



HUMAN RIGHTS COUNCIL

UPR 15 Session 21st of January – 1st of February 2013

Dear Members,

Romani CRISS has sent a joint submission for the UPR 15¹, focused on the Roma issue in Romania. As a result our research conducted on the topic, please, we bring to your attention:

Questions for the Romania Review

ISSUE NO 1: Breach of the political pluralism principle, as a result of the requirements imposed by the Romanian law for the organizations of citizens belonging to national minorities to obtain “public utility” in order to run for the parliamentary elections

Organizations of citizens belonging to national minorities, except for those represented in the parliament, have to obtain the status of “public utility” and collect signatures from 15 % of people who identified themselves as belonging to that ethnicity in the last census in order to be able to submit candidate nominations. The status of public utility is granted by the government on the recommendation of a competent public authority, if legal requirements are met. According to the OSCE/ODIHR report on the Romanian elections in December 2012², six organizations couldn’t register as a result of their failure in being granted this status. The NGOs in Romania have alerted the authorities with regard to this issue, considering it unconstitutional, since it is an enormous violation the principle of political pluralism, the principle of the separation of powers, as well as of the right to freedom of association.

QUESTION: What does the Romanian Government plan to undertake to eliminate the limitations imposed on the organizations belonging to national minorities which want to run for Parliamentary elections?

RECCOMENDATION: To urgently amend the legal provisions in order to guarantee competition among the organizations belonging to national minorities, as to ensure the political pluralism is respected, as well as the principle of equal treatment.

ISSUE NO 2: Excessive use of force by the law enforcement officials against Roma

This serious issue was raised as a concern repeatedly by CERD and by the Special Rapporteur on the question of torture. The situation remains at alarming quotas: in 2012, three Roma men were fatally shot by law enforcement officials (Agristeu locality, Pusta Vale locality, Bucharest). For the cases instrumented by Romani CRISS, no criminal investigation was ever started against a law enforcement official by the

¹ Joint submission of Romani CRISS with El Tera Association, Sanse Egale Association and Sanse Egale pentru Femei si Copii Association, available at:

http://www.romanicriss.org/PDF/Written%20submission%20UPR%20Romania_Romani%20CRISS.pdf

Information from the submission are found in the Summary of stakeholders’ information, prepared by the OCHR, under the abbreviation JS3

http://www.upr-info.org/IMG/pdf/a_hrc_wg.6_15_rou_3_e.pdf

² <http://www.osce.org/odihr/98757>

Prosecutors' Offices. The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials are constantly violated, when it comes to situations involving members of the Roma community.

QUESTIONS Which is the position of the Romanian Government with regard to the law enforcement officials' misconduct against the Roma communities, bearing in mind the three cases of Roma men fatally shot in 2012 by police representatives?

RECCOMENDATION: The Ministry of Justice and the Ministry of Interior to establish an office responsible for prosecuting cases of police abuse. [Independent prosecutors need to be responsible for this type of cases, taking into account the prosecutors' reluctance to start criminal investigation against law enforcement officials].