



**Romani CRISS**  
Roma Centre for Social Interventiona and Studies

19 Buzesti st., sector 1  
011011 Bucharest  
Phone: +4021 3107070  
+4021 3107070  
Fax: +40318157623  
[office@romanicriss.org](mailto:office@romanicriss.org)  
[www.romanicriss.org](http://www.romanicriss.org)

Vienna, April 2009

## ***STATEMENT ON IMPROVING HUMAN RIGHTS STANDARDS IN CRIMINAL JUSTICE PROCEEDINGS***

*Document submitted to the attention of the Commission on  
Crime Prevention and Criminal Justice – Eighteenth session*

### ***I. Consolidating the Protection of Fundamental Rights of Illiterate Persons under Criminal Law***

Romani CRISS monitors and litigates in cases of abuse, violence and discrimination against Roma in all areas of public life, including the fields of education, employment, housing, and health. In 2002, CRISS has established a national network of human rights monitors, made up of young Roma. The network has been active in the field incessantly. Some of the our cases have been won in front of the European Court of Human Rights (e.g. Stoica vs. Romania).

**Background.** Criminal law plays a critical role in the protection of human rights and fighting discrimination. Thus, the most dangerous of perpetrations fall under the scope of criminal law, which lays down the harshest of sanctions, resulting in incarceration and, in some countries, even in the suppression one's life.

Despite worldwide efforts, illiteracy remains at high quotas. According to the UNESCO institute for statistics 16.5% of the world population over 15 years of age are illiterate. That means that almost one billion people face are at particular risk of having their fundamental rights infringed, minority groups being often overrepresented.

The principle of equal treatment means that persons in similar situations should be treated in similar manners, whilst persons in different situations should be treated in different manners. As a consequence, as it is clear that illiterate persons are in a very different situation than literate persons, as regards criminal justice, specific action needs to be designed. A traditional approach that just limits itself to register the reasons the person can't sign or write the declaration, discriminates against illiterate persons, as similar measures are applied for persons that are in different situations. Furthermore, domestic and international legislation and case-law reflects the need to guarantee procedural rights as an integral part of human rights (e.g. art. 6 of the European Convention of Human Rights).

Taking note of the particularly vulnerable position of illiterate persons being part in criminal proceedings, Romani CRISS recommends:

- ***The Commission on Crime Prevention and Criminal Justice should propose the United Nations issues a legally-binding document on the protection of fundamental rights of illiterate persons. Inter alia, the resolution should ensure that, in criminal trials, declarations of illiterate persons should only be taken in the presence of a lawyer and***

**human rights NGO representative, regardless of the standing the person has in the proceedings;**

- **The Commission on Crime Prevention and Criminal Justice should propose the member states of the United Nations address this issue in an effective manner, under domestic criminal law.**

## **II. Legal Standing of Human Rights Organizations under Criminal Law**

In the proposing this measure one has to take into consideration, inter alia, the following:

- victims of human rights violations find themselves, clearly and constantly, in a state of disadvantage in relation to the perpetrators (that are public officials);
- in many situations, certain pressures are being exercised against the victims or against human rights defenders or experts<sup>1</sup>;
- and victims have a poor knowledge of their rights, and sometimes they are illiterate (see above).

Reports of international organizations<sup>2</sup> show that misconduct of law enforcement officials continues to occur and result in human rights violations. Such violations take the form of, but do not limit to: torture, illegal use of firearms, excessive use of force, racist abuse. Furthermore, international reports show that law enforcement officials feel immune to any sanctioning. Often, such violations are improperly investigated (if at all) and go unpunished, thus creating mechanisms of ensuring a state of impunity for the perpetrators.

Stressing once again, the fact the promotion and respect of human rights are common goals to both human rights NGOs as well as to the UN member states, Romani CRISS recommends:

1. **The Commission on Crime Prevention and Criminal Justice should propose the United Nations issues a legally-binding document that grants NGOs that according to their statute fight for the protection of human rights, active legal standing in criminal trials related to human rights violations. This should be the case, inter alia, for: torture, illegal use of firearms, excessive use of force, criminal racist abuse, genocide etc;**
2. **The document should grants human rights NGOs the possibility to design representatives to act as observers or witness-assistants, in criminal trials related to human rights violations;**
3. **The Commission on Crime Prevention and Criminal Justice should propose the member states of the United Nations grant these procedural safeguards, under domestic criminal law.**

Sincerely,  
Margareta Luminita MATACHE

Romani CRISS  
Executive Director

---

<sup>1</sup> E.g. Romani CRISS report on N.B. vs. Tg. Carbonești police.

<sup>2</sup> See, inter alia, the reports of the UN Human Rights Council, Amnesty International, Human Rights Watch, as well as the case-law of the European Court of Human Rights.