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**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER  
FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF THE  
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Romania\***

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR) other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. The information included herein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being four years, most of the documents used as reference are dated after 1 January 2004. In the absence of recent information, the latest available reports and documents have also been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

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\* The information and references contained in the present document have not been verified by United Nations editors prior to submission for translation.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations<sup>1</sup>

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	15 Sept. 1970	Arts. 17 and 18	Individual complaints (art. 14): Yes
ICESCR	9 Dec. 1974	Arts. 26 (1), 1 (3) and (4)	-
ICCPR	9 Dec. 1974	Arts. 1 (3) and 48	Inter-State complaints (art. 41): No
ICCPR-OP 1	20 July 1993	Art. 5 (2) ( a)	-
ICCPR-OP 2	27 Feb. 1991	None	-
CEDAW	7 Jan. 1982	None	-
OP-CEDAW	25 Aug. 2003	None	Inquiry procedure (arts. 8 and 9): No
CAT	18 Dec. 1990	None	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): No
CRC	28 Sept. 1990	None	-
CRC-OP-AC	10 Nov. 2001	Yes	-
CRC-OP-SC	18 Oct. 2001	None	-
<i>Core treaties to which Romania is not a party: OP-CAT (signature only 2003), ICRMW, CPD (signature only 2007), CPD-OP (signature only 2007), and CED.</i>			
<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>		
Convention on the Prevention and Punishment of the Crime of Genocide	Yes		
Rome Statute of the International Criminal Court	Yes		
Palermo Protocol <sup>3</sup>	Yes		
Refugees and stateless persons <sup>4</sup>	Yes		
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>5</sup>	Yes except Protocol III		
ILO fundamental conventions <sup>6</sup>	Yes		
UNESCO Convention against Discrimination in Education	Yes		

1. The Committee on the Elimination of Discrimination against Women (CEDAW) encouraged Romania to consider ratifying ICRMW.<sup>7</sup> Romania pledged in 2006 to finalize its domestic procedure of ratification of OP-CAT.<sup>8</sup> The Committee on the Rights of the Child (CRC) welcomed the ratification of the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.<sup>9</sup>

### B. Constitutional and legislative framework

2. CRC in 2003, and CEDAW in 2006 welcomed the enactment of new laws.<sup>10</sup> CERD however, expressed concern that the provisions of Romanian legislation making punishable acts of racial discrimination by individuals are not in full conformity with the Convention.<sup>11</sup> UNICEF informed of the 2004 adoption of the “Law on the Protection and Promotion of the Rights of the Child”.<sup>12</sup>

### C. Institutional and human rights infrastructure

3. The Romanian Institute for Human Rights was accredited with “C” status in March 2007.<sup>13</sup> In 2006, an ILO Committee of Experts noted with interest that the National Agency for Equal Opportunities for Men and Women was set up and became operational on 1 March 2005.<sup>14</sup> UNICEF

informed that County Child Rights Observatories (CCRO) were established in five counties.<sup>15</sup> CRC also noted the establishment of the Ombudsman in 1997 dealing with cases of violations of children's rights.<sup>16</sup> In 2004, the Common Country Assessment (CCA) noted the establishment of the Anti-Poverty and Promotion of Social Inclusion Commission in 2000.<sup>17</sup> In 2006, an ILO Committee noted that the Ministerial Commission for Roma was established within the Ministry of Labour, which is responsible for the implementation of employment-related measures provided for under the Strategy for the improvement of the conditions of Roma.<sup>18</sup>

#### D. Policy measures

4. In 2004, CCA noted the launch of the National Plan for Universal Access to HIV/AIDS Treatment and Care in 2001<sup>19</sup> and that following a broad participatory process, the "National Anti-Poverty and Promotion of Social Inclusion Action Plan" was adopted in 2002.<sup>20</sup> In 2006, an ILO Committee of Experts noted that the National Council to Combat Discrimination adopted a "National Plan to Combat Discrimination".<sup>21</sup> Despite the adoption of various national plans and strategies concerning children's rights, CRC was concerned in 2003 that the implementation of the Convention has been ineffective<sup>22</sup> and recommended, inter alia, that Romania elaborate a comprehensive human rights-based national plan of action<sup>23</sup> and strengthen the Child Monitoring and Tracking Information System.<sup>24</sup> In 2006, while CEDAW commended the adoption of various action plans,<sup>25</sup> it was concerned that the national machinery for the advancement of women may not have sufficient visibility, decision-making power or human and financial resources.<sup>26</sup>

## II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body<sup>27</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	1998	Aug. 1999	-	Sixteenth to nineteenth reports overdue since 2001, 2003, 2005 and 2007
CESCR	1993	May 1993	-	Third to fifth reports overdue since 1994, 1999 and 2004
HR Committee	1996	July 1999	-	Fifth report overdue since 2003
CEDAW	2003	June 2006	-	Combined seventh and eighth reports due in 2011
CAT	1992	May 1992	-	Second to fourth reports overdue since 1996, 2000 and 2004
CRC	2000	Jan. 2003	-	Combined third and fourth reports submitted in 2007 and scheduled for consideration in 2009
CRC-OP-AC	-	-	-	Initial report overdue since 2004
CRC-OP-SC	-	-	-	Initial report overdue since 2004

#### 2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	Working Group on arbitrary detention, <sup>28</sup> (27 Sept.-2 Oct. 1998). Special Rapporteurs on the question of torture <sup>29</sup> (19-29 April 1999); on contemporary forms of racism <sup>30</sup> (19-30 Sept. 1999); on adequate housing <sup>31</sup> (14-19 Jan. 2002); on freedom of religion or belief <sup>32</sup> (7-13 Sept. 2003); on the right to health <sup>33</sup> (23-27 Aug. 2004); on the sale of children <sup>34</sup> (1-10 Sept. 2004)

