

*Permanent Mission of Romania
to the Office of the United Nations
and the International Organizations
in Switzerland*



*Mission Permanente de la Roumanie
auprès de l'Office des Nations Unies
et les Organisations Internationales
en Suisse*

STATEMENT

**By H.E. Mr. Gheorghe MAGHERU
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Ministry of Foreign Affairs of Romania
Head of the Romanian Delegation**

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Check against delivery

Mr. President,

The Government of Romania welcomes the recommendations made in the course of the UPR session on 15 May 2008 and thanks all Member States who participated to the interactive dialogue. As previously stated, Romania intends to make the best use of this process in order to further consolidate its national system of human rights protection. The UPR offered us a good opportunity to undertake a comprehensive review of the current implementation status of Romania's commitments in the human rights field. It also helped us get a better picture of areas in need of remedies, including in terms of improving inter-institutional coordination.

Based on their careful consideration by relevant national authorities, we are pleased to inform that, with two exceptions, Romania accepts all recommendations received from Member States.

The two recommendations which Romania is not ready to accept, at this time, refer to *the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Family (recommendation 1) and to the need to further harmonize its legislation in the field of religious freedom with international standards (recommendation 18).*

Romania would consider the possibility to become party to the *Convention on the Protection of the Rights of All Migrant Workers and Members of Their Family* based on an evaluation of all relevant factors proving the added value of such a decision. At present, Romania considers that the rights of migrant workers are adequately protected by the EU law and existing national legislation.

Romania accepts the recommendation to become party to the Convention for the Protection of All Persons against Enforced Disappearance, the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention against Torture. Internal procedures have already been initiated to sign the former and ratify the latter two.

With regard to its *legislation in the field of religious freedom*, Romania considers that its 2006 law is in line with international standards. The Romanian legislation provides for a framework that ensures the non-discriminatory exercise of the freedom of conscience by all Romanian citizens.

The new law establishes a transparent system for the recognition of religious denomination. The law also regulates the institution of religious associations. Both religious denominations and religious associations represent associative structures with legal personality and religious purpose, being differentiated only by the fact that the religious denominations are granted *de jure* the status of public utility and, therefore, benefit of direct financial support from the State. This delineation does not infringe, in any way, upon a person's right to freely exercise his/her religion or belief. In addition, the religious associations also benefit from a series of fiscal exemptions.

Mr. President,

Romania has undertaken resolute actions in all human rights sectors, on the normative, institutional and implementation levels and is determined to continue its efforts in this regard. While we openly consider and embrace suggestions received during the UPR, we would like to underline that many of these recommendations are already a work in

progress for the relevant national authorities. We would like, now, to offer additional comments in relation to some of these recommendations and issues that may not have been sufficiently covered by the national report or during the UPR session.

Recommendation no.3:

In the last years, successive legislative amendments in the public safety area have also generated changes in the working methods of the law enforcement personnel. The 2005 Code of Conduct and Deontology for the Law Enforcement Officials sets out the principles of equality, impartiality and non-discrimination. Thus, the conduct of law enforcement officials cannot be influenced by discriminatory criteria, such as gender or sexual orientation. In 2007, the Romanian Police elaborated and widely distributed "The Good Practices Manual" – a guide of best intervention practices available to any police officer.

Romania is committed to further ensure adequate human rights training for the law enforcement officials, including in the area of combating discriminatory practices and prejudices, as well as to closely monitor the observance of the relevant provisions regarding their professional conduct.

Recommendation no. 8:

280 policemen and 450 gendarmes were involved in maintaining order and public safety during the ***Gay Fest parade*** organized in 2007. 65 contravention sanctions were applied on that occasion for public order disturbances. 11 persons have been further investigated for minor crimes out of which 9 have been prosecuted. As in previous years, the Romanian Police took adequate measures to ensure the organization of this year's Gay Fest in good conditions. The Police and Gendarmerie collaborated very well with the organizers. No incidents were registered during the Gay Fest parade that took place in Bucharest on 24 May 2008.

