

United Nations High Commissioner for Refugees

Romania

We would like to bring your attention to the following excerpts from Treaty Body Concluding Observations and Special Procedure reports, relating to issues of interest and concern to UNHCR with regards to Romania.

Treaty Body Concluding Observations

**CEDAW/C/ROM/CO/6, 35th session
15 May-2 June 2006**

22. While commending the efforts undertaken by the State party to address the issue of human trafficking, the Committee remains concerned about the magnitude of this phenomenon in Romania, which remains a country of origin, transit, and destination for trafficked women and girls.

23. The Committee calls on the State party to increase its efforts to prevent human trafficking by addressing its root causes, in particular women's economic insecurity. It recommends that the State party enhance measures aimed at improving women's social and economic situation, in particular in rural areas, so as to eliminate their vulnerability to traffickers and to put in place services for the rehabilitation and reintegration of victims of trafficking. The Committee also encourages the State party to intensify international, regional and bilateral cooperation with countries of origin, transit and destination for trafficked women and girls to further curb this phenomenon.

**CRC/C/15/Add.199, 32nd session
18 March 2003**

25. While welcoming the adoption of the new legislation (Law No. 48/2002) and other efforts to counter discrimination and address the concerns expressed by the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.85, paras. 9-16), the Committee is concerned that the principle of non-discrimination is not fully implemented for all children in all parts of the State party, and that unequal enjoyment of economic, social, cultural, civil and political rights persists (i.e. for children with disabilities, children living with HIV/AIDS, children in care institutions, children in detention, asylum-seeker and refugee children, foreign children, children between 16 and 18 years, children from poor households, and children belonging to Roma and other minority groups).

26. The Committee reiterates its previous recommendations (CRC/C/15/Add.16, paras. 10, 19 and 21) that measures be taken to address effectively discriminatory attitudes or prejudices, in particular towards children belonging to the above-mentioned vulnerable groups. It also recommends that the State party implement fully and effectively already adopted legal measures to prevent discrimination and to ensure that the Constitution is in full conformity with article 2 of the Convention.

32. *The Committee notes that Law No. 119/1996 includes special provisions for the issuance of birth certificates to abandoned children found in hospitals. However, the Committee remains concerned at the lack of measures to prevent non-registration of children and at the high number of stateless persons, in particular among the Roma.*

33. *The Committee recommends that the State party:*

(a) Strengthen efforts to ensure birth registration of all children, paying particular attention to occurrences of non-registration of Roma children;

(b) Take further measures, in accordance with article 7 of the Convention, to facilitate applications for citizenship and resolve the situation of stateless children;

(c) Ratify the Convention relating to the Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.

54. *The Committee notes:*

(a) That the legislation (Law 48/2002) provides special protection for vulnerable persons, but remains concerned that de facto discrimination persists regarding access to education, health care and social benefits;

(b) That there have been reports of cases of arbitrary detention and threatened expulsion.

55. *The Committee recommends that the State party:*

(a) Ensure the availability of Romanian language courses, as stipulated by law, to facilitate the integration of asylum-seeker and refugee children in the education system;

(b) Consider preferential treatment for refugees to benefit from exemptions from reductions in tuition fees for upper secondary and university education;

(c) Fully uphold their international obligations concerning lawful detention as well as the principle of non-refoulement;

(d) Continue cooperation with the Office of the United Nations High Commissioner for Refugees in this respect.

59. *The Committee recommends that the State party:*

...

(d) Ensure that all victims of trafficking and forced prostitution have access to appropriate recovery and reintegration programmes and services.

Special Procedure Reports

Report of the Working Group on Arbitrary Detention

Visit to Romania

E/CN.4/1999/63/Add.4

16 December 1998

CONCLUSIONS AND RECOMMENDATIONS

40. *The situation arising from criteria enumerated in articles 4 and 10 of Law No. 15/1996, pursuant to which the refugee status of an individual may be revoked, resulting in detention and removal from Romania, exposes every refugee to grave risks of arbitrary detention. The Working Group recommends that the Government eliminate from the Law such criteria as those indicated in the articles cited, since they give wide powers to the authorities*

41. *The situation arising from the limited duration of refugee status granted to applicants under article 22 of Law No. 15/1996 should be remedied, as it is inconsistent with article 14 (1) of the Universal Declaration of Human Rights.*

42. *Protection against refoulement should be made to apply to all asylum seekers instead of recognized asylum seekers only.*

43. *The exclusion clauses in Law No. 15/1996 should be made consistent with the exclusion clauses of article 1 D, E and F of the 1951 Convention relating to the Status of Refugees.*