<i>Visits agreed upon in principle</i>	None
<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on the right to education, request in 2005, follow-up, in 2006
<i>Facilitation/cooperation during missions</i>	The Special Rapporteur on freedom of religion or belief thanked the Romanian authorities for their invitation and cooperation. <sup>35</sup> The Special Rapporteur on the sale of children thanked the Government for allowing him to undertake a fruitful visit. <sup>36</sup> The Special Rapporteur on the right to health was grateful for the excellent cooperation and assistance he received at every stage. <sup>37</sup>
<i>Follow-up to visits</i>	None
<i>Responses to letters of allegation and urgent appeals</i>	Between 1 January 2004 and 31 December 2007, a total of 12 communications were sent to the Government. In addition to communications sent to particular groups, these communications concerned 18 individuals, all men. During the same period, Romania replied to 9 communications (75 per cent)
<i>Responses to questionnaires on thematic issues</i> <sup>38</sup>	Romania responded to two questionnaires within the deadlines of the 12 questionnaires sent by the special procedures mandate holders <sup>39</sup> within the deadlines <sup>40</sup>

### 3. Cooperation with the Office of the High Commissioner for Human Rights

5. In 2006 and 2007 Romania made voluntary contributions to support the work of the Office.<sup>41</sup> In September 2006 Romania organized the 11th Summit of the Francophonie with OHCHR participation.

#### B. Implementation of international human rights obligations

##### 1. Equality and non-discrimination

6. While in 2006 CEDAW commended the extensive legal and policy framework developed for the promotion of equality between women and men and the elimination of discrimination against women,<sup>42</sup> it was concerned that women themselves might not be aware of their rights, or lack the capacity to claim them as indicated by the low number of cases related to discrimination against women investigated by the National Council for Combating Discrimination since its creation in 2003.<sup>43</sup>

7. The Special Rapporteur on the right to health stated that problems which disproportionately affect the health of Roma were homelessness, vulnerability to forced evictions, overcrowded living conditions, lack of access to safe water and adequate sanitation, low levels of education, poor nutrition, poor communication with health professionals and lack of access to information on health issues.<sup>44</sup> The Special Rapporteur on the sale of children noted in 2005 that social indicators show the systemic exclusion suffered by Roma communities, where they are overrepresented in statistics on poverty, unemployment and child mortality. Roma children accumulate a series of exclusions and discrimination that result in their overrepresentation among street children, victims of trafficking and children living in institutions.<sup>45</sup> CEDAW noted with concern that Roma women and girls remain in a vulnerable and marginalized situation, in particular with regard to access to education, health, housing, employment, official identity documents and participation in political and public life.<sup>46</sup> UNICEF similarly mentioned that there are various forms of discrimination against Roma children<sup>47</sup> and that Roma remain the most rejected minority in Romania.<sup>48</sup> While CRC welcomed in 2003 the implementation of strategies aimed at improving Roma children's rights to health-care services and inclusion in education, it remained concerned at the negative attitudes and prejudices of the general public, in political discourse and media representations as well as at incidents of police brutality and discriminatory behaviour by some teachers and doctors.<sup>49</sup>

8. In 1999, the HR Committee recommended that Romania pursue further measures, both in legislation and in practice, to ensure the rights of the Roma, in the public and private sector, particularly with respect to access to education and support for the Roma language.<sup>50</sup> In 2003, CRC also recommended that Romania develop and implement a comprehensive strategy in this regard.<sup>51</sup> In 2006, CEDAW urged Romania, inter alia, to take a holistic approach to eliminating the multiple and intersecting forms of discrimination that Roma women face and to accelerate achievement of their de facto equality through the coordination of all agencies working on Roma. It also encouraged Romania to approve without delay the budget for the implementation of the Action Plan for the Decade of Roma Inclusion (2005-2015) and encouraged the National Agency for Roma to organize training programmes for the police on Roma culture.<sup>52</sup>

9. In 2003, CRC was concerned that disabled children in Romania remain disadvantaged in the enjoyment of their rights guaranteed by the Convention.<sup>53</sup>

## **2. Right to life, liberty and security of the person**

10. In 1999, the HR Committee was disturbed at continued incidents involving the use of firearms by the police, especially in cases of petty offences committed by minors. It recommended that the use of firearms by the police be closely regulated.<sup>54</sup>

11. The HR Committee was also concerned at the lack of legislation invalidating statements of accused persons obtained in violation of article 7 of the Covenant.<sup>55</sup>

12. In 2003, CRC noted with concern the high number of allegations of children being ill-treated and tortured by law enforcement officials and regretted that the majority of these allegations have not been responded to. It was also concerned that they may not have been effectively investigated by an independent authority.<sup>56</sup> It recommended that Romania, inter alia, take immediate measures to challenge the prevailing culture of impunity for police violence against children.<sup>57</sup>

13. Communications sent by the Special Rapporteur on the question of torture relate to alleged ill-treatment of individuals in detention. In one case, it was alleged that a man detained in the high security prison of Iasi had been raped several times by a fellow prisoner, as subsequently confirmed by the prison legal medical institute. It was alleged that in Iasi prison, inter-prisoner violence is not only common but tolerated and often encouraged by officers who use it to maintain discipline. In the same case, it was also alleged that another prisoner had been subjected to ill-treatment and that he had submitted several complaints to the National Penitentiary Administration and to the National Prosecutor's Office and courts, but that no measures had been taken in response.<sup>58</sup> In another case, it was alleged that an individual in detention in Arad Prison had been subjected on numerous occasions to torture by representatives of the Independent Service of Protection and Anticorruption. The Government replied that an investigation had been carried out and that he did bear any traces of ill-treatment, but that he had inflicted physical harm upon himself. Therefore, the Public Ministry decided not to initiate a criminal procedure against the police officers who were under investigation.<sup>59</sup> A number of other cases similarly refer to a lack of action taken regarding complaints of alleged ill-treatment in detention<sup>60</sup> or that the individual received no medical treatment subsequent to alleged ill-treatment.<sup>61</sup> Where the Government responded, it clarified the facts, noting that investigations had been undertaken, and provided the outcome of the investigations, where applicable.<sup>62</sup>

