Mr. President,
Madam High Commissioner,
Excellencies,
Ladies and gentlemen,

It is an honour for me to present the current human rights' situation in Romania at this meeting of the Working Group on the Universal Periodic Review.

Romania was member of the Human Rights Council in 2008, during our first review and we are proud to be a member today. We fully supported the Human Rights Council from the very beginning and we are convinced of the added value of its work. After a complete cycle of the Universal Periodic Review, we are confident that this mechanism fulfilled its task and will continue to do so, as long as all partners involve themselves seriously and in good faith in this exercise. At the end of the day, the main beneficiary is each and every individual, regardless of age, sex, belief, social origin and so on.

Since our first review, in 2008, we have continued our efforts in promoting and protecting human rights at national level. Romania received a significant number of recommendations, accepted almost all of them and we are proud to have been among the few States that submitted a mid-term review. In order to implement the recommendations, Romania has taken measures aimed at improving the legislative and institutional framework, in accordance with the international human rights standards. Numerous awareness campaigns and programs have been developed, with the aim that every person's fundamental rights and liberties are respected. However, this is a long term goal and we are fully aware that much is still to be done.

Unfortunately, the period under review is characterized by an economic crisis in Romania. Such times present new challenges in order to maintain a reasonable level of compliance and effective implementation of human rights. The economic crisis implies increased competition over fewer resources. This competition usually creates tension within the society, which becomes more inclined to identify "scapegoats" for economic difficulties. Despite all that, Romania has managed to maintain a good level of effective implementation of human rights, to prevent the occurrence within the society of extremist ideologies and movements with impact on human rights and, most important, to prevent expressing tensions through violence.

The national report and the inter-active dialogue that we will have today are **based** upon the information gathered following a **comprehensive consultation process** between all the ministries and governmental agencies with responsibilities in promoting and protecting human rights.

I would like to emphasize that the non-governmental organizations, as well as the Romanian Institute for Human Rights, the National Council for Combating Discrimination and the Ombudsman have been invited to participate in this exercise. The draft national report has been sent to them, their comments and observations having been taken into account and integrated in the final national report that you have all read.

Mr. President,

The national report highlights the **main measures** undertaken for each recommendation since our first review, taking also into consideration our mid-term report. I hope we managed to **strike a fair balance** between **observing the strict page constraints** (imposed also by the economic crisis mentioned above) and **presenting the most important aspects** on the implementation of the accepted recommendations.

Today, I have the opportunity to further develop some of these aspects. From this perspective, I would like to thank the States that sent in advance questions and these aspects of particular interest will also be dealt with in this presentation.

(National Action Plan)

Within the 2008 UPR review, Romania indicated that Romanian authorities were preparing a reflection process for the launch of a comprehensive National Plan of Action (NPA) for Human Rights, which will be reviewed annually.

As the said reflection process revealed the need to focus on sectorial problems in order to remedy the deficiencies existing in different areas, the authorities concentrated on those fields (elaborating, for instance, strategies in areas such as Roma inclusion, combating trafficking in human beings or domestic violence). The multi-disciplinary content and inter-institutional cooperation were amongst the premises/advantages of these strategies, which, in the medium term, lead to concrete positive results.

(National Human Rights Institution)

In Romania, the legal system concerning the protection of human rights is complex and with different attributions, under the jurisdiction of several institutions, the national human rights institutions complementing each other without overlapping.

Thus, the institutions mentioned in the Compilation prepared by the OHCHR (the National Council for Combating Discrimination/NCCD, the Ombudsman and the Romanian Institute for Human Rights/RIHR) have different tools available for action and complementary competences. These competencies include the prevention of all forms of discrimination, the mediation of discriminations deeds, the investigation, ascertaining and sanctioning of discrimination deeds, organizing public opinion polls on various aspects regarding human rights protection in Romania, receiving and distributing complaints filed by persons who have been aggrieved by public administration authorities through violations of their civic rights and freedoms, and taking decisions on such complaints, providing specialized assistance to victims of discrimination, notifying the Constitutional Court on the unconstitutionally of laws before their promulgation.

In this respect, we noted with satisfaction the fact that in the Summary of the stakeholders' submissions, prepared by the OHCHR, the work of the NCCD was commended by the Commissioner for Human Rights of the Council of Europe.

