

## ROMANIA

### CESCR E/1988/14

90. The second periodic report of Romania on the rights covered in articles 10 to 12 of the Covenant (E/1986/4/Add.17) was considered by the Committee at its 6<sup>th</sup> meeting, held on 10 February 1988 (E/C.12/1988/SR.6).

91. The report was introduced by the representative of the State party, who pointed out that his Government attached great importance to the moral and material welfare of the family and offered incentives to have children. Furthermore, every effort was made to ensure the best possible conditions for handicapped children.

92. As to article 11 of the Covenant, the representative explained that Romania was one of the few countries without a housing problem. Rents were very low, rarely amounting to more than 8 to 10 per cent of a worker's salary, and 80 per cent of all country housing had been built during the previous 20 years.

93. With reference to article 12 of the Covenant, the representative stated that health care was provided for the entire population free of charge. However, private polyclinics also existed for those who wished to pay for treatment, but they were far from representing the basis of health care system. He emphasized the measures which had been taken to improve working conditions and to protect the environment. In this connection, Romania was making efforts to protect food supplies and combat water and air pollution. Nevertheless, there were still difficulties as the necessary technology was expensive and not easily available. He also said that his country had so far been spared certain communicable diseases which were causing serious problems in other countries.

#### Article 10: Protection of the family, mothers and children

94. Members wished to receive additional information on legal and practical provisions relating to cohabiting unmarried couples, divorce and other cases of separation of families. Clarification was requested on the legislation in force relating to Romanian citizens who wished to marry foreigners, and on conditions that a family had to fulfill in order to obtain a passport. Referring to United Nations statistics which showed that the population growth rate in Romania was 0.7 per cent, some members asked why the figure was so low and what measures were being taken to increase the birth rate. It was also whether family planning facilities were available to women who did not wish to become pregnant, what was the policy in respect of the retirement age, and why different family benefits were paid in urban and rural localities.

95. Questions were asked regarding measures existing in Romania to help mothers to bring up their children when the father had died or had left the household. It was also wondered whether there were inequalities between family members, and whether provision had been made for a man to have the same entitlements as women.

96. In addition, clarification was requested on State grants payable in respect of minors, about the number of handicapped children, and on measures of protection of young workers. Some members also wished to know whether the rights of children born out of wedlock were the same as those born within marriage.

97. In reply to questions concerning the family, the representative stated that there were instances of unmarried couples living together but there was no legal recognition of their existence as such. In such situations, mothers and children did not lose any of their rights, including maternity leave and child allowances. Regarding divorce, he explained that there were legal provisions for divorce, which was neither particularly difficult nor expensive to obtain, even if it was not encouraged. There were instances of separation between married couples, but that was not recognized by the law and the husband was expected to continue to support his wife.

98. Referring to marriages between citizens and non-citizens, the representative pointed out that no distinction was made in law but that it was necessary to obtain prior permission from the Council of State, which asked the parents of the citizen for their views. In general, however, such marriages could take place. He also stated that, in order to obtain a passport, Romanians engaging in tourism or visiting family members living abroad had to prove that they had access to foreign currency. There was no difficulty in such a case about granting them a passport.

99. Regarding the population growth rate, the representative noted that it was a State policy to encourage citizens to have children, but so far the efforts in that direction had not proved very successful. It was rare for couples to have more than two children since most women worked, and home help was hard to find.

100. Responding to other questions raised by members of the Committee, the representative stated that retirement age was 57 years for women and 60 years for men with the option of continuing to work until the age of 62 if the enterprise agreed. The pension was 60 per cent of an average of earnings over any five-year period out of the 10 years prior to retirement. The representative also pointed out that child allowance was paid by the State and that this allowance was smaller in the countryside than in the towns because in towns the family was entirely dependent on the parents' wages, whereas country families had other resources. If the father of a child born out of wedlock recognized his paternity in court, the child allowance could be paid to him; otherwise it was paid to the mother.

101. He stressed that all the existing legislation was based on the protection of the mother and the child. In that connection, there were provisions for legal action against husbands who abandoned their families. The errant spouse lost parental rights, which passed to the other parent. There were cases of abandoned children, responsibility for whom was then assumed by the State; however, many were subsequently adopted by childless couples who were eligible to receive the child allowance. Regarding measures of protection of young workers, the representative referred to several ILO conventions concerning the protection of children and young persons in relation to employment and work, and stated that the minimum age for employment was normally 16; for potentially harmful or dangerous work; it was 18.

Article 11: Right to an adequate standard of living

102. Some members wondered whether the existing level of remuneration, social benefits and social services provided the adequate standard of living required by the Covenant, whether there were foreign workers in Romania and, if so, what help they received, and whether there was an unemployment problem in Romania. They asked what machinery existed to determine remuneration, what criteria were used and what was the role of the trade unions in determining the level of remuneration, and whether the national security scheme covered only the employed or also the self-employed and those without an occupation. Observing that in the past five years the national income had increased by 24 per cent and workers' pay only by 8 per cent, some members wished to know the reason for that discrepancy.

