.pdf (emphasis added).

³⁶ Benavides, *supra* note 21.

³⁷ Brian R. Pridmore & Dennis G. Chambers, *Uterine Perforation During Surgical Abortion: A Review of Diagnosis, Management and Prevention*, 39 AUSTL. & N.Z. J. OBSTETS. & GYNAECOL. 349, 349 (1999).

³⁸ *Abortion & Pregnancy Risks*, LA. DEP'T OF HEALTH, <https://ldh.la.gov/page/915> (last visited July 21, 2022).

³⁹ See Justin D. Heminger, *Big Abortion: What the Antiabortion Movement Can Learn from Big Tobacco*, 54 CATH. U.L. REV. 1273, 1290 nn.119 & 121 (2005).

⁴⁰ See generally *Physical Effects of Abortion: Fact Sheets, News, Articles, Links to Published Studies and More*, UNCHOICE, www.theunchoice.com/physical.htm (last visited July 21, 2022) (noting that abortion can lead to infection and future ectopic pregnancies).

⁴¹ WORLD HEALTH ORG., ABORTION CARE GUIDELINE 79 (2022), <https://www.who.int/publications/i/item/9789240039483>.

⁴² Priscilla K. Coleman, et al., *Women Who Suffered Emotionally from Abortion: A Qualitative Synthesis of Their Experiences*, 22 J. AM. PHYSICIANS & SURGEONS 113, 116-17 (2017), <https://www.jpands.org/vol22no4/coleman.pdf>.

⁴³ Marcel Gascon Barbera, *Romania Scraps Statute of Limitations for Human Trafficking*, BALKAN INSIGHT (June 3, 2021, 5:27 PM), <https://balkaninsight.com/2021/06/03/romania-scraps-statute-of-limitations-for-human-trafficking>.

⁴⁴ *Id.*

⁴⁵ *Crackdown on Human Traffickers in France and Romania*, EUROPOL, <https://www.europol.europa.eu/media-press/newsroom/news/crackdown-human-traffickers-in-france-and-romania> (last visited July 27, 2022).

⁴⁶ *Evaluation Report Romania Third Evaluation Round*, GRETA (June 3, 2021), at 4, <https://rm.coe.int/evaluation-report-on-the-implementation-of-the-council-of-europe-conve/1680a2b0f8>.

⁴⁷ Annie Kelly & Hazel Thompson, *Silent Victims: the Hidden Romanian Women Exploited in the UK Sex Trade*, THE GUARDIAN (Nov. 30, 2020, 2:00 PM), <https://www.theguardian.com/global-development/2020/nov/30/silent-victims-the-hidden-romanian-women-exploited-in-the-uk-sex-trade>.

⁴⁸ *Id.*

⁴⁹ *Pandemic causes number of registered prostitutes to reduce in Germany*, VANGUARD (July, 1, 2021), <https://www.vanguardngr.com/2021/07/pandemic-causes-number-of-registered-prostitutes-to-reduce-in-germany>.

⁵⁰ *Evaluation Report Romania Third Evaluation Round*, *supra* note 46.

⁵¹ Barbera, *supra* note 43.

⁵² *Evaluation Report Romania Third Evaluation Round*, *supra* note 46.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Arrests in London and Romania Sex Trafficking Raids*, BBC NEWS (May 18, 2022), <https://www.bbc.com/news/uk-england-london-61497730>.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Sex-trafficking: Arrests in Luton and Romania*, BBC NEWS (Mar. 30, 2022), <https://www.bbc.com/news/uk-england-beds-bucks-herts-60927236>.

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Crackdown on Human Traffickers in France and Romania*, *supra* note 45.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ Laura Kemp, *13 Arrested in Romania-Spain Sex Trafficking Gang*, EUROWEEKLY NEWS (July 8, 2021, 7:24 PM), <https://euroweeklynews.com/2021/07/08/13-arrested-in-romania-spain-sex-trafficking-gang>.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*