14. Living conditions in the psychiatric hospital of Poina Mare, which has 440 patients, were the subject of a communication sent in 2004 by the Special Rapporteur on the question of torture, the Special Rapporteur on the right to health and the Special Rapporteur on the right to food. It was

alleged that in 2003 and in the first three months of 2004, 84 and 17 patients respectively had died of malnutrition and hypothermia. Reportedly, the Government had stated in 1995 that it would gradually stop using this facility as a hospital.<sup>63</sup> The Government response included detailed measures it had taken, highlighting the improvements in living conditions as well as the criminal investigations into the deaths.<sup>64</sup> The Special Rapporteur on the right to health visited this hospital during his visit in August 2004, where he was informed that funding had been received for further improvements. While welcoming these improvements, the Special Rapporteur urged the Government to ensure that it provides adequate resources to support the implementation of these changes on a sustainable basis.<sup>65</sup>

15. In 2006, CEDAW was concerned that Romania was able to provide only limited information about the prevalence of domestic violence, and that Law 217/2003 does not address other forms of violence against women.<sup>66</sup> The HR Committee and CEDAW expressed concern about the insufficient implementation of measures to prevent and eliminate domestic violence against women.<sup>67</sup> In 2003, CRC was concerned at the increase in violence against women, and that domestic violence against women may lead to child abuse in the family. CRC recommended, *inter alia*, that Romania, expressly prohibit corporal punishment in the home, school and institutions; promote alternative methods of discipline; and establish effective procedures and mechanisms for receiving, monitoring and investigating cases of abuse, ill-treatment and neglect and for prosecuting offenders.<sup>68</sup>

16. While the Special Rapporteur on the sale of children noted that Romania has one of the most comprehensive anti-trafficking laws,<sup>69</sup> he highlighted that trafficking was one of the major concerns following his visit in 2004.<sup>70</sup> A joint communication was sent in 2006 by the Special Rapporteur on the sale of children, the Special Rapporteur on trafficking in persons, especially women and children and the Special Rapporteur on the human rights of migrants, highlighting the growing number of children trafficked from Romania to other European States, raising specific concerns regarding the limited resources available to combat the sexual exploitation of minors.<sup>71</sup> The Government provided a comprehensive reply setting forth the measures undertaken, both at the national level and in conjunction with other concerned States.<sup>72</sup> CEDAW also commended Romania's efforts to address the issue of human trafficking and enhance measures aimed at improving women's social and economic situation, in particular in rural areas, so as to eliminate their vulnerability to traffickers.<sup>73</sup> CRC in 2003 and CEDAW in 2006 however remained concerned that Romania continues to be a country of origin, transit and destination for trafficked women and children.<sup>74</sup> The Special Rapporteur on the sale of children also noted that while growing information and attention is being paid to internal trafficking,<sup>75</sup> which is often the first step to international trafficking,<sup>76</sup> the very same girls and women are considered by the law as victims if they are rescued from international trafficking and as criminals if they are prostitutes in their own country.<sup>77</sup>

17. The Special Rapporteur on the sale of children also expressed concern at Law 11/1990, which liberalized international adoption, leading to a massive influx of foreigners seeking to adopt. He noted that the vast majority of the children in institutions were not actually "orphans" and that adoptions taking place outside of institutions led to corruption.<sup>78</sup> The law on the legal regime of adoption (2004), which restricts the possibility of international adoption to cases where one of grandparents resided abroad, was welcomed by the Special Rapporteur as a firm reaction to past irregularities and as a conducive measure to develop intracountry alternatives in the best interest of children.<sup>79</sup>

### **3. Administration of justice and the rule of law**

18. The 2004 CCA report noted that the justice sector in Romania is undergoing a thorough reform process, which focuses, inter alia, on consolidating the independence of the judiciary.<sup>80</sup> It mentioned that a key factor affecting the rule of law and the justice sector is the widespread perception of mistrust in the judiciary system, which nourishes the belief that rule of law and the court system are inefficient and lack credibility.<sup>81</sup>

19. In 2005, the Special Rapporteur on the sale of children noted that widespread corruption in the public administration undermined the enforcement of the law, the delivery of social services and the overall capacity of Romania to prevent and redress human rights violations,<sup>82</sup> and encouraged the Government to address the problem firmly.<sup>83</sup>

20. In 2005, the Special Rapporteur on the sale of children noted that cases of sexual abuse were underreported. He identified various causal factors<sup>84</sup> that discourage victims, generating a sense of impunity that nurtures the perpetuation of these crimes.<sup>85</sup>

21. In 2003, CRC remained concerned, inter alia, that there are no judges specially trained and appointed for cases involving minors; that a high number of children are in pretrial detention; and that there is a serious lack of capacity within the judicial system to provide rapid intervention or trial, as needed, for juvenile offenders.<sup>86</sup> CRC recommended, inter alia, that children be detained separately from adults and that alternative measures be promoted for dealing with children without resorting to judicial proceedings.<sup>87</sup> UNICEF informed that punitive measures are still preferred by the courts, in spite of the fact that the new Criminal Code allows and recommends educational measures.<sup>88</sup>

### **4. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

22. Following up on an issue raised during her predecessor's country visit,<sup>89</sup> the Special Rapporteur on freedom of religion or belief brought to the attention of the Government information received regarding a new Religion Law, promulgated in 2006.<sup>90</sup> She noted that concerns had been expressed that the law's three-tier system of State recognition may contravene the principles of equality and non-discrimination.<sup>91</sup> Other concerns were raised about the law's provisions concerning State funding and increased Government control as well as about the bans on "religious defamation" and "public offence to religious symbols" that might prevent people of one faith from speaking about other faiths.<sup>92</sup>

23. In one communication sent by the Special Rapporteur on the right to freedom of opinion and expression in 2006, it was alleged that two journalists had been arrested for having acquired, apparently illegally, classified information concerning the activities of Western armed forces in another State. It appeared, however, that neither journalist had published the content of the information. If found guilty, both journalists incurred sentences of up to seven years of imprisonment.<sup>93</sup> The Government replied and provided information that a broad revision of the entire legal framework concerning national security and intelligence is under way, that the new laws will meet European and international requirements in this field and appropriate attention will be given to increasing the guarantees afforded for the full respect of freedom of expression.<sup>94</sup>

