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UNIVERSAL PERIODIC REVIEW

Report of the Working Group on the Universal Periodic Review

Romania

Addendum

**Supplementary information provided by Romania to questions
raised during the Universal Periodic Review Working Group ***

* The present document was not edited before being sent to the United Nations translation services.

Supplementary information provided by Romania to questions raised during the Universal Periodic Review Working Group

Given time constraints during the plenary session of the Council, Romania has submitted the following additional information on conclusions and/or recommendations.

Recommendation No.16

The law on the protection and promotion of the rights of the child adopted in 2004 expressly prohibits corporal punishment of children. Any disciplinary actions applied in schools must be taken while observing the dignity of the child. Physical punishments or those affecting the child's physical and mental development or emotional state are strictly forbidden.

Recommendation No.22

The new national anti-corruption strategy will be elaborated based on an independent assessment of the National Anti-Corruption Strategy for 2005-2007 and its related Plan of Action. On 4 June 2008, the Government approved the 2008-2010 Anti-Corruption Strategy for vulnerable sectors and local public administration and its related Plan of Action. The latter is meant to significantly reduce vulnerability to corruption in several administrative sectors such as public order, health care, education, fiscal administration.

Recommendation No.23

The complex reform of the Judiciary was based on the National Reform Strategy for 2005-2007 and its related Plan of Action. In October 2007, following the European Commission's report of 27 June 2007, a Plan of Action for 2007-2010 was adopted with the goal to implement the benchmarks set out for the Judiciary, in the EU Cooperation and Verification Mechanism. The main lines of action aiming at further strengthening the capacity of the judiciary are: adoption of new codes of procedure, harmonization of jurisprudence, consolidating the capacity of the Superior Council of Magistracy, improving the transparency of the act of justice, improving the human resources policy and the management of the courts of law etc.

Recommendation No.29

In Romania, human rights education is at the core of the education for democratic citizenship. The national education policy is in full conformity with the 2005-2009 Plan of Action of the World Programme for Human Rights Education. In accordance with the Education Law, education has, as main objective, the development of human personality through, inter alia, developing the respect for human rights and fundamental freedoms, dignity, tolerance and free exchange of views, as well as sensitivity towards human problems, moral and civic values.

Both compulsory and optional school curricula include relevant subject matters, for various grades and specializations, such as: civic education, civic culture, human rights and intercultural education, sociology, philosophy, social studies. School competitions are, also, organized on these subject matters.

Given time constraints during the Universal Periodic Review session and the need to report under specific page limits, several queries and issues of concern could not be adequately addressed. Therefore, Romania would like to submit additional information, as follows:

Mental Health Care

Providing adequate mental health care is a high priority for the Romanian authorities. The Ministry of Public Health (MPH) created, in 2006, the National Centre for Mental Health (NCMH) with the purpose to improve the management of the mental health system. The newly-created NCMH sets the priorities for the development of policies in the field of mental health, provides technical assistance in the process of implementing the programs related to mental health services, coordinates and monitors such services.

Measures undertaken in 2007

Finalizing the recruiting process of social assistants responsible for monitoring the human rights observance in psychiatric hospitals

Currently, there are 90 social assistants working in the health system. Efforts were made to fill in the vacant positions for social assistants in all psychiatric units, as well as to provide specific training for those recruited. The NCMH proposed a special training curriculum for this professional category.

Combating overpopulation in psychiatric hospitals

The National Centre for Mental Health has undertaken several research programs focussed on studying possibilities of avoiding unnecessary hospitalization. The objective is to elaborate a strategy meant to prevent overpopulation in psychiatric hospitals, by redirecting persons who do not need hospitalization to the ambulatory system.

The Ministry of Public Health (MPH) is investing in medical infrastructure and development of mental health centres, with the aim of reducing the number of admissions and readmissions and the duration of hospitalization. With the funds allocated in 2006 by the MPH, through the National Program for Mental Health (approximately 1.85 million Euros), six psychiatric hospitals were rehabilitated and 8 pilot community centres for mental health were developed. In 2008, the funds allocated by the Ministry of Public Health, through the National Program for Mental Health, are 5.08 million lei (approximately 1.6 million Euros) and will be used for further development of community centres and hospital rehabilitation.

