

ROMANIA  
E.P.U

Mr. President,  
Excellencies,  
Ladies and gentlemen,

Allow me, first, to thank all delegations that participated in the inter-active dialogue on 22<sup>nd</sup> of January, expressing interest in the developments and challenges encountered by my country in ensuring the full respect for human rights and fundamental freedoms.

Allow me also to express our warm thanks to the members of the Troika – Qatar, the Czech Republic and Kenya –, as well as to the Secretariat for their great help and contribution to the preparation of the report that was adopted by the UPR Working Group on January 25 this year.

We appreciated the spirit of good faith and cooperation that characterized Romania's review session and are grateful for all the comments, questions and recommendations made, acknowledging the achievements and aimed at strengthening the protection of human rights in Romania.

We are aware that further actions are needed in promoting and protecting human rights and are determined to spare no effort in this regard, taking into account all our commitments at international level and the desire to implement the highest standards in the field of human rights.

All recommendations were thoroughly analysed by the Romanian authorities. They concerned especially, as you surely recall, the situation of the Roma (the necessity to combat discrimination, the promotion of social inclusion, the insurance of the access to education, health services, housing and working places), the protection of children's rights and combating trafficking in persons.

Following this analysis, out of the **157 recommendations** received, **131** were **accepted** and **26** were **rejected**. Thus, all the recommendations enjoyed the support of Romania with the exception of recommendations no. 109.2, 109.4, 109.5, 109.6, 109.7, 109.8 with respect to ICRMW, 109.9, 109.10, 109.15, 109.21, 109.27, 109.31, 109.32, 109.33, 109.34, 109.73, 109.74, 109.81, 109.99, 109.100, 109.102, 109.144, 109.147, 109.151, 109.155 and 109.157.

I would like to emphasize that **almost all the accepted recommendations are in the course of implementation.**

As for the **recommendations that were not accepted** by my State, they regard the following:

- the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (recommendations 109.2, 109.4, 109.5, 109.6, 109.7 and 109.8);
- the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (recommendations 109.9 and 109.10);
- the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination (recommendation 109.15);
- issues related to the institution of the Ombudsman (recommendation 109.21);
- the delimitation of attributions of the institutions with competencies in combating discrimination (recommendation 109.27);
- issues related to the National Strategy on the rights of the child (recommendations 109.31, 109.32, 109.33 and 109.34);
- issues related to the teaching of the Holocaust in schools (recommendation 109.73);

- the adoption of the legal framework concerning the restitution of properties wrongfully acquired during the communist regime in Romania (recommendations 109.74 and 109.151);
- aspects related to the adoption of a national strategy on the rights of the child (recommendation 109.81);
- issues concerning the corporal punishment with regard to children (recommendation 109.99 and 109.100);
- issues related to the appointment of the Prosecutor general and the Chief Prosecutor of the National Anti-Corruption Directorate (recommendation 109.102);
- aspects related to social houses for the Roma communities (recommendation 109.144);
- issues related to the rights of migrant workers and members of their families (recommendation 109.147);
- aspects concerning the alleged existence of CIA detention centres and illegal transfers of suspects of terrorism (recommendations 109.155 and 109.157).

**The reason that founded the rejection of recommendation was, in the majority of cases, the fact that they were already implemented.**

Thus, for example, *the recommendation related to the adoption of the legal framework concerning the restitution of properties wrongfully acquired during the communist regime in Romania* was not accepted, as **Law no. 165 of 16 May 2013** on the measures for finalising the restitution process in kind or by equivalent of the immovable property wrongfully acquired during the communist regime in Romania **was adopted** and published in the Official Journal no. 278 of 17 May 2013.

*As for the appointment of the Prosecutor General and the Chief Prosecutor of the National Anti-Corruption Directorate*, this recommendation was not accepted as **the aforementioned prosecutors were appointed on 15 May 2013.**

*The recommendations concerning the adoption of legislation prohibiting corporal punishment of children* were rejected as **Romania is one of the few countries who have introduced in the national legislation a clear prohibition of all forms of corporal punishment on children.** Thus, Law no. 272/2004 on the protection and promotion of children rights clearly prohibits all forms of corporal punishment on children within the education system, special protection, family etc.

*The recommendation concerning the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination* was rejected as **Romania has ratified CERD on 15 September 1970.**

*The recommendation regarding the delimitation of attributions of the institutions with competencies in combating discrimination* did not enjoy the support of Romania as **the competence area of the institutions in the field of non-discrimination is clearly established by legal provisions.** Thus, in the case of the National Council for Combating Discrimination the competence is given by the Government Ordinance no. 137/2000, in the case of institution of Ombudsman the responsibilities are established by the Law no. 35/1997, Law no. 9/1991 provides the competences of the Romanian Institute for Human Rights and the courts of justice are regulated by

the four existing codes. The legal system in Romania, regarding human rights and non-discrimination is complex and complementary and it is one that respects at the same time the principle of separation of powers.