44. *The Working Group believes that the power conferred by article 18 of Law No. 25/1969 (the Law relating to the Regime of Foreigners) to determine the place of residence of individuals to be governed by its provisions is nothing short of the power of detention, *ex facie* arbitrary, since the Law requires no reason to be given to the individual at the time of detention. The Law does not even entitle the individual to seek legal recourse in the event of the exercise of such power. Considerations of public order or State security, as applied to those seeking asylum or to those whose refugee status may be revoked on the basis of vague or imprecise criteria, make said provisions inconsistent with article 14 of the Universal Declaration of Human Rights and article 9 of the International Covenant on Civil and Political Rights. A similar provision in article 8 of Law No. 15/1996 is subject to the same criticism, even though the Group was told that the police do not apply this provision in the case of asylum seekers.*

45. *The Working Group recommends that the situation be remedied by provision of adequate legal safeguards, consistent with international standards for the protection of the individual, and by making available adequate judicial remedy or remedies.*

46. *Law No. 25/1969 should provide for adequate legal safeguards and remedies for all aliens who are facing expulsion or extradition consistent with international legal*

instruments (e.g. the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights).

47. Law No. 25/1969 must be brought into conformity with article 19, paragraph 3, of the Romanian Constitution which prohibits any expulsion and extradition in the absence of a court ruling.

48. All asylum seekers subjected to deprivation of liberty should be granted constitutional protection, be informed promptly of the grounds for their detention and be afforded all legal remedies available to them with a view to obtaining their release.

49. Detainees should be provided, at the time of their detention, with the reasons for their detention in a language which they understand.

50. Detainees should be provided, at the time of their detention, with a written explanation of their rights and how to exercise them.

51. Each decision to detain should be reviewed as to its necessity and compliance with international standards by means of a prompt, oral hearing by a court or similar competent independent and impartial review, accompanied by the appropriate provision of legal aid. In the event that continued detention is authorized, detainees should be able to initiate further challenges against the reasons for detention.

52. Detainees should be given adequate access to their legal representatives, their relatives and to officers of the United Nations High Commissioner for Refugees.

53. Specialized non-governmental organizations, the Office of the United Nations High Commissioner for Refugees and the legal representatives of detainees should be granted access to all places of detention, including the transit zones at international ports and airports.

54. All staff should receive appropriate training related to the special situation and the needs of asylum seekers in detention.

Report by Mr. Glèlè-Ahanhanzo, Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, submitted pursuant to Commission on Human Rights

Mission to Hungary, Czech Republic and Romania (19-30 September 1999)

E/CN.4/2000/16/Add.1

7 February 2000

90. The representative of the United Nations High Commissioner for Refugees expressed concern about the large number of stateless persons among the Roma, particularly among Roma children whose birth has not been registered with the Romanian authorities and who still have no form of identification. The Office of the High Commissioner is of the view that Romania's accession to the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons would facilitate the search for solutions to this worrying situation and would also contribute to the integration of the Roma.

Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination,

Mr. Miloon Kothari

MISSION TO ROMANIA (14-19 January 2002)

E/CN.4/2003/5/Add.2

3 February 2003

43. *From the field visits by the Special Rapporteur and testimonies received, it is evident that the lack of identity cards and documentation represents one of the most serious problems affecting the enjoyment of the right to an adequate standard of living, including adequate housing, as well as civil and political rights. Roma who lack official identity documents are often excluded from social services as well as from the special assistance programme available for the minority groups. Furthermore, in many cases Roma have been unable to appeal State justice as a result of not having personal identity papers. It is also claimed that the Roma disinterest or distrust in officially declaring an identity, stemming from a genuine fear of misuse of ethnically determined data, compounds the problem of institutional inadequacy in issuing such documents for them. In dealing with this problem, the Special Rapporteur recommends that the State should make additional effort to raise public awareness among the Romas and to facilitate their obtaining proper identity documents. This might include assurances backed up by references to relevant legislation and practice that no disadvantage shall result from one's identity as belonging to a particular group (in accordance with international standards, including article 3 of the Council of Europe's Framework Convention for the Protection of National Minorities, as well as paragraph 32 of the OSCE Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE). The Special Rapporteur also calls upon the Government to ratify relevant international conventions on statelessness,¹ which should further facilitate the integration of the Roma.*

Report submitted by the Special Rapporteur on the sale of children, child prostitution and child pornography, Juan Miguel Petit

MISSION TO ROMANIA*

E/CN.4/2005/78/Add.2

26 January 2005

107. *Migration often opens opportunities for people and cannot be stopped. However, migration also involves a significant number of people, including children, moving in precarious conditions, and lacking information and means to face difficult and dangerous situations. These are the people to target with adequate prevention programmes - not to stop their will to migrate, but to better equip them to go through the migration process in a positive way.*

- End of excerpts -

Protection Operations and Legal Advice Section

Division of International Protection Services
UNHCR
7 January 2008

ⁱ These include the Convention on the Reduction of Statelessness and the Convention Relating to the Status of Stateless Persons.