24. The HR Committee in 1999 and CEDAW in 2006 expressed concern about the low representation of women in elected and appointed bodies, especially at decision-making levels and the lack of effective measures to accelerate the advancement of women in this respect.<sup>95</sup> CEDAW

recommended, inter alia, that Romania continue maintaining temporary special measures, including establishment of benchmarks, quotas, numerical goals and timetables, to accelerate women's full and equal participation in elected and appointed bodies.<sup>96</sup>

25. The Special Rapporteur on freedom of religion or belief examined the question of the return of property confiscated under the communist regime which belonged to religious communities, when most of the churches and other places of worship were handed over to the Orthodox Church, whereas the remaining real estate was used by the State. Since 1989, the Romanian authorities have adhered to the principle that these properties should be returned to the religious communities who owned them before 1948, at least on certain conditions.<sup>97</sup> According to him, the most complex issue<sup>98</sup> is that of the religious property (churches and parish buildings) confiscated from the Greek Catholic Church and handed over to the Orthodox Church in 1948, when the Greek Catholic Church was banned.<sup>99</sup>

### **5. Right to work and to just and favourable conditions of work**

26. CEDAW expressed concern about the situation of women,<sup>100</sup> especially rural women<sup>101</sup> in the labour market, which remained characterized by the concentration of women in low-paid sectors of public employment, such as health and education,<sup>102</sup> and the wage gap between women and men in both the public and private sectors.<sup>103</sup> CEDAW recommended that clear benchmarks and timetables be set and that the implementation of the measures targeting rural women in the National Strategy for Equal Opportunities between women and men for the period 2006-2009 be effectively monitored.<sup>104</sup>

27. In 2003, CRC was encouraged by ongoing efforts aimed at addressing the problem of child labour. However, it was concerned that the number of children working in the city streets, in rural areas and households is still high; that many children, as young as 6, are engaged in regular work as a means of overcoming poverty and that some children entitled to work do so in very poor conditions.<sup>105</sup> In 2004 CCA similarly informed that Roma children often work in order to contribute to the family income, often under intolerable working conditions with high risks of accidents, sickness or of being involved in illegal activities.<sup>106</sup> UNICEF stated that about half of all children working in Romania are considered part of the exploitative category of child labour.<sup>107</sup> CRC recommended that Romania take immediate and effective steps to ensure the implementation of the Convention and of ILO Conventions Nos. 138 and 182.<sup>108</sup>

### **6. Right to social security and to an adequate standard of living**

28. In 2004, CCA noted the first steps towards implementing the National Anti-Poverty and Promotion of Social Inclusion Action Plan aimed at guaranteeing access of vulnerable people, especially youth, to basic rights such as employment, proper housing, health assistance and education.<sup>109</sup> The Special Rapporteur on the right to health also noted in 2004 a dynamic climate of reform in the health sector, the adoption of numerous health-related laws and policies,<sup>110</sup> that health expenditure had significantly increased<sup>111</sup> and that this trend was continuous.<sup>112</sup> A 2007 WHO report noted some reforms in public health, but that the current public health services still need to be improved and better integrated into all levels of health care as part of the health system.<sup>113</sup>

29. In 2003, CRC was concerned at the poor quality and accessibility of primary health-care services, especially in rural areas and for poor households; at the high infant mortality rate, particularly in rural areas; that a high proportion of under-5 deaths are due to preventable causes; and at the high rate of child morbidity as a result of accidents.<sup>114</sup> It was also concerned at the limited availability of programmes and services in the area of adolescent physical and mental health; the



number of suicides; the high number of young mothers and of abortions among teenage girls; the high rate of sexually transmitted diseases; the alarming increase in the number of children addicted to drugs, the high rate of smoking and alcohol consumption; and the lack of awareness of the problems caused by these negative behaviours.<sup>115</sup> In 2006, CEDAW expressed concern that the rates of abortions and maternal mortality still remain high, although noting their decrease since the beginning of the 1990s as a result of Government efforts.<sup>116</sup> The 2006 and 2007 UNDP reports indicated that the maternal mortality ratio decreased in the period 1990-2005.<sup>117</sup>

30. The Special Rapporteur on the right to health highlighted issues in the area of sexual and reproductive health<sup>118</sup> and noted that marginalized populations face particular obstacles when seeking to access reproductive health services even at a health systems level.<sup>119</sup> While noting the important steps taken,<sup>120</sup> he urged the Government to take a broad approach to combating discrimination in all of its manifestations by providing diversity training to health-care workers and ensuring that procedural barriers do not become a denial of access to care.<sup>121</sup>

31. In 2003 CRC remained concerned at the incidence of HIV/AIDS among young children; the high rate of new infections affecting young people, particularly among minorities; and the fact that treatment, although free, is provided only to a limited number of children and may lack continuity due to funding limitations.<sup>122</sup> In 2004, the Special Rapporteur on the right to health noted that Romania had one of the highest prevalence rates of HIV and AIDS in Central Europe<sup>123</sup> and the largest number of children living with HIV in Europe.<sup>124</sup> While acknowledging that in recent years, the Government has led a dynamic campaign to provide treatment and care for people living with HIV and AIDS, and that in some ways, Romania's approach to HIV/AIDS treatment and care is a model,<sup>125</sup> he made several recommendations regarding addressing HIV prevention<sup>126</sup> as well as gender inequalities, stigma and discrimination.<sup>127</sup> In 2006, the Special Rapporteur on the right to health and the Special Rapporteur on the right to education stressed continuing widespread discrimination against children and young people living with HIV/AIDS being denied adequate medical care,<sup>128</sup> to which the Government provided a detailed response setting forth the legal framework and the measures taken.<sup>129</sup>

32. The Special Rapporteur on the right to health also highlighted that WHO statistics reveal that Romania has one of the highest rates of tuberculosis in Europe.<sup>130</sup> While commending the development of programmes to address tuberculosis, especially for vulnerable and marginal populations, he urged that barriers to access be addressed in their implementation.<sup>131</sup>