As concerns *the recommendation on the teaching of the Holocaust in schools*, it is also already implemented, as **the history of the Holocaust in Romania was undertaken as a part of the national history**. Thus, the history curricula of VII<sup>th</sup>, VIII<sup>th</sup>, X<sup>th</sup> and XII<sup>th</sup> grades include the subject of the Holocaust on national and international level. There is also a high school curriculum adopted in 2004, entitled "The history of Jews" and a manual for this curriculum, published in 2005. On the web page of the Ministry of National Education there is a Guide for the teaching of the Holocaust, which was also printed in 5.000 copies and distributed free of charge in schools.

As for *the recommendation 109.147, related to the rights of migrant workers and members of their families*, it was rejected also as already implemented. Thus, **all migrant workers employed legally in Romania have effective access to courts or other mechanisms of solution of disputes in conditions which are not less favourable than those provided for all workers**. Also, the cases concerning the solution of work conflicts are dealt with urgently and the deadlines set cannot exceed 15 days.

With regard to *the recommendations 109.31 - 109.34 related to the National Strategy on the rights of the child*, the National Strategy on children's rights for 2008-2013 was issued as a consequence of the necessity to reunite in one single document the whole range of issues regarding children rights from all sectors of activity. The National Strategy envisages all children of Romania, referring mainly to their rights as stated by the main international documents ratified by Romania, in different sectors of interest for its children; such as: social, family, education, health, etc. The main target groups of the Strategy were the children having Romanian citizenship or found on the Romanian territory, as well as the children without a citizenship, refugees or of foreign nationality found on the Romanian territory. The strategy addressed to the parents, as main responsible for the raise and care of their children and main beneficiaries of the social services, along with their children, as well to the professionals working in this field and the local communities. Regarding the budget allocated to implement this strategy, even from the moment of its approval, the financing sources were very clearly mentioned. They were represented by the state budget, the local budgets (who had a special chapter dedicated on the implementation of the strategy), the budgets of the local communities, external funds, as well as any other source of financing approved by the national legislation (donors, sponsorships, contributions from persons or companies, etc.). The monitoring of the Strategy implementation was coordinated at national level by the competent structures within the Ministry of Labor, Family, Social Protection and Elderly, as central authority in the field, a feedback on the stage of implementation being also received from other independent actors, acting in this field.

As for the non-acceptance of *the recommendation on the adoption of a national strategy to protect the rights of children against all risk of violence, in particular, sexual abuse, neglect, abuse, and increase its efforts to combat child labor*, Romania underlines the following: the issue of child abuse, neglect and exploitation was one of constant interest for the Romanian authorities. Therefore, a number of clear measures were introduced in the main legislation governing the field of children rights, as well as in the national strategy in this domain. The Romanian legislation

offers a complex approach of these issues, favoring a close cooperation between various institutions with competencies in this field. Besides the general law no. 272/2004 on children rights, documents regarding measures for combating trafficking in human beings were approved by the Government and significant parts of their content regarded the children protection field. Also, Romania adopted a national strategy in the field of violence within the family (Government Decision no. 1156/2012), which offered a comprehensive approach of this field, where the issues regarding domestic violence in general and violence on children are seen together as a whole.

With regard to the non-acceptance of *recommendations 109.155 and 109.157 referring to the alleged existence of CIA detention centres*, the following has to be stressed: Romania has approached this issue in a spirit of profound attachment to the rule of law and promotion and protection of human rights. A Parliamentary Inquiry Committee has carried out an investigation between 2005 and 2008. The Committee's conclusions are public and attest that the authorities have no information that CIA secret detention centres ever existed in Romania or that the country's airports could have been used by CIA for transfer or detention of suspected terrorists. Also, following a request to the judicial authorities in 2012 by a person being detained in Guantanamo, the judiciary has opened a criminal investigation which is currently under way and is carried out with the full respect of the principles of rule of law and human rights.

As concerns *the recommendation related to the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, it was not accepted as there are no immediate plans for Romania to implement this recommendation regarding the Convention on the Protection of the Rights of all the Migrant Workers and their Families. However, the Romanian Government remains fully committed to the protection of rights of members of all vulnerable groups, including migrants.

