



Statement at the General Debate on the UPR process (Item 6) at the Human Rights Council 23rd session.

(check against delivery)

10 June 2013

I am very grateful to the Romanian authorities for allowing us, once again, to expose their known achievements and I am all the more grateful since this is a good opportunity to learn some more about their endeavors to fulfill self-assumed obligations.

In its statement at the consideration of the UPR report on Romania on June 6th, 2013,¹ the Romanian state, as a reaction to statements of the Centre for Legal Resources, told the international community, in essence, the following:

- in Romania, when local authorities relocate their most vulnerable citizens of Roma ethnicity next to waste collection sites and into former chemical labs which endanger their health and deny their human dignity, the appropriate reaction is an insignificant administrative fine for discrimination. Local authorities then contest this fine and many times Romanian courts overturn the discrimination decisions in such cases, confirming the strong sense of legal impunity.
- in Romania after the most vulnerable Roma are pushed into destitution also as part of state run forced eviction actions and into areas which are health-wise unsafe, the appropriate reaction is to continue to leave them there, and then report before international human rights structures on ever intended projects for the Roma in such situations, projects which the Governmental National Agency for the Roma would be supporting. We cannot deduce from the statement of the Romanian delegation that the role of the Governmental National Agency for the Roma would be to prevent such evictions and relocations of the Roma to health hazardous areas to begin with, or to make sure that immediate and appropriate remedy is implemented once these have happened.
- in Romania, in order to receive a fine for saying, from the position of Minister of Foreign Affairs, that “we have some physiological, natural problems of criminality”² with the Romanian Roma communities in France, the high dignitary would have had to say it with the purpose to discriminate. Otherwise, only a recommendation would be appropriate. No wonder that we are so successful in combating discrimination in general in Romania, since we presume that, in order to be sanctioned, one must be aware of discrimination and its effects, and act upon discriminatory views as a matter of intent and not as a matter of course.

Additional Points (if time allows):

1. On the wall built in Baia Mare separating the Roma from the rest, the NGO Romani CRISS filed a separate Court case for pulling down the wall, and recently lost in a decision which is final (we do not,

¹ See Romania's intervention on the Human Rights Council Extranet as document and the recording on the Human Rights Council Archived Webcasts, 24th meeting at the 23rd regular session of the Human Rights Council, June 6th, 2013.

² Press Statement, *Diplomatic speech with a racist content. Anti-discrimination organizations ask the Minister Baconschi to resign*, 16.02.2010, available at: <http://www.crj.ro/EN/Diplomatic-speech-with-racist-content-Antidiscrimination-organizations-ask-the-minister-Baconschi-to-resign/>



as yet, have the Court reasoning). According to media accounts³, the mayor declared that if he also wins against the Council for Combating Discrimination on the wall case, he would sue for moral damages because his image and that of the municipality have been denigrated.

In reference to the statements made by the then Minister of Foreign Affairs Teodor Baconschi according to whom: “we have some physiological, natural, problems of criminality” with the Romanian Roma communities in France⁴, and where the Council only issued a recommendation: while the Court of Appeal upheld the Council’s decision, the High Court quashed the decision of the court of appeal and sent the case back for reconsideration. The Romanian state did not mention the High Court decision⁵ in the intervention at the consideration of the UPR outcome on Romania on June 6th, 2013⁶.

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³ Carp Cosmin, „Zidul împotriva romilor” a fost declarat legal și rămâne în picioare (*The wall against the Roma has been declared legal and stays in place*), in Adevarul Baia Mare, 05.06.2013, available at:

http://adevarul.ro/locale/baia-mare/zidul-romilor-fost-declarat-legal-ramane-picioare-1_51af6d2cc7b855ff565f9191/index.html

⁴ Press Statement, *Diplomatic speech with a racist content. Anti-discrimination organizations ask the Minister Baconschi to resign*, 16.02.2010, available at: [http://www.crj.ro/EN/Diplomatic-speech-with-racist-content-Antidiscrimination-organizations-ask-the-minister-Baconschi-to-resign-/](http://www.crj.ro/EN/Diplomatic-speech-with-racist-content-Antidiscrimination-organizations-ask-the-minister-Baconschi-to-resign/)

⁵ Portal of the High Court of Cassation and Justice of Romania, Information on file no. 1490/2/2011, available at: <http://www.scj.ro/dosare.asp?view=detalii&id=200000000258480&pg=1&cauta=1490/2/2011>

⁶ See Romania’s intervention on the Human Rights Council Extranet as document and the recording on the Human Rights Council Archived Webcasts, 24th meeting at the 23rd regular session of the Human Rights Council, June 6th, 2013.