Hiring more personnel in psychiatric health units

According to the Plan of Action in the field of mental health, the number of professionals is expected to increase substantially, with 100 new positions of psychologists and 100 new positions of social assistants (to be open for competitive examination in 2008).

The Strategy on human resources for the next 4 years is to be finalized soon, providing for a personnel increase of 35 per cent in the public health units, to match the expansion of the new institutional network and health services. The human resources situation will be monitored systematically by the MPH.

Five professional categories have been registered in the occupational classification index in the field of mental health (psychiatrist, psychologist, social assistant with competencies in the field of mental health, mental health nurse and general practitioner with competencies in the field of mental health). The Ministry is working to attract personnel in mental health units by giving additional salary benefits and introducing a new system of professional gradation for urban and rural areas.

Ensuring adequate treatment for patients

A guide on health services and care standards for mental health patients in hospitals and community centres has been elaborated.

NCMH organizes initial and continuous training of the personnel, with the aim at improving the quality of the medical services. This will be strictly monitored, in accordance with established benchmarks.

Maternal Mortality. Reproductive Health

Maternal mortality is on a descending trend. In 2006, the maternal mortality was 0.15 per cent (per 1,000 newborns), less than in 2005 when it was 0.17 per cent (per 1,000 newborns) and much less than in 1990 when it was 0.83 per cent (per 1,000 newborns).

The maternal death rate by abortion has also considerably diminished. Thus, in 1990 the maternal death rate by abortion was 0.58 per cent (per 1,000 newborns), while in 2006 it is down to 0.05 per cent (per 1,000 newborns).

The Ministry of Public Health developed a National Strategy regarding woman, child and family health, which establishes several priority actions in this area such as: family planning (reproductive options, contraception, counselling for family life), abortion and safe service, maternity without risks – prenatal care, postnatal care and care of the newborn in safe and hygiene conditions, breast feeding, prophylaxis and management of sexual transmitted diseases, prevention and treatment of breast and cervical cancer.

In 2008, 36 million lei (approximately one million Euros) were allocated for the National Program for the Health of Woman and Child.

Maternal death rate by abortion is, generally, the consequence of the poor education of the female population and couples in general, on the risks implied by an abortion, as well as of insufficient or less efficient family planning actions in certain social and professional environments and, not least, the consequence of some deficiencies in the medical system with regard to the correct supervision and optimal medical intervention for pregnant women.

Most maternal deaths occurred among women not registered as pregnant. In order to avoid such situations, a greater involvement of the medical network in the activity of finding and supervising pregnant women is required, as well as the intensification of efforts aimed at determining women to visit the physician for supervising the progress of the pregnancy.

The maternal death rate by direct obstetrical risk overcomes maternal death rate by abortion. The women exposed to the risk of maternal death come, in general, from the countryside. This might be justified by disparities existing between conditions offered by the medical units in the countryside and those in the city, but also by the differences in education and perception on the necessity to supervise and control the pregnancy from the very first weeks.

With the purpose of ameliorating this situation, the Ministry of Public Health undertook several actions, within the National Family Planning Program, to ensure direct family planning services to vulnerable categories of the population, while, at the same time, increased its efforts to inform the risk groups on the dangers of the abortion and on various possibilities to avoid an unwanted pregnancy.

Romania is a country where abortion is not forbidden by the law, where modern birth control methods are available and intensely promoted and where authorities ensure the adequate medical services and family planning facilities.

As women became more informed about family planning, the rate of abortion also decreased. According to the 2004 Reproductive Health Survey, in Romania, the total abortion rate per 1,000 women was 3.39 in 1993; 2.20 in 1996 and 0.84 in 2004. Contraceptive users among women, according to the same Survey, increased from 41 per cent in 1993 to 58 per cent in 2004.