Ladies and gentlemen,

The preservation and development of the culture and identity of persons belonging to national minorities is of particular importance to Romania. Romania ratified the Framework Convention for the Protection of National Minorities and relatively recently the European Charter for the Regional or Minority Languages. These two international instruments, along with the domestic legislative framework, represent important guarantees for an efficient protection of the rights of persons belonging to national minorities. At this moment, in Romania, the effective participation of minorities to the political, social, economic, public and cultural life of the country is a reality. During recent years, the system of prevention and combating discrimination, including in matters of employment and occupation, was consolidated, as a whole.

(Roma)

In the framework of anti/discrimination policies, the situation of the Roma minority remains of special concern.

Romania has adopted a wide package of legal instruments in order to ensure the necessary instruments for the Romanian authorities to efficiently fight against discrimination of Roma population and protect vulnerable groups.

The National Council for Combating Discrimination, and the Romanian Ombudsman are the **main institutions** that contribute to effective enforcement of the anti-discrimination legislation and to the legal protection of Roma population.

Numerous raising awareness campaigns, aiming at combatting stereotypes and discrimination, changing the image and promoting a better understanding of Roma, and promoting their rights were carried out.

The necessity of a coherent approach towards improving social integration of Roma was acknowledged by Romania since 2000. Thus, policies and programs were carried out 'by the Romanian Government in the last decade on the basis of a National Strategy. The National Strategy 2001-2011 envisaged measures with regard to education, social protection and employment, culture, combating discrimination and promoting access to information, inter-cultural and interethnic dialogue.

The latest document adopted is the Strategy of the Government of Romania for the inclusion of the Romanian citizens belonging to the Roma minority for the period 2012-2020.

The National Strategy is a multi-dimensional and comprehensive document which aims at involving the central and local authorities, the Roma community and the civil society in a joint effort, and at continuing efforts in tackling the Roma social inclusion. The Roma Strategy has 6 directions of action: education, employment, health, housing and small infrastructure, culture, social infrastructure (that is child protection, justice and public order, community administration and development).

The purpose of the Government Strategy is to continue efforts to ensure the socio-economic inclusion of the Roma minority by implementing integrated policies and

promoting equal, good quality and inclusive education, by combating segregation, by offering better services to all vulnerable groups, ensuring better access to health, labor market, raising the standards of their lives, better promoting and preserving the traditional and cultural features.

The **implementation** of the National Strategy is supervised by a **monitoring Unit** placed in the Cabinet of the Prime-minister and headed by a State counselor.

At the end of its first implementation period (by the end of this year), the Government Strategy should produce **evidence based indicators** that would allow Romanian authorities to focus further on the specific needs and particularities for the next implementation period.

The Government of Romania takes the responsibility of equally protecting all vulnerable groups and of managing in a balanced manner the needs of its citizens. Nevertheless, improving social inclusion of its Roma citizens will remain a priority for the new Government. The Government Program 2013-2016 mentions, among the concrete measures assumed, solving the problems regarding the property rights of the lands where Roma ethnics built their houses on, as well as the implementation of the house rehabilitation plans for the Roma neighborhoods, with a special focus on ensuring better access to public utility networks (electrical energy, gas, drinkable water, waste water drainage systems and waste disposal management).

In order to properly implement the National Strategy, important institutional instruments are in place, such as the National Agency for Roma. Line ministries have Roma offices with responsibilities in implementing the Strategy. At county level, the offices of each Mayor and Governor have employed local Roma experts that are in direct contact with the local Roma communities.

The Romanian system of promotion and protection of the rights of persons belonging to national minorities allows the Roma minority to be **politically represented and to equally participate in the decision-making process at all levels**, central and local. Following the last **local elections** (June 2012) and **parliamentary elections** (December 2012), the Roma community is represented in the Romanian **Parliament** by **3 members** (two deputies and one senator), as well as **1 Roma Mayor** and **161 local councilors**.