33. The Special Rapporteur on the right to health noted that the Government had recently begun to address the issue of mental health.<sup>132</sup> He noted nonetheless, as a primary concern, the continuing widespread provision of mental health care in large psychiatric institutions, with inadequate rehabilitation services, and the insufficient number of community-based mental health-care and support services.<sup>133</sup> He was also of the view that despite the legal and policy commitments by the Government, the enjoyment of the right to mental health care remains more of an aspiration rather than a reality.<sup>134</sup>

34. A 2005 UNICEF report indicated that nearly 88 per cent of Roma in Romania live below the national poverty line,<sup>135</sup> noting that Roma men and women are less likely to have health insurance and to be enrolled in a family physician's practice than their Romanian counterparts.<sup>136</sup> While noting that the State had adopted some important measures towards tackling stigma and discrimination against Roma,<sup>137</sup> the Special Rapporteur on the right to health highlighted that data

show that the health status of Roma is amongst the worst in developed countries,<sup>138</sup> with life expectancy and infant mortality rates respectively 10 years shorter and 40 per cent higher than the general population.<sup>139</sup> The Special Rapporteur stated that this was an unacceptable situation, which could not be addressed without engaging the Roma population and other disadvantaged groups in health policymaking.<sup>140</sup>

35. The Special Rapporteur on the right to health also reported the degrading and dangerous living conditions of street children<sup>141</sup> and noted that access to health care is a major problem.<sup>142</sup> The HR Committee and CRC were concerned about the situation of street children and abandoned children.<sup>143</sup> The persistence of the problem of child abandonment was also an issue of concern to the Special Rapporteur on the sale of children.<sup>144</sup> In 1999, the HR Committee recommended that Romania take all necessary measures to protect and rehabilitate these children, guarantee them a name, and to ensure that all births are duly registered in Romania.<sup>145</sup> While CRC was encouraged in 2003 by the ongoing initiatives to decrease the number of street children,<sup>146</sup> it recommended that Romania, inter alia, strengthen efforts to assist children in leaving the street, placing greater emphasis on alternatives to institutionalization, family reunification and recovery and reintegration services.<sup>147</sup> The Special Rapporteur on the sale of children noted that after 1990, there had been a process of transformation of old-type residential institutions, which was a significant achievement.<sup>148</sup> He highlighted, however, the need to establish a mechanism to automatically allocate a budget for foster families, needed to take care of children between birth and the age of 3 who,<sup>149</sup> should not stay in institutions,<sup>150</sup> according to a 2005 law.<sup>151</sup>

### **7. Right to education and to participate in the cultural life of the community**

36. While noting the initiatives to launch special programmes and provide free textbooks and school materials, CRC was concerned, in 2003, at the disproportionately high number of children from rural areas and the percentage of girls who are dropping out of school. It was also noted that the curricula and teaching methodology do not reflect the aims of education contained in the Convention.<sup>152</sup> In 2005, the Special Rapporteur on the sale of children expressed concern regarding the situation of acute poverty in some rural areas, noting that education provided in primary schools is said to be of poor quality, with inadequate infrastructure, whereas high schools are often too distant for many adolescents, with the cost of transport being an obstacle to the pursuance of studies.<sup>153</sup> CRC recommended that Romania, inter alia, make every effort to ensure that compulsory education, and possibly secondary education, is free for all children and strengthen the institutional capacity of State education.<sup>154</sup> It also recommended that Romania ensure the availability of Romanian language courses, as stipulated by law, to facilitate the integration of asylum-seekers and refugee children in the education system; and to consider preferential treatment for refugees to benefit from exemptions from reductions in tuition fees for upper secondary and university education.<sup>155</sup>

### **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

37. The Special Rapporteur on the sale of children highlighted as positive elements a new package of laws on children's rights, the decentralization of the child protection system, a number of national action plans, and a new generation of dedicated professionals working in the area of child protection.<sup>156</sup> UNICEF noted the enlargement of the national Baby-Friendly Hospital (BFHs) initiative as an efficient way of improving mother and child health and the nutritional status of infants, and an effective way to prevent child abandonment.<sup>157</sup>

38. However, UNICEF noted that the situation of vulnerable, excluded and/or discriminated groups of children in Romania continues to be challenging in spite of considerable reforms and improvements. A 2005 UNHCR report referred to the adoption of the Government's strategy for the improvement of the conditions of Roma in April 2001. Although well conceived, it is not showing the expected results, due to gaps in implementation.<sup>158</sup>

#### **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

##### **A. Pledges by the State**

39. In 2006, Romania pledged, inter alia, to promote the recognition and acceptance of the conclusions and recommendation of the global conferences on human rights and related issues, including the World Conference against Racism, Discrimination, Xenophobia and Related Intolerance, held in Durban in 2001 and to support the drafting of an additional Protocol to ICESCR.<sup>159</sup>

##### **B. Specific recommendations for follow-up**

40. The Special Rapporteur on the sale of children recommended that Romania, inter alia, decriminalize prostitution; amend legislation to protect the victims of trafficking from being prosecuted for illegal border crossing; to continue with the adoption of bilateral agreements on anti-trafficking measures with destination countries;<sup>160</sup> train the police on dealing with victims of trafficking, domestic violence and sexual abuse; and implement a system of witness protection in cases of trafficking.<sup>161</sup> In addition to recommendations made in relation to the return of confiscated property and in relation to the law on religion, the Special Rapporteur on freedom of religion or belief recommended that authorities be more proactive in identifying, punishing and putting a stop to religious intolerance, which often go unpunished.<sup>162</sup>

#### **V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE**

41. The United Nations Development Assistance Framework 2005-2009 focuses on three areas for assistance during the 2005-2009 programme cycle: (i) capacity-building for good governance in order to strengthen administrative capacity at central and local levels for the government; (ii) economic growth in order to enhance national economic growth and reduce poverty levels among vulnerable groups; (iii) basic social services in order to increase equal access to improved social, health and education services.<sup>163</sup> UNICEF submitted information on its capacity-building and cooperation programmes.<sup>164</sup> The Special Rapporteur on the sale of children encouraged the Government to seek the assistance of the United Nations Country Team in implementing his recommendations.<sup>165</sup>

#### *Notes*

<sup>1</sup> Unless indicated otherwise, the status of ratifications of the instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://untreaty.un.org/>.