Given the importance attached by my country to observations made by NGOs, I would like to provide some answers with regard to **the documents distributed by the Centre for Legal Resources during Romania's UPR**, on 22 and 25 January respectively.

Thus, with reference to the allegations regarding the case of *Baia Mare*, the National Agency for Roma, a specialized institution of the central public administration, with legal personality, subordinated to the Government and coordinated by the General Secretariat of the Government, is constantly concerned about the problems faced by Romanian citizens belonging to Roma minority and is involved in finding solutions to solve these problems.

In this regard, in exercising its duties, the National Agency for Roma is closely monitoring situations as those in *Baia Mare*.

With regard to the relocation of Roma families within a building of a chemical plant, the NAR representatives made a series of visits in order to assess the situation referring to housing. Also, they sent notifications to the authorities and participated in activities organized by local authorities on this issue.

NAR reacted promptly to the situation in *Baia Mare* by lodging, on 18 June 2012, a complaint to the National Council for Combating Discrimination against the mayor and the City Council of *Baia Mare*. The document was signalling the issues

representing the subject of complaints made by both Roma representatives and press.

For solving this particular situation, the Municipality has initiated legal proceedings for buying a piece of land in order to facilitate the construction of social houses for the Roma community relocated from Craica and Pirita neighbourhoods.

As to the reference made by CLR to the wall built in Baia Mare, the National Council for Combating Discrimination rendered a decision on 15 November 2011, by which it found a violation of the right to dignity, as provided by Article 15 of G.O. no.137/2000. The local authority represented by **the mayor of Baia Mare was sanctioned** with a fine of 4.000 lei (1.000 EUR). The decision of NCCD was appealed before the administrative court of the Court of Appeal Cluj, which stated the nullity of the NCCD's decision, holding that the deed did not constitute discrimination. **Against this decision, NCCD filed an appeal on points of law before the High Court of Cassation and Justice, which is pending.**

Concerning the case of *Pata Rat district of Cluj-Napoca*, it represented the reason of several actions and visits of the representatives of the National Agency for Roma on the spot. The National Agency for Roma collaborates with UNDP representatives that assist Roma communities in Pata Rat, through counselling and community mediation towards community organizing and participation in implementation of projects and actions. There is also a strategic partnership protocol agreed by the National Agency for Roma and the City Hall of Cluj-Napoca Municipality, regarding the measures on improving Roma social inclusion at local level. The Agreement regards the support of an integrated project package designed for vulnerable groups, particularly Roma communities in the Pata Rat, a package that the Municipality intends to develop through European funds.

By decision of 15 November 2011, the NCCD decided that the act to evacuate the Roma community and their relocation near the chemical waste station of the city represents a differential and discriminatory treatment and violates the right to dignity. **The mayor of Cluj Napoca was sanctioned**, as a representative of the local authority, with the amount of 2.000 lei (500 EUR). The decision of NCCD was contested before the Cluj Court of Appeal. The Court dismissed the plaintiff's appeal, at present the case being pending before the High Court of Cassation and Justice. However, the plea in this case does not concern the substance of the petition, but an exception of procedure.

**The NCCD's decision was upheld by the High Court of Cassation and Justice** through the latter's decision of 28 May 2013.

Regarding the allegations of CLR related to **the case of an ex-minister of foreign affairs concerning the latter's declaration with regard to Roma people**, the National Council for Combating Discrimination analysed the declaration in the light of G.O. no. 137/2000 on the prevention and sanctioning of all forms of discrimination.

The NCCD held in the motivation of the decision that even though a discriminatory behaviour is ascertained, sanctioned by the aforementioned ordinance, a purpose in committing the deeds could not be identified (this being a necessary element in order to apply a sanction). Thus, according to the decision, regarding the sanction of the deed, given the lack of the purpose and the withdrawal of the declaration, the NCCD established that it was not necessary to apply a fine, making a recommendation according to which the respondent was asked to refrain from future statements that could create discriminatory effects.

Moreover, the Bucharest Court of Appeal, by judgment of 28 November 2011, held that NCCD had fulfilled its mandate.

In light of the above, the statement of CLR that the decision of NCCD represented a desire to protect the offender and the public authority which it represented is legally unsubstantiated.

Mr. President,

To conclude, I would like to emphasize that the Government will continue to involve relevant stakeholders, including NGOs, in the assessment of the best ways to ensure the implementation of the recommendation received within the second cycle of the UPR process.

I would also like to reiterate the importance we attach to the UPR, as an innovative mechanism of the Human Rights Council and as a catalyst for improving the respect of human rights in the UN member states.

Romania remains fully committed to the UPR mechanism and to the promotion and protection of all human rights for all.

Thank you.