Of course, education is key in achieving better social inclusion and improving access to the labor market. Romania has adopted positive measures aiming at increasing school attendance and forming a Roma elite. As a result, at present we have very active Roma in the NGO field, while in the education sector we have around 420 teachers with university studies, assuming their Roma origin. Among the projects developed and implemented by Romania, I would mention "Education of Roma children - the way to a stable employment". Its aim is to increase the level of education of Roma children in rural and urban area, and, in this way, the human capital development in order to include them in a modern and flexible labor market, by ensuring access to education and reducing early school leaving. The project was implemented at national level and promoted specific measures, in a complementary education system to facilitate access to education for 4800 Roma people.

In dealing with drop-out rate, the Romanian authorities have combined measures aiming at stimulating school attendance (through programs offering a free meal, covering transportation costs in cases where children live farther that 50km from school, granting school material) with forming the teaching staff to identify children at risk of dropping-out or who do not attend school, and to prevent such cases.

One useful instrument for monitoring the situation for preventing cases of dropout and dealing with the school attendance of Roma pupils are the school mediators. As we speak, in Romania there are 923 trained school mediators, out of whom 437 are currently employed in the county school inspectorates, local authorities and county councils.

More data regarding measures adopted by the Romanian authorities are presented in the aide-mémoire available for all those interested at the Permanent Mission of Romania.

(Justice)

As regards the administration of justice, major progress has been achieved in finalizing the legislative framework, putting in place and consolidating the relevant institutions and authorities, as well as implementing the newly adopted measures (reflected in the positive track records and statistics of, for instance, the National Anticorruption Directorate, the National Integrity Agency and the High Court of Cassation and Justice).

Law 202/2010 (Small Reform of Justice Law) had already introduced a series of measures to simplify and render more efficient the judicial procedures, including the length of proceedings, thus anticipating the entry into force of the new procedural codes. This law basically collected the most simple but efficient rules of the new procedural codes and provided the framework for their anticipated entry into force (the criterion was to select those provisions that did not require supplementary preparation, be it administrative or training, but could trigger an immediate effect). As regards its effects, the reactions were positive, both from courts and prosecutors' offices, and the positive impact is already visible.

An unprecedented legislative reform consists in the adoption of four new codes (adopted by the Parliament in 2009 and 2010), which are modern instruments aiming at simplifying and making the judicial practice more efficient. The commitment to bring into force and implement this new legislation has been taken and supported by all state actors – executive, legislative and judicial.

The new Civil Code entered smoothly into force on October 1, 2011. The entry into force of the other three Codes will follow in the next period (firstly, the Civil Procedure Code on February 1st, 2013 and the Criminal Codes on February 1st, 2014).

As regards the strengthening of the accountability of magistrates, a new law on the matter entered into force on January 23rd, 2012. This law amends the scheme of disciplinary offences, increases sanctions, and strengthens the independence and the operational capacity of the Judicial Inspection of the Superior Council of Magistracy.

Measures have also been taken for improving the transparency and objectivity of the procedure for promotion of judges to the High Court of Cassation and Justice. Thus, the relevant law is already in force following its adoption by the Parliament in

December 2011. This law aims at securing the transparency and objectivity of the process of promotion to the HCCJ, with the aim of ensuring that the most suitable candidates get to occupy the positions in the Supreme Court.

In the relevant period for the evaluation, the justice system absorbed a significant amount of assistance funds, which had a strong contribution to the institutional building, training and the logistics of the judiciary.

Moreover, as you know, Romania was the first European country to create a National Integrity Agency/NIA, which has been operational since the end of 2007. The aforementioned agency is an independent, operational institution, competent to control and verify the wealth, conflicts of interest and incompatibilities of public officials.

Thus, according to the Law on the functioning of NIA, all State dignitaries, all civil servants from public institutions at local or central level, all persons having management positions in the public education system and in the public health system, as well as other specific categories have the obligation to fill in every year public declarations of revenues and interests. NIA evaluates these declarations and refers the matter to the competent authorities regarding the potential cases of conflicts of interests, incompatibilities and unjustified wealth. NIA has received a significant increase in its budget to improve its procedures and its track record was constantly consolidated, continuing to deliver positive results in its activity.

As for the prevention and fight against high-level corruption, it is undertaken and safeguarded by stable and effective institutions, some of which are absolute novelties at European level (the abovementioned NIA) or have achieved such significant results that they have become donors of expertise and best practices to other countries (NIA, the National Anticorruption Directorate).