Recommendations no.4 and 5:

Romania is determined to continue its efforts to ***combat any form of discrimination***. As mentioned in its national report, Romania has already built up an efficient and advanced legislative and institutional framework in this area. The Romanian legislation offers a broad definition of the concept of "discrimination" listing practically all criteria which could nullify or impair the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in all fields of public life.

The National Council for Combating Discrimination and the Ombudsman remain at the forefront of this fight. Its regulatory and monitoring functions are complemented by the raising awareness activities, through the organization of educational campaigns. The National Strategy for Implementing Measures on Preventing and Combating Discrimination for 2007-2013 further develops this framework and focuses on certain categories most exposed to discrimination such as Roma, persons with disabilities or HIV-infected persons.

The National Agency for Roma is working towards improving the condition of the Roma minority in our country. The Agency will continue to collaborate with competent governmental agencies and NGOs with the view to implementing the objectives set out in the National Strategy for Improving the Situation of Roma for 2001-2010 and in the related Action Plans. Ongoing programmes and projects are mostly focused on housing, education, employment and health sectors. The reduction of poverty and social

exclusion of vulnerable categories, including Roma, are the central objectives of the National Anti-Poverty and Social Inclusion Plan for 2002-2012.

Recommendation no.6:

The National Authority for Persons with Disability coordinates the activities dedicated to the protection and promotion of the rights of persons with disabilities, based on objectives set out in the National Strategy for the protection, integration and social inclusion of persons with disabilities for 2006-2013 and its related Plan of Action.

New measures have been taken to encourage persons with disabilities to apply for the disability certificate issued by the Authority. Based on this, they could have access to financial facilities and social services stipulated by the law. The disability law also contains special provisions to facilitate the employment of the disabled persons.

Recommendation no. 9:

The situation of the HIV/AIDS infected persons is one of the priorities of the Ministry of Public Health. The survival rate of the HIV infected persons is one of the highest in Europe and the incidence among children has been steadily diminishing during the last four years.

While many efforts have already been undertaken in order to reduce the rate of HIV/AIDS infected persons, authorities awarded increased attention to combating discrimination against such persons. The National Council for Combating Discrimination has applied sanctions for cases of discrimination against persons living with HIV/AIDS, especially for violations of the confidentiality of personal data.

In order to prevent discrimination, the National Authority for Persons with Disabilities took a set of measures meant to protect the confidentiality with regard to such persons. Thus, any reference to the type of disability is eliminated from the certificate, in order to avoid discrimination. Based on this certificate, a person with HIV/AIDS benefits from certain rights and facilities, such as: a monthly allowance, a complementary personal budget, as well as the right to a personal assistant hired by the local public administration.

According to the Labor Code, a person can get employed only based on a medical certificate which attests that he or she is capable to carry out the required work. Hence, *there is no obligation for HIV testing upon employment.*

Recommendations no. 26, 27, 28:

Despite progress achieved in the public health area, Romania is aware of the need to consider further improvements.

Recommendations no.7, 10:

Improving the situation of *women and children* in the rural areas falls under the current preoccupation of relevant ministries and agencies in Romania. The Second Action Plan of the National Strategy for Equal Opportunities for 2005-2009 provides for several concrete actions with regard to the promotion of women's rights and their role in the society.

With regard to *ethnic minorities*, the programs run by the Department for Inter-Ethnic Relations are implemented both in urban and rural areas, as they target different social

strata by means of different activities (summer-camps for pupils from remote areas, women's festivals, distribution of brochures, training courses for teachers etc.).

Recommendation no.13:

As previously described, Romania has put in place a coherent legislative and institutional framework meant to specifically address the problem of domestic violence. A new strategy to combat domestic violence for 2008-2013 and its related Action Plan are currently being finalised, based on consultations with institutional partners and NGOs.

Romanian Police adopted a pro-active attitude in relation to combating this phenomenon. Among other initiatives, police authorities are currently working to create an integrated information system to register and report cases of domestic violence. A project entitled "Preventing Domestic Violence in the Rural Area" will take place between September 2008 and September 2009. Special training will be offered to 150 police officers from all counties and information materials will be disseminated among the population.