Rights of the Child

Children without IDs. Child abandonment

According to the law, the child must be registered immediately after birth. The child has the right to have his/her identity established and maintained. Despite clear legal provisions, there are still situations in which the registration of the new born takes places with delay.

To counter this situation, beginning with 2007, the National Authority for the Protection of the Rights of the Child (NAPRC), in collaboration with the National Inspectorate for the Registration of the Population, collects, on a quarterly basis, the information on the county-level situation of children existing in special protection units who do not have proper IDs. The centralized information is sent to the National Inspectorate for the Registration of the Population which forwards it to its county offices with the request for clarification on a case-by-case basis.

The number of children/new-born abandoned in hospitals has significantly diminished – from 5,130 in 2003 to 1,710 in 2007. NAPRC worked together with the Ministry of Public Health on a methodology setting out the obligations shared by public administrative authorities, health units and other institutions in the prevention and management of cases of children abandoned in hospitals.

Since 2005, the number of abandoned children at birth witnessed a radical decrease of up to 50 per cent. Moreover, a large part of the abandoned children were reintegrated in their biological family or were placed in the care of maternal assistants. At the same time, the number of the professional maternal assistants has increased to more than 14,000 persons.

Children with parents working abroad

NAPRC took a series of actions with a view to better monitor the situation and to counterbalance the negative effects the lack of one or both parents has over the development of the child.

NAPRC issued in 2006 a regulation regarding the activities needed to identify, assist and monitor these children. This regulation sets out several responsibilities for the relevant county structures for social assistance and child protection.

Thus, the Romanian citizens with dependent children who want to obtain a working contract abroad must notify the public services for social assistance and the mayor's office in their area of residence and they must designate the person entrusted with the responsibility to take care of the child. All these cases are reported to NAPRC.

Under the category of programs of national interest for 2008 (to be soon approved by the Government), NAPRC proposed a program – “Developing the network of community child and family social services” - meant to consolidate the capacity of public services for social assistance to

work towards preventing the separation of the child from his/her parents. This program will be implemented during a two-year period of and has a total budget of approximately two million Euros.

Also, in the framework of a 10 million Euros loan agreement with the Council of Europe Development Bank, NAPRC will implement a program aimed at developing community services working to prevent the separation of the child from his/her parents.

Combating child labour

In 2004, the Government approved the National Action Plan for the elimination of exploitation of children through labour. This Plan has among its objectives:

- (a) developing the institutional capacity – creation of Inter-sectorial County Teams with competencies to prevent and combat child labour (composed of representatives of all relevant authorities at county level). All counties have such teams which meet regularly;
- (b) developing national policies in this field, as well as programs with the purpose to prevent child labour and combat this phenomenon;
- (c) raising awareness campaigns.

The Action Plan is implemented on the basis of an inter-institutional partnership - NAPRC, the Ministry of Education, Research and Youth, the Labour Inspection, the Ministry of Interior and Administrative Reform, the local public authorities and NGOs.

Between 2004 and 2007, several measures have been taken, such as:

- (a) awareness-raising campaigns targeting children, parents, employers (The Labour Inspection organized an awareness campaign in the framework of the International Program for the Elimination of Child's Labour) and information programs, including in Roma communities;
- (b) the Second Chance program initiated by the Ministry of Education (offering the chance to continue compulsory education)
- (c) creation of day-centres for Roma children which provide for educational support (e.g. support for homework writing, health education etc), social activities, a warm meal per day, social assistance and physiological counselling for exploited children
- (d) developing a monitoring mechanism of child labour (implemented with the support of the International Foundation for Child and Family)
- (e) consolidating the capacity of the Child Labour Specialized Unit within NAPRC (in charge with elaboration of reports, issuing recommendations, disseminating good practices). This Unit maintains regular contact with the Inter-sectorial County Teams and can organise monitoring visits of the latter's activity (two such visits have taken place)

Health situation of street children

The child's access to medical and recovery services is guaranteed by the state, free of charge. The related costs are borne by the National Fund of social insurances for health and the state budget. These provisions are enforceable to all children without discrimination, including street children.