The latter institution is a specialized, independent structure, functioning within the General Prosecutors' Office, which investigates high level corruption cases. The NAD is independent from courts and prosecutor's offices attached thereof, as well as in relation with the other public authorities, exercising its attributions only on the basis of the law and for ensuring the compliance with the law.

NAD has consistent and positive results functioning as a specialized and independent structure competent to investigate high level corruption cases. During the last 5 years, over 90% of its indictments have lead to convictions and 90% of investigations were finalized in less than 1,5 years. This activity continued to include significant numbers of senior politicians and officials.

The number of defendants convicted with final judgments in NAD cases in the period 2007-2011 shows a strongly positive trend, with a remarkable increase in 2011: from 109 defendants with final convictions in 2007 to 298 defendants with final convictions in 2011. Only in the period 15 July- 15 October 2012, NAD prosecutors sent to courts a number of 38 cases regarding 84 defendants.

Moreover, the aforementioned institutions (NAD, NIA and HCCJ) are positively highlighted in the CVM Commission's report of July 18th, 2012, as being vectors of important progress in prosecution and trial of high-level corruption cases.

Regarding the prevention and fight against local level corruption and corruption in vulnerable areas, as mentioned in our national report, the National Anticorruption Strategy/NAS, its correspondent action plan and the inventory of preventive measures were approved by the Government in *March* 20, 2012. The new

Government assumed the Strategy on May 23, 2012. In June 12, 2012, the Parliament unanimously endorsed NAS by a political declaration.

The implementation of the Strategy is ongoing. Several meetings have been held during the last months with anticorruption stake holders. The National Anticorruption Strategy and the general political will for its implementation are positively mentioned in the five years CVM report of July 2012.

Mr. President,

(International Cooperation)

Romania remains fully committed towards **cooperation with UN human rights mechanisms.** At the same time, we acknowledge the backlog we are confronted with in the matter of reporting to the Treaty Bodies and we are determined to remedy the situation.

In this respect, efforts have been made and a Common Core document has been transmitted, as well as the report to the Committee on Economic, Social and Cultural Rights and the report to the Committee on the Elimination of Racial Discrimination. Also, pursuant to our standing invitation for special procedures, within the relevant period, three visits have taken place (the last one in 2011) and Romania has also agreed to in principle to the visit of special rapporteur on discrimination against women.

With regard to **becoming a party to new UN legal instruments**, Romania will step up efforts in view of a possible ratification of the Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities.

(Implementation of the Optional Protocol of the Convention Against Torture / OPCAT)

Romania ratified the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) in 2009.

A draft law is currently under examination by the competent ministries in view of its adoption by the Government, having the objective of establishing a **National Mechanism for the Prevention of Torture in Detention Places** within the institution of the Romanian Ombudsman, with the purpose of strengthening the protection of the persons deprived of their liberty by carrying out systematic visits, planned or unannounced, to detention places. The National Mechanism for the Prevention of Torture shall be coordinated by a newly appointed deputy of the Ombudsman, specialized in the field of preventing torture in detention places.

We expect the law to be adopted during the first parliamentary session of this year.

(UN Convention on the Rights of Persons with Disabilities)

Romania ratified the UN Convention on the Rights of Persons with Disabilities in 2011. Even if we have a modern national legislation in this field, the Convention's implementation requires however a number of changes of the existing legal framework. The changes will be made following a close and comprehensive

collaboration between all relevant stakeholders, both central and local authorities, as well as NGOs.

More specifically, the national legislation does not define concepts such us "independent living". Currently, the only reference to this concept is related to the "Training Centres for Independent Living", which specifically addresses the situation of individuals within the child protection system who reached adulthood. There is a clear need for further analysis of the international law and in depth consultation with NGOs working in the field of protection of persons with disabilities in order to define this concept and to accordingly modify the specific domestic legislation.

Regarding the implementation of Article 12 (*Equal recognition before the law*), namely the exercise of legal capacity, the concept can be found in the national legislation as "placing under interdiction", in the Civil Code. At this point, the NGOs working in the field of mental or psychic disability requested to consult with the government, in order to introduce a new concept of "partial exercise of legal capacity", with the main purpose to allow the person under interdiction to conclude labor contracts and receive remuneration for the work submitted.

