



## ROMANIA - BIG LIES, SMALL ACHIEVEMENTS, LOST RECOMMENDATION

25 January 2013

In his on Romania's UPR review on January 22<sup>nd</sup>, 2013, the Permanent Representative of France, made the following recommendation to Romania from France:

"3/ prendre toutes les mesures nécessaires pour rendre son institution nationale des droits de l'Homme (Conseil national de lutte contre la discrimination) pleinement conforme au Principes de Paris.

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Our organization was particularly pleased that France decided to mention the National Council for Combating Discrimination, the institution mandated with preventing and sanctioning discrimination in Romania, in the context of the Paris Principles.

To give an idea of why we were so pleased, we shall give a brief example. In 2010, the Romanian Foreign Minister at the time, Mr. Teodor Baconschi declared - on the margin of a meeting with a French diplomat - about the Romanian Roma from France: "We have some physiological, natural problems of criminality amongst some Romanian communities, especially among the communities of Roma ethnic Romanian citizens"<sup>2</sup>. To our dismay, the NCCD, seized on the matter by NGOs (the institution can also start *ex officio* investigations but rarely does so), although it found the statements to be discriminatory, it only issued a recommendation. Furthermore, the NCCD felt the need to issue a press statement on the case underlining that: "a recommendation is not an administrative sanction (warning or fine) but a guidance, an advice"<sup>3</sup>. This clearly trivialized the deed, showing the carelessness of the NCCD not to bother the Minister, and also granted a preferential treatment to the Minister, since the legal sanction when discrimination is established is a fine (in the sense of penalty), and not a recommendation, let alone one which should be interpreted as a guidance, advice.

As pleased as we were that the French recommendation might determine some progress in the independence of the NCCD, we were equally surprised to find that, in the draft version<sup>4</sup> of the report of the Working Group on the Universal Periodic Review published on January 24<sup>th</sup>, 2013 on the HRC extranet, the recommendation read as follows:

"109.20 Take all necessary measures to make its National Human Rights Institution fully compliant with the Paris Principles (France)"

The specific mention of the National Council for Combating Discrimination has disappeared. We can only wonder why, and for what purpose. We have signaled this to the French delegation at the UPR and hope to have it sorted at the adoption of the Working Group Report on Romania on January 25<sup>th</sup> 2013.

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<sup>1</sup> Reproduced from the statement of the Permanent Representative of France to the 15<sup>th</sup> Session of the UPR Working Group, made on January 22<sup>nd</sup> 2013 in the morning, as published on the HRC extranet under the UPR section on Romania.

<sup>2</sup> Press statement: *Diplomatic speech with racist content. Anti-discrimination organizations ask the minister Baconschi to resign*, Bucharest, 16.02.2010, available at: <http://www.crj.ro/userfiles/editor/files/Press%20Release-%20Diplomatic%20speech%20with%20rasist%20content%20.pdf> (Date of access: 24.01.2013)

<sup>3</sup> National Council for Combating Discrimination, *Precizare privind solutionarea dosarului in cazul Baconschi (Note on the solution in the file Baconschi)*, 26.11.2011, available at: <http://www.cncd.org.ro/noutati/Comunicate-de-presa/Precizare-privind-solutionarea-dosarului-in-cazul-Baconschi-95/> (Date of access: 24.01.2013)

<sup>4</sup> A/HRC/WG.6/15/L.3