103. Members of the Committee wished to receive additional information about the results of the national scientific nutrition programme mentioned in the report (E/1986/4/Add.17, para. 34), and on the calorie intake per person per day.

104. Regarding housing, some members wished to know whether the rents were freely determined by the parties concerned, whether leases could be terminated and, if so, what legal protection was afforded to tenants, whether all rented accommodation belonged to the State, and what was the number of persons per household and the number of rooms per family.

105. In reply to the questions raised by members of the Committee, the representative of Romania stated that the level of wages had been increased in 1987 and the average currently stood at around \$950. In addition he pointed out that medical care and education were free, rents were fixed at 8 to 10 per cent of salary and transport was cheap. Virtually the entire population was covered by social security with the exception of those adults who did not work. Observing that there was a high incidence of cardiovascular disease due to incorrect diet, he emphasized the efforts devoted to the national scientific nutrition programme. (*ibid.*, paras. 34-36). He also highlighted the quality of recently constructed State housing, and said that the State was the sole owner of rented accommodation, which was assigned according to the size of the family, on the basis of a minimum of 8 square metres per person, excluding the bathroom and common areas. Rents were fixed according to the level of wages and the cost of living, and flexibility was shown in helping those who found themselves unable to pay.

#### Article 12: Right to physical and mental health

106. Some members wished to receive additional information on free medical care, and on the result of the application of the measures to prevent disease and improve children's health, set out in the report (E/1986/4/Add.17, para. 45).

107. It was asked whether priority was given to any type of care for the elderly, what was the average life expectancy, what procedure applied for the enactment of legislation on industrial safety and health, what enforcement machinery was used to ensure that the legislation was applied in the work place, what role was played by the trade unions in that exercise, why, as shown in the United Nations Demographic Yearbook, the rate for mortality linked to maternity was very high, whether there were any problems of drug addiction among young people, or cases of acquired immunodeficiency syndrome (AIDS), and whether patients in Romanian hospitals could have access to religious guidance from a minister of their faith.

108. Replying to questions raised by members of the Committee, the representative of the State party stated that there were no particular public health problems. Medical care was free but special attention was devoted to small children, who received free prescriptions, whereas adults had to pay. There was no special provision for the aged and average life expectancy was between 65 and 67 years. He also stated that there was no difficulty about a priest visiting a sick person if the latter desired it, and that there had been no cases of AIDS.

109. The representative stressed that, in factories, there were regular visits by inspectors from the Ministry of Health and the Ministry of Labour to ensure that security and health standards were observed. In that connection, penalties could be imposed for any non-observance.

110. Responding to other questions, he stated that trade unions were also responsible for informing management of any breach of the working regulations, that there were worker's councils in enterprises and that trade unions officials served on the management board.

### Concluding observations

111. Members of the Committee expressed their appreciation for the presentation of the report by the representative of the State party. It was, however, observed that the report emphasized the legal and institutional aspects of the implementation of the Covenant to the detriment of the factual aspects. It was evident that great efforts were being made to provide housing, for instance, but it would have been useful to have statistics in order to see what the actual purchasing power was and whether there had been an increase in income.

112. Noting that there appeared to have been a significant decrease in the standard of living and that these economic problems seemed to have led to demonstrations, some members wished to receive clarification concerning these matters.

113. In addition, further information was requested on the legal situation of minorities in Romania.

114. Regarding economic problems, the representative pointed out that his Government was making considerable efforts to provide its citizens with a reasonable standard of living, but it had inherited a backward and devastated country. Moreover, the world economic crisis had seriously curtailed Romania's exports, and, therefore, there had been a decrease in purchasing power and certain shortages of supplies. Nevertheless, the Romanians were optimistic about overcoming their difficulties and were continuing to promote development to which they were devoting 30 per cent of their resources. He also referred to recent incidents at Brasov and explained that workers of the factories had become dissatisfied with the management, which had subsequently been completely replaced. As there had been also local elections, a number of drunk citizens who had attacked private cars and broken windows had been arrested. However, on 24 January 1988, a complete amnesty had been granted to all those who had been sentenced to up to 10 years' imprisonment and other sentences had been halved.

115. Concerning the rights of minorities, the representative of the State party stated that the various minorities had the same rights and privileges as the Romanians. Nevertheless, they had to face the same difficulties as their fellow citizens. Furthermore, the law provided penalties for persons guilty

of discrimination.

116. He declared the he would request his Government to submit written comments on the questions he was unable to answer satisfactorily.

## **CESCR E/1995/22**

83. The Committee considered the second periodic report of Romania on articles 13-15 of the Covenant (E/1990/7/Add.14) at its 5<sup>th</sup>, 7<sup>th</sup> and 13<sup>th</sup> meetings on 4, 5 and 10 May and, at its 25<sup>th</sup> and 26<sup>th</sup> meetings on 19 May 1994, adopted the following concluding observations.