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR

ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPD	Convention on the Rights of Persons with Disabilities
OP-CPD	Optional Protocol to Convention on the Rights of Persons with Disabilities
CED	Convention on the Protection of Persons from Enforced Disappearance

<sup>3</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>4</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>5</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at: <http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html>.

<sup>6</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>7</sup> CEDAW Committee, concluding observations, CEDAW/C/ROM/CO/6, adopted on June 2006, §36.

<sup>8</sup> Romania's voluntary pledge submitted in support of its candidacy to the membership of the HRC, New York, 17 April 2006, p. 4 accessible at: <http://www.un.org/ga/60/elect/hrc/romania.pdf>.

<sup>9</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §3 (b).

<sup>10</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §3 (a). CEDAW Committee, concluding observations, CEDAW/C/ROM/CO/6, adopted on June 2006, §5.

<sup>11</sup> CERD Committee, concluding observations, CERD/C/304/Add.85, adopted on August 1999, §9.

<sup>12</sup> UNICEF submission to the UPR on Romania, p. 4.

<sup>13</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/7/69, annex VIII, and A/HRC/7/70, annex I.

<sup>14</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2006, Geneva, Doc. No. 062006ROM111, paras. 3-4.

<sup>15</sup> UNICEF submission to the UPR on Romania, p. 5.

<sup>16</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §11.

- <sup>17</sup> United Nations Common Country Assessment on Romania, 2004, p. 15, available at [http://www.undg.org/archive\\_docs/1735-Romania\\_CCA\\_-\\_2003.pdf](http://www.undg.org/archive_docs/1735-Romania_CCA_-_2003.pdf) (accessed on 3 March 2008).
- <sup>18</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2006, Geneva, Doc. No. 062006ROM111, paras. 3-4.
- <sup>19</sup> United Nations Common Country Assessment on Romania, 2004, p. 39, available at [http://www.undg.org/archive\\_docs/1735-Romania\\_CCA\\_-\\_2003.pdf](http://www.undg.org/archive_docs/1735-Romania_CCA_-_2003.pdf) (accessed on 3 March 2008).
- <sup>20</sup> United Nations Common Country Assessment on Romania, 2004, p. 15, available at [http://www.undg.org/archive\\_docs/1735-Romania\\_CCA\\_-\\_2003.pdf](http://www.undg.org/archive_docs/1735-Romania_CCA_-_2003.pdf) (accessed on 3 March 2008).
- <sup>21</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2006, Geneva, Doc. No. 062006ROM111, para. 5.
- <sup>22</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §9.
- <sup>23</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §10 (a), (b).
- <sup>24</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §16.
- <sup>25</sup> CEDAW Committee, concluding observations, CEDAW/C/ROM/CO/6, adopted on June 2006, §7.
- <sup>26</sup> CEDAW Committee, concluding observations, CEDAW/C/ROM/CO/6, adopted on June 2006, §16.
- <sup>27</sup> The following abbreviations have been used for this document:
- |              |  |
|--------------|--|
| CERD         | Committee on the Elimination of Racial Discrimination        |
| CESCR        | Committee on Economic, Social and Cultural Rights            |
| HR Committee | Human Rights Committee                                       |
| CEDAW        | Committee on the Elimination of Discrimination against Women |
| CAT          | Committee against Torture                                    |
| CRC          | Committee on the Rights of the Child                         |
- <sup>28</sup> Working Group on arbitrary detention, E/CN.4/1999/63/Add.4.
- <sup>29</sup> Special Rapporteur on torture, E/CN.4/2000/9/Add.3.
- <sup>30</sup> Special Rapporteur on contemporary forms of racism, E/CN.4/2000/16/Add.1.
- <sup>31</sup> Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, E/CN.4/2003/5/Add.2.
- <sup>32</sup> Special Rapporteur on freedom of religion or belief, E/CN.4/2004/63/Add.2.
- <sup>33</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4.
- <sup>34</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2.
- <sup>35</sup> Special Rapporteur on freedom of religion or belief, E/CN.4/2004/63/Add.2. para. 6.
- <sup>36</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, para. 1.
- <sup>37</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 1.
- <sup>38</sup> The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.
- <sup>39</sup> See (i) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006;
- (ii) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in September 2006;
- (iii) report of the Special Rapporteur on the human rights aspects of victims of trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons, sent in July 2006;
- (iv) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals,

Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005;

(v) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous peoples sent in August 2007;

(vi) report of the Special Rapporteur on trafficking in persons, especially women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005;

(vii) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005;

(viii) report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/61/341), questionnaire concerning its mandate and activities sent in November 2005;

(ix) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent in July 2006;

(x) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004;

(xi) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2004/9), questionnaire on the prevention of child sexual exploitation sent in July 2003;

(xii) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices

<sup>40</sup> Questionnaire sent jointly by the Special Rapporteur on trafficking in persons, especially in women and children and the Special Rapporteur on the sale of children, child prostitution, and child pornography on demand for commercial sexual exploitation and trafficking and Demand for sexual services deriving from exploitation and Questionnaire to identify policies and practices by which States regulate, adjudicate and otherwise influence corporate actions.

<sup>41</sup> OHCHR Annual Report of 2006 and OHCHR 2007 Report: Activities & Results (forthcoming).

<sup>42</sup> CEDAW Committee, concluding observations, CEDAW/C/ROM/CO/6, adopted on June 2006, §12. See also ILO Committee of Experts on the Application of Conventions and Recommendations, 2006, Geneva, Doc. No. 062006ROM111, para. 1.

<sup>43</sup> CEDAW Committee, concluding observations, CEDAW/C/ROM/CO/6, adopted on June 2006, §12.