(Mass- Media)

One of the major actors in combating discrimination, encouragement of intercultural dialogue and contribution to public information and free formation of opinion is, undoubtedly, the mass media. They play a **critical role in promoting a culture of tolerance and mutual understanding**. It goes without saying that press freedom of expression implies an editorial and a conduct code that have to be considered as an essential responsibility of the press in order to combat discrimination, xenophobia, racism, extremism or fundamental rights' violation. The press, through the influence it exercises on society, may contribute to increasing the level of social inclusion of persons or marginalized groups.

From this perspective, programs like "Colorful, but colorblind", "Dosta, overcome prejudices, learn to know Roma people"," Voices of the Roma community in society" increased awareness on such matters of great importance.

Also, raising the awareness of the people, irrespective of their age, for a more critical identification of the messages encountered via mass-media is taken into consideration.

On the other hand, the NCCD sanctions publications and media outlets for such statements, as well as the political and public figures for verbal slips related to maintaining certain stereotypes. The NCCD continued also to make appeal to people who hold public positions or opinion leaders in society to promote non-discriminatory behavior and language and to take action against any violations of the right not to be discriminated against.

Also, the National Council of the Audiovisual **penalizes** radio and television broadcasters each time the **program contains discrimination against minorities**, according to the Audiovisual Law and the Audiovisual Code in force, based on monitoring reports.

As far as **independence of the media**, the public Television, Radio and News Agency are currently managed according to the European standards in this area, while the private mass-media can develop their activities without being compelled to

obtain any accreditation. The content of the broadcastings of the private mass-media is not the subject of any Governmental control mechanism.

Romania pays attention to ensuring the editorial independence of mass-media from other organized interest groups (both political and economic).

(Sexual Minorities - LGBT)

The Romanian legislation punishes any form of discrimination based on gender and sexual orientation, regardless the field of activity.

The main form of public expression of the LGBT community in Romania is the GayFest, organized annually in March. In the last years, due to the involvement of the public authorities ensuring the public order (Gendarmerie, Police), and a close cooperation with the NGO "ACCEPT" (the main promoter of LGBT rights), the number of incidents has significantly reduced to the extent that in the past two years, this event took place without incidents.

According to the NCCD data, NCCD being the independent authority who applies sanctions, most cases of discrimination against this community occur in the public discourse/affirmations. Romania will continue to better promoting and protecting the rights of this community through the effective application of the law and by supporting and organizing public debates and awareness campaigns.

A special attention is paid as regards training police and gendarmerie forces on LGBT rights. The Romanian Gendarmerie promotes national and local campaigns which aim at increasing the knowledge and respect for LGBT community rights, and a higher level of tolerance to diversity. The number of training hours annually allocated to human rights and anti-discrimination matters, with a special focus on LGBT, significantly increased in the last years. With the support of ACCEPT NGO, police officers within the General Directorate of Bucharest Police will be trained on best practices and policies concerning the fundamental rights of LGBT people.

(Sexual, Reproductive and Health Rights)

Romania has constantly designed policies and implemented specific measures aimed at improving every citizen's health and access to healthcare, especially for vulnerable groups. Although there is no strategy implemented at the moment in the particular field of sexual and reproductive health, the Ministry of Health adopted targeted measures, that led to a gradually decrease of abortion mortality rate (from 0.13 % in 2003 to 0.05 % live births in 2010). The measures and policies that contributed to this positive trend aimed at increasing access, quality and efficiency of health services for pregnant women, screening for serious disorders in the prenatal period, screening at birth of potentially disabling conditions. The national health programs include a total of 18 prophylactic and curative interventions and a specific program is dedicated to increase the proportion of pregnant women who are identified in the first trimester of pregnancy. These measures are further complemented by efforts to improve the conditions of the existing facilities, acquisition of modern technology and of continuous training of the medical personnel.

(Combating trafficking in human beings)

The National Strategy against Trafficking in Persons for 2012 – 2016 sets up the framework of action in combating this phenomenon. The current National Strategy was drafted after the consultation of responsible Governmental bodies and NGOs and following an in depth analysis of the 2006 -2010 National Strategy concrete results and emerging trends in this field.