### **A. Introduction**

84. The Committee thanks the Government of Romania for its report, which was prepared in accordance with its revised general guidelines, and for submission of the core document forming part of the reports of States parties (HRI/CORE/1/Add.13). At the same time, the Committee notes that the written information, provided by the Government in reply to the questions set out in the list of issues (E/C.12/1994/WP.2) communicated to it in December 1993, was not provided to the Committee sufficiently in advance to make possible its translation into all the working languages of the Committee, thus making more difficult access for the Committee's members to the wealth of additional information contained therein. The supplementary information provided by the representatives of the State party and the strong efforts made by the delegation to respond to the questions raised by the Committee's members made possible an open, frank and constructive dialogue between the State party and the Committee.

### **B. Positive aspects**

85. The Committee notes with appreciation that the content of the written report and of its oral presentation differ considerably, for the better, from the consideration of Romania's report on articles 10 to 12 in 1988. The new approach of the Government of Romania to international cooperation in the field of human rights, as manifested during the present session, opens new avenues for effective cooperation between the Committee and the State party within the framework of the International Covenant on Economic, Social and Cultural Rights.

86. The Committee welcomes the efforts made by the State party to carry out a number of programmes and reforms designed to solve the serious economic, social and cultural problems being encountered by the country in its transition to a market economy and to a pluralist democratic political system based on the rule of law and respect for human rights.

87. The Committee appreciates the willingness and the readiness of the Government to cooperate with various regional and global intergovernmental and non-governmental institutions in the field of human rights. In this context, it takes particular note of the cooperation between the Government of Romania and the United Nations Centre for Human Rights under the Country Programme for the period 1992-1994.

88. The Committee notes that all forms of public education are free in Romania and the particular attention paid by the Government, in a difficult economic context, to the provision of adequate educational facilities for the most disadvantaged groups of children, including the setting up of special schools for children with disabilities.

89. The Committee takes note of the recognition of the principle of university autonomy, provided

for and guaranteed in accordance with article 32, paragraph 6 of the Constitution.

### C. Factors and difficulties impeding the implementation of the Covenant

90. The Committee notes that the structural adjustment programme, now being implemented in Romania, may have adverse consequences for the implementation of economic, social and cultural rights in general and of the rights enshrined in articles 13 and 15 of the Covenant, in particular.

91. It notes that great practical difficulties exist in the teaching field, especially in terms of a shortage of qualified staff and a lack of adequate premises. Classes are usually overcrowded in spite of a shift system used (with as many as three shifts a day in the same school). Educational materials and necessary technical facilities are also in short supply. In addition, the Committee notes difficulties flowing from the need to develop comprehensive new curricula.

### D. Principal subjects of concern

92. The Committee notes with concern that the whole system of education in Romania is functioning on the basis of governmental decrees and that since the Revolution of 1989 no specific laws have been adopted in this respect.

93. The Committee is concerned about the absence of a law on minorities in a country such as Romania, given the existence of large gypsy, Hungarian, German and other minority groups.

94. The Committee is particularly concerned about the realization of the right to education and of the right to take part in cultural life by one of the largest minorities in Romania, namely the gypsy minority. That group, according to the information at the Committee's disposal, continues to suffer many forms of unofficial discrimination which the Government is often unable to prevent or is unwilling to redress. Gypsies continue to face discrimination in workplaces and schools and greater efforts should be made to accommodate the specific cultural and other needs of those groups in relation to these matters. The Committee is concerned that, since the Revolution of 1989, no appreciable improvement has occurred in their situation, and that direct and indirect discrimination appears to continue, especially at the local level.

95. The Committee is also concerned about the silence in the report with respect to the difficulties encountered by the State party in implementing rights contained in articles 13 to 15 and about the lack of information on the enjoyment of the right to education and the right to take part in cultural life by the gypsy minority.

96. The Committee wishes to draw the State party's attention to the absence of any reference in the core document to economic, social and cultural rights and to any efforts made for their implementation.

### E. Suggestions and recommendations

97. The Committee recommends that the State party should take vigorous steps to ensure that the right to education and to take part in cultural life is guaranteed to the members of the gypsy minority

in full accordance with the provisions of articles 2 (2), 13 and 15 of the Covenant. The Government should: adopt an active non-discrimination policy with respect to this minority; encourage their participation in cultural life; and assure proper participation in educational activities by children belonging to that group.

98. The Committee also recommends that particular attention should be paid by the Government to the problem of street and abandoned children, and that further efforts should be made to facilitate their access to all forms of primary and secondary education.

99. The Committee recommends that the Romanian Human Rights Institute, established at the beginning of 1991 in order to foster a better awareness on the part of Romanian public bodies, non-governmental organizations and private citizens of human rights problems, should, in the future, devote greater attention to economic, social and cultural rights.

100. The Committee, having noted that a joint human rights programme has been implemented in Romania by the United Nations Centre for Human Rights since 1992, encourages the Government of Romania to continue its cooperation with the United Nations and recommends that this programme should be continued in the future. The Committee also recommends that an economic, social and cultural rights component, which is now practically non-existent, should be adequately reflected in that programme.