

Centre for Legal Resources Oral Statement

Item 6 - General debate at the 38th session of the Human Rights Council

Geneva, 29 June, 2018

In 2017, the Commissioner for Human Rights of the Council of Europe spoke of the shrinking space for human rights organizations in several European countries.¹ To give you a relevant example, in the context of its UPR, Romania received a recommendation from Norway to protect persons with disabilities by renewing cooperation with expert NGOs and by conducting thorough investigations into allegations of abuse. The Romanian Government mentioned in its views on recommendations,² that it set up a mechanism to better supervise criminal proceedings in such cases. It mentions nothing about cooperation with NGOs. In fact, our organization has been the only one paying unannounced monitoring visits to psychiatric wards and centres for people with mental health problems or intellectual disabilities, since 2004, often also filing criminal complaints based on monitoring findings. Our access was possible on the basis of cooperation agreements with central authorities. Starting from such a visit, Romania was convicted in 2014 by the European Court of Human Rights³. In 2017, we continued to find inhumane and degrading treatment in some of these places and report about them, including with the UPR.⁴ Starting with July 2017, Romanian central authorities ceased the agreement with our organization Centre for Legal Resources, claiming that an independent state-run monitoring mechanism has been established instead, as per requirements of the UN Convention on the Rights of Persons with Disability.⁵ But this mechanism has been kept on paper only, for two years and a half now. So, when the Romanian Government reports before the Human Rights Council that it will better handle criminal complaints related to institutionalized people with disabilities, it is fully aware that, without human rights NGOs monitoring, there is nobody left to actually file such complaints. I'm am here to remind you that, if states do not foster the work of watchdog NGOs able to monitor and hold states accountable for their human rights commitments, the UPR process turns into lip service.

¹ Commissioner for Human Rights, *The Shrinking Space for Human Rights Organisations*, 04.04.2017, at: <https://www.coe.int/en/web/commissioner/-/the-shrinking-space-for-human-rights-organisations?desktop=true>

² Report of the Working Group on the Universal Periodic Review, Romania, Addendum. Views on conclusions and/or recommendations, voluntary commitments and replies presented by the state under review, 22 June, 2018, A/HRC/38/6/Add.1, available at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/ROindex.aspx>.

³ Centre for Legal Resources on behalf of Valentin Campeanu v Romania (App. No. 47848/08), at: <https://bit.ly/2Kqy87x>

⁴ Centre for Legal Resources, Reports and Replies, at: <http://www.crj.ro/en/advocate-for-dignity/mobile-legal-clinic/reports-and-replies/> and CLR Submission to the UPR, 29 June, 2017 at: http://www.crj.ro/wp-content/uploads/2017/07/CLR_3rd-cycle-submission_RO_final.pdf

⁵ Centre for Legal Resources, *Fake it, instead of make it. A Romanian approach to human rights protection*, Centre for LegalResources statement at the UPR-Info pre-session, 14.12.2017, at: <http://www.crj.ro/wp-content/uploads/2017/12/CLR-statement-Geneva-dec.pdf>. See also Commissioner for Human Rights, *Romania: NGO expertise still vital for monitoring institutions for persons with disabilities*, 10.10.2017, at: <https://www.coe.int/en/web/commissioner/-/romania-ngo-expertise-still-vital-for-monitoring-institutions-for-persons-with-disabilities>