Police treatment of juveniles

In March 2006, the Romanian Police initiated a programme dedicated to preventing and combating sexual abuse against children. Annually, each police unit has to elaborate its own programme on this topic, adapted to the situation in the area under its jurisdiction.

In 2007, the Police General Inspectorate elaborated the Manual of Good Practices with regard to cases of missing children or children victims of abuse, trafficking in persons or child pornography on the internet. One of Police's priorities in 2008 is preventing and combating juvenile delinquency and child victimization.

Protection of minors is part of the continuous training received by Police personnel. In the last 3 years, there were only 3 isolated cases of improper conduct by police officers in relation with minors. Disciplinary sanctions have been applied in two cases (dismissal from the police force and postponing promotion) and, in the third case, the prosecutor was seized to investigate the crime of abusive conduct.

Situation of the Roma minority

A significant amount of information on the efforts of Romanian authorities to improve the situation of the Roma minority has already been submitted under the UPR process.

During the last 14 years, the prejudices and intolerance against the Roma have decreased considerably. For example, the 2007 Barometer of Roma Inclusion of the Open Society Institute shows that the negative attitudes regarding Roma as neighbours decreased from 76 per cent in 1998 to 37 per cent in 2003.

In addition to cultural programmes mentioned in the national report - "Pro-ethno culture" and "Roma together for Europe," the Government, through the National Agency for Roma, developed and implemented several campaigns to counter Roma discrimination:

- (a) Campaign for Intercultural Dialog, in partnership with the Centre for Promotion of Roma Young People-2007;
- (b) Caravan for Information and Training in the Anti-Discrimination Field, implemented in partnership with UNDP and the National Council for Combating Discrimination;
- (c) SPER - Stop the Prejudices against the Roma Minority- Discrimination is Learned at Home, financed by PHARE Programme 2004-2006

Police detention facilities

Only 55 police detention facilities are functioning today, out of the 67 existing in 2006 (those that did not correspond to standards were closed).

At present, there are approximately 1,000 persons daily in police detention facilities, the average degree of occupation being under 50 per cent. This is due to the fact that the number of persons detained/arrested has decreased (in 2006 a number of 9,544 persons were investigated while being detained or arrested; in 2007 6,426 persons and in 2008 1,769 persons), as well as to the fact that persons whose presence in police detention facilities is not justified are transferred to penitentiaries.

During the last two years, out of the 57 complaints regarding violations of procedural rights of persons under investigation, 15 were filed by persons held in police detention facilities (detained or arrested). As a result of investigations, six police officers received disciplinary sanctions and 5 complaints were submitted to the prosecutor's office.

Funds have been made in order to modernize police detention facilities. Medical care and psychological counselling are provided, at all time, by specialized medical personnel in all police stations. A control plan to prevent and combat violations of rights of persons detained/arrested has been elaborated.

Personnel from police detention facilities benefits from continuous training, including on observing human rights (217 police officers received such training between 2006 and 2008).

National or international NGOs have access to police detention facilities and can discuss directly with persons arrested or detained. During 2007-2008, there have been 32 requests to visit police detention facilities from NGO representatives, who had confidential discussions with 281 persons.

Romanian Institute for Human Rights

In March 2007, the Romanian Institute for Human Rights (IRDO) was placed by the ICC in category C in accordance with the Paris Principles. Following this decision, IRDO undertook a series of measures meant to improve its activity. Thus, the Institute supports, through its consultative opinions, the ratification by Romania of international instruments in the human rights area. In order to facilitate this process, IRDO translated and published, in its quarterly magazine, a series of international instruments adopted under the framework of the United Nations or the Council of Europe. The Institute takes part in the elaboration of the main national reports regarding the human rights situation in Romania, the last one being the UPR report. Recently, the Institute started to receive individual complaints on human rights violations, offering counselling on the best procedure to be followed.