Recommendation no.12:

Romania is fully committed to its work in the area of combating trafficking in persons. A decreasing trend in trafficking has been recorded (1779 victims, in 2007, compared to 2285 victims, in 2006).

We would like to highlight that Romania already has in place a *system of witness protection for cases of trafficking*. According to the Witness Protection Law, a witness to a serious crime, such as trafficking in persons, can be included in the witness protection programme, based on the decision of a prosecutor or a court of law.

The law for preventing and combating trafficking in persons criminalizes all forms of trafficking in persons and provides for special measures to protect and assist victims and their families (out of the 1779 victims identified in 2007, 1405 participated in the criminal process as injured parties and 270 were heard as witnesses). The Romanian Police works on developing the capacity to identify victims by the front line police officers, through, inter alia, the organization of specialized courses. As part of the basic training, the curricula of police schools teach about the adequate conduct in relation to victims of trafficking and sexual abuse.

The National Agency against Trafficking in Persons will continue to organize raising awareness campaigns on the risks of trafficking. The Agency has recently set up a Help-line where interested persons may find information on the risks associated to trafficking, as well as on assistance provided for the victims. Several projects are to be implemented this year in area of preventing trafficking, with a particular focus on children.

Recommendation no.16:

The law on the protection and promotion of the rights of the child adopted in 2004 expressly prohibits corporal punishment of children. Any disciplinary actions applied in schools must be taken while observing the dignity of the child. Physical punishments or those affecting the child's physical and mental development or emotional state are strictly forbidden.

Recommendation no.22:

The new national anti-corruption strategy will be elaborated based on an independent assessment of the National Anti-Corruption Strategy for 2005-2007 and its related Plan of Action. On June 4, 2008, the Government approved the 2008-2010 Anti-Corruption Strategy for vulnerable sectors and local public administration and its related Plan of Action. The latter is meant to significantly reduce vulnerability to corruption in several administrative sectors such as public order, health care, education, fiscal administration.

Recommendation no.23:

The complex reform of the Judiciary was based on the National Reform Strategy for 2005-2007 and its related Plan of Action. In October 2007, following the European Commission's report of 27 June 2007, a Plan of Action for 2007-2010 was adopted with the goal to implement the benchmarks set out for the Judiciary, in the EU Cooperation and Verification Mechanism. The main lines of action aiming at further strengthening the capacity of the judiciary are: adoption of new codes of procedure, harmonization of jurisprudence, consolidating the capacity of the Superior Council of Magistracy, improving the transparency of the act of justice, improving the human resources policy and the management of the courts of law etc.

Recommendation no. 29:

In Romania, human rights education is at the core of the education for democratic citizenship. The national education policy is in full conformity with the 2005-2009 Plan of Action of the World Programme for Human Rights Education. In accordance with the Education Law, education has, as main objective, the development of human personality through, inter alia, developing the respect for human rights and fundamental freedoms, dignity, tolerance and free exchange of views, as well as sensitivity towards human problems, moral and civic values.

Both compulsory and optional school curricula include relevant subject matters, for various grades and specializations, such as: civic education, civic culture, human rights and intercultural education, sociology, philosophy, social studies. School competitions are, also, organized on these subject matters.

Mr. President,

Throughout this process, we have tried to cover all questions and concerns raised during the UPR Working Group session, within time and page limit constraints. We stand ready to continue this cooperation, in an open spirit and we will, definitely, come back to all these useful inputs under the internal follow-up process to the Outcome report.

As mentioned during the May UPR Working Group session, Romanian authorities are preparing the launch of a reflection process for the drafting of a comprehensive National Plan of Action for Human Rights. The UPR Outcome may, hopefully, create the best premises for the successful launch of the National Plan, in the second half of this year.

As a staunch supporter of the Council from its very beginning, Romania is pleased to have its UPR Outcome adopted shortly before the end of its mandate as Member of the Human Rights Council, as well as before the end of the presidency of the second cycle of this distinguished body, exercised tirelessly and with resolute commitment by the Romanian Permanent Representative to the U.N. Office in Geneva, H.E. Ambassador Doru Romulus Costea.

I thank you.