<sup>44</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 74.

<sup>45</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, para. 53.

<sup>46</sup> CEDAW Committee, concluding observations, CEDAW/C/ROM/CO/6, adopted on June 2006, §26.

<sup>47</sup> UNICEF submission to the UPR on Romania, p. 2.

<sup>48</sup> UNICEF submission to the UPR on Romania, p. 3.

<sup>49</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §64.

<sup>50</sup> HR Committee, concluding observations, CCPR/C/79/Add.111, adopted on July 1999, §6.

<sup>51</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §65.

<sup>52</sup> CEDAW Committee, concluding observations, CEDAW/C/ROM/CO/6, adopted on June 2006, §27.

<sup>53</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §48.

<sup>54</sup> HR Committee, concluding observations, CCPR/C/79/Add.111, adopted on July 1999, §12.

<sup>55</sup> HR Committee, concluding observations, CCPR/C/79/Add.111, adopted on July 1999, §13.

<sup>56</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §34.

- <sup>57</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §35.
- <sup>58</sup> Special Rapporteur on torture, A/HRC/7/3/Add.1, para. 182.
- <sup>59</sup> Special Rapporteur on torture, E/CN.4/2006/6/Add.1, para. 374.
- <sup>60</sup> Special Rapporteur on torture, E/CN.4/2005/62/Add.1, paras. 1360, 1362, 1368, 1376.
- <sup>61</sup> Special Rapporteur on torture, E/CN.4/2005/62/Add.1, paras.1364, 1367, 1369, 1373.
- <sup>62</sup> Special Rapporteur on torture, E/CN.4/2005/62/Add.1, paras.1361, 1363, 1365, 1370, 1372, 1377. Special rapporteur on torture, E/CN.4/2006/6/Add.1, para. 376, 377, 378, 379.
- <sup>63</sup> Special Rapporteur on torture, E/CN.4/2005/62/Add.1, para. 1378.
- <sup>64</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 64.
- <sup>65</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 63.
- <sup>66</sup> CEDAW Committee, concluding observations, CEDAW/C/ROM/CO/6, adopted on June 2006, §20.
- <sup>67</sup> HR Committee, concluding observations, CCPR/C/79/Add.111, adopted on July 1999, §8. CEDAW Committee, concluding observations, CEDAW/C/ROM/CO/6, adopted on June 2006, §21.
- <sup>68</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §43.
- <sup>69</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, para. 70.
- <sup>70</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, para. 30.
- <sup>71</sup> Rapporteur on the sale of children, child prostitution and child pornography, A/HRC/4/31/Add.1, para. 224-226.
- <sup>72</sup> Rapporteur on the sale of children, child prostitution and child pornography, A/HRC/4/31/Add.1, para. 227-232.
- <sup>73</sup> CEDAW Committee, concluding observations, CEDAW/C/ROM/CO/6, adopted on June 2006, §23 and CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §58.
- <sup>74</sup> CEDAW Committee, concluding observations, CEDAW/C/ROM/CO/6, adopted on June 2006, §22. CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §58. See also, United Nations Common Country Assessment on Romania, 2004, pp. 29-31, available at [http://www.undg.org/archive\\_docs/1735-Romania\\_CCA\\_-\\_2003.pdf](http://www.undg.org/archive_docs/1735-Romania_CCA_-_2003.pdf) (accessed on 3 March 2008).
- <sup>75</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, para. 43.
- <sup>76</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, paras. 45 and 98. See also United Nations Common Country Assessment on Romania, 2004, p. 31, available at [http://www.undg.org/archive\\_docs/1735-Romania\\_CCA\\_-\\_2003.pdf](http://www.undg.org/archive_docs/1735-Romania_CCA_-_2003.pdf) (accessed on 3 March 2008).
- <sup>77</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, para. 46.
- <sup>78</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, para. 21.
- <sup>79</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, para. 24.
- <sup>80</sup> United Nations Common Country Assessment on Romania, 2004, p. 18, available at [http://www.undg.org/archive\\_docs/1735-Romania\\_CCA\\_-\\_2003.pdf](http://www.undg.org/archive_docs/1735-Romania_CCA_-_2003.pdf) (accessed on 3 March 2008).
- <sup>81</sup> United Nations Common Country Assessment on Romania, 2004, p. 18, available at [http://www.undg.org/archive\\_docs/1735-Romania\\_CCA\\_-\\_2003.pdf](http://www.undg.org/archive_docs/1735-Romania_CCA_-_2003.pdf) (accessed on 3 March 2008).
- <sup>82</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, paras. 62 and 104.
- <sup>83</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, para. 112.