The current National Strategy puts forward a number of **concrete measures** aimed at **preventing** trafficking in human beings. Increasing the level of understanding of the dimensions, forms and implications of trafficking in human beings is essential for any successful prevention. In this respect, the **mass-media** can **play an important role** in supporting and promoting clear cut public information messages regarding this phenomenon. Organizing **workshops for the media** representatives on the specificities of trafficking in human beings, including children, ensures the adequate promotion by the mass media of the anti-trafficking messages, the promotion of an accurate, and complete perspective of such a crime and the eradication of stereotypes regarding the victim profile and the forms of exploitation.

Another measure aims at raising awareness among various service providers (public notaries, transport companies, hotels staff etc.) that can get in contact with victims of trafficking.

As a result of monitoring the assistance process, one objective of the current National Strategy (against Trafficking in Persons for 2012-2016), is the "reconfiguration of the system of social assistance and protection services for victims of trafficking in human beings". The desired outcome is to create a **national network for assistance adapted to their specific needs.**

Regarding the protection of child victims of trafficking, the 2011 legislation establishes complementary detailed procedures with respect to identification and referral, as stages of the Case Management. Also, as a supplementary measure to ensure victims' access to specialized assistance, regardless their participation in the criminal proceedings, a clear definition of the "victim of trafficking" was introduced in 2010.

For the victims willing to participate in the criminal trial, the National Agency against Trafficking in Human Beings initiated, in 2008, a program called "Victim coordination during criminal proceedings". It is worth mentioning that it has distinct objectives from the social assistance for the rehabilitation and reintegration program. In 2012, the Victim Coordination Program was further developed by including new partners (the General Inspectorate for Immigration and the Probation Directorate from the Ministry of Justice). The victims of trafficking can be included on both programs or just in one of those, according to their identified individual needs and, of course, their informed consent.

The reduction of risk factors for victimization is one of the specific objectives set up by the National Strategy. The activities are focusing on reducing school dropout, the development and implementation of stimulative measures for the employment of people from vulnerable groups.

(Rights of the child)

The Romanian Government paid particular attention to achieving an **integrated**, **comprehensive national policy** on respecting, promoting and guaranteeing the rights of the child within the framework of existing social policies. The top objectives of the **2008 - 2013** National Strategy on children rights' protection and its Plans of

action aims at guaranteeing the improvement of the situation of children included in a special protection system, the further development of community services, ensuring a fair treatment to all children. Through an innovative approach, the National Strategy is promoting an *inclusive* and multi-disciplinary approach of the rights of the child, thus facilitating the *greater* respect of the child in all dimensions.

The reform in the field of the rights of the child will continue, including on **improving the conditions** offered to the children protected in an institutionalized environment and thus, **closing down the last old type institutions**. Financial resources have been obtained from both the State budget and through the partnership with non-governmental organizations. Taking into account the **good results achieved so far,** the local authorities' projects aiming at creating **family-type residences** will continue to be encouraged, also through the National Interest Programs. It is worth mentioning that only minor children are thus protected, as after reaching adulthood they are leaving the protection system.

The multifunctional destination centres are designated for the young people in risk situation, such as the over 18 years old persons leaving the protection system. Youth facing difficult situations, be it of material, cultural, judicial, administrative, emotional, health related problems, can be temporarily hosted in such centres, until solving their problems.

After reaching 18 years old, they can remain in the national protection system if they continue their studies until the age of 26, or, for another 2 years, they can benefit of a special form of protection aimed at facilitating their social reinsertion.

If needed, after reaching 18 years old, they can benefit of several support measures such as: integration on the labour market, free of charge qualification courses, employers' stimulation by financial measures, etc.

Monsieur le Président,

Pour conclure, je voudrais réitérer l'attachement de la Roumanie à la promotion et la protection des droits de chaque individu. Le gouvernement va continuer à déployer tout effort pour la mise en œuvre des plus hauts standards dans ce domaine, conformément aux engagements internationaux assumés. Nous sommes conscients du fait qu'il s'agit d'un effort permanent de longue durée.

Tout en bénéficiant de la présence de mes collègues de plusieurs ministères avec des responsabilités dans la promotion et la protection des droits de l'Homme, je suis confiant que notre dialogue interactif se déroulera d'une manière ouverte, constructive, nous permettant de vous exposer les progrès et les défis enregistrés depuis notre dernière présentation, en 2008.

Je vous remercie, Monsieur le Président.