- <sup>84</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, para. 58.
- <sup>85</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, para. 59.
- <sup>86</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §62.
- <sup>87</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §63
- <sup>88</sup> UNICEF submission to the UPR on Romania, p. 2.
- <sup>89</sup> Special Rapporteur on freedom of religion or belief, E/CN.4/2004/63/Add.2, paras. 27-32.
- <sup>90</sup> Special Rapporteur on freedom of religion or belief, A/HRC/7/10/Add.1, para. 219.
- <sup>91</sup> Special Rapporteur on freedom of religion or belief, A/HRC/7/10/Add.1, para. 219.
- <sup>92</sup> Special Rapporteur on freedom of religion or belief, A/HRC/7/10/Add.1, para. 219.
- <sup>93</sup> Special Rapporteur on freedom of expression and opinion, A/HRC/4/27/Add.1, para. 551.
- <sup>94</sup> Special Rapporteur on freedom of expression and opinion, A/HRC/4/27/Add.1, para. 552.
- <sup>95</sup> HR Committee, concluding observations, CCPR/C/79/Add.111, adopted on July 1999, §7 and CEDAW Committee, concluding observations, CEDAW/C/ROM/CO/6, adopted on June 2006, §18.
- <sup>96</sup> CEDAW Committee, concluding observations, CEDAW/C/ROM/CO/6, adopted on June 2006, §19.
- <sup>97</sup> Special Rapporteur on freedom of religion or belief, E/CN.4/2004/63/Add.2, para. 58.
- <sup>98</sup> Special Rapporteur on freedom of religion or belief, E/CN.4/2004/63/Add.2, para. 75.
- <sup>99</sup> Special Rapporteur on freedom of religion or belief, E/CN.4/2004/63/Add.2, para. 73.
- <sup>100</sup> CEDAW Committee, concluding observations, CEDAW/C/ROM/CO/6, adopted on June 2006, §28. See also ILO Committee of Experts on the Application of Conventions and Recommendations, 2006, Geneva, Doc. No. 092006ROM111, para. 3.
- <sup>101</sup> CEDAW Committee, concluding observations, CEDAW/C/ROM/CO/6, adopted on June 2006, §30.
- <sup>102</sup> CEDAW Committee, concluding observations, CEDAW/C/ROM/CO/6, adopted on June 2006, §28. See also ILO Committee of Experts on the Application of Conventions and Recommendations, 2006, Geneva, Doc. No. 092006ROM111, para. 3.
- <sup>103</sup> CEDAW Committee, concluding observations, CEDAW/C/ROM/CO/6, adopted on June 2006, §28.
- <sup>104</sup> CEDAW Committee, concluding observations, CEDAW/C/ROM/CO/6, adopted on June 2006, §31.
- <sup>105</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §56.
- <sup>106</sup> United Nations Common Country Assessment on Romania, 2004, p. 53, available at [http://www.undg.org/archive\\_docs/1735-Romania\\_CCA\\_-\\_2003.pdf](http://www.undg.org/archive_docs/1735-Romania_CCA_-_2003.pdf) (accessed on 3 March 2008).
- <sup>107</sup> UNICEF submission to the UPR on Romania, p. 1.
- <sup>108</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §57.
- <sup>109</sup> United Nations Common Country Assessment on Romania, 2004, p. 15, available at [http://www.undg.org/archive\\_docs/1735-Romania\\_CCA\\_-\\_2003.pdf](http://www.undg.org/archive_docs/1735-Romania_CCA_-_2003.pdf) (accessed on 3 March 2008).
- <sup>110</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 7.
- <sup>111</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 30.
- <sup>112</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 32.
- <sup>113</sup> WHO, Country Cooperation Strategy, 2007, pp. 1-2, available at [http://www.who.int/countryfocus/cooperation\\_strategy/ccsbrief\\_rou\\_en.pdf](http://www.who.int/countryfocus/cooperation_strategy/ccsbrief_rou_en.pdf) (accessed on 5 March 2008).
- <sup>114</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §44.
- <sup>115</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §46.



- <sup>116</sup> CEDAW Committee, concluding observations, CEDAW/C/ROM/CO/6, adopted on June 2006, §24.
- <sup>117</sup> UNDP, Human Development Report 2006, New York, 2006, p. 316, and UNDP, Human Development Report 2007, New York, 2007, p. 262.
- <sup>118</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 40.
- <sup>119</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 42.
- <sup>120</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 40.
- <sup>121</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 42.
- <sup>122</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §50.
- <sup>123</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 47
- <sup>124</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 48.
- <sup>125</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 49.
- <sup>126</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 50.
- <sup>127</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 53.
- <sup>128</sup> Special Rapporteur on the right to health, A/HRC/4/28/Add.1, para. 38.
- <sup>129</sup> Answer dated 4 January 2007, on file with the Office of the High Commissioner for Human Rights.
- <sup>130</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 55.
- <sup>131</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 58.
- <sup>132</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 60.
- <sup>133</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 65.
- <sup>134</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 61.
- <sup>135</sup> UNICEF, The State of the World's Children 2006, New York, 2005, p. 24.
- <sup>136</sup> UNICEF, The State of the World's Children 2006, New York, 2005, p. 25.
- <sup>137</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para.76.
- <sup>138</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 20.
- <sup>139</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 74
- <sup>140</sup> Special Rapporteur on the right to health, E/CN.4/2005/51/Add.4, para. 20.
- <sup>141</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, para. 50.
- <sup>142</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, para. 51.
- <sup>143</sup> HR Committee, concluding observations, CCPR/C/79/Add.111, adopted on July 1999, §5 and CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, § 36 and 60.
- <sup>144</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, paras. 26 and 102.
- <sup>145</sup> HR Committee, concluding observations, CCPR/C/79/Add.111, adopted on July 1999, §5.
- <sup>146</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §60.
- <sup>147</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §61.
- <sup>148</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, para. 15.
- <sup>149</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, para. 16.

<sup>150</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, para. 110.

<sup>151</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, para. 16.

<sup>152</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §52.

<sup>153</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, para. 48.

<sup>154</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §53.

<sup>155</sup> CRC Committee, concluding observations, CRC/C/15/Add.199, adopted on January 2003, §55.

<sup>156</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, paras. 97 and 77-83.

<sup>157</sup> UNICEF submission to the UPR on Romania, p. 3.

<sup>158</sup> UNHCR, UNHCR Country Operation Plan 2006, Geneva, 2005, p. 6.

<sup>159</sup> Romania's voluntary pledge submitted in support of its candidacy to the membership of the HRC, New York, 17 April 2006, p. 4 accessible at: <http://www.un.org/ga/60/elect/hrc/romania.pdf>.

<sup>160</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, para. 105.

<sup>161</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, para. 106.

<sup>162</sup> Special Rapporteur on freedom of religion, E/CN.4/2004/63/Add.2, para. 109.

<sup>163</sup> United Nations Development Assistance Framework (UNDAF) - Romania 2005-2009, pp. 8-9, available at: [http://www.undg.org/archive\\_docs/1400-Romania\\_UNDAF\\_\\_2005-2009\\_-\\_2005-2009.pdf](http://www.undg.org/archive_docs/1400-Romania_UNDAF__2005-2009_-_2005-2009.pdf).

<sup>164</sup> UNICEF submission to the UPR on Romania.

<sup>165</sup> Special Rapporteur on the sale of children, child prostitution and child pornography, E/CN.4/2005/78/Add.2, para. 114.

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