

Ref: TG EUR 39 2011.008
Index: EUR 39/005/2011

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27 May 2011

Dear Minister,

OPEN LETTER RE: ROMANIA'S CANDIDACY FOR ELECTION TO THE UN HUMAN RIGHTS COUNCIL

We write on the occasion of Romania's candidacy for membership of the UN Human Rights Council in the elections scheduled for 20 May 2011. We note your submission election pledges to promote and protect human rights at the national and international levels, as indicated in the Annex to the *note verbale* dated 18 March 2011 from the Permanent Mission of Romania to the President of the General Assembly.

The Office of the UN High Commissioner for Human Rights has issued guidance in the form of a framework for voluntary pledges and commitments by Member States when presenting candidatures for the Human Rights Council, including that these should make specific, measurable and verifiable commitments.¹ We also recall that, according to General Assembly resolution 60/251, members of the Council shall uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council.² We take this opportunity to make some comments on Romania's election pledges and to note some additional opportunities for your government to promote and protect human rights on the occasion of its candidature.

1. Commitments at the international level:

■ *Ratification of international human rights instruments*

We welcome your commitment to ratify the International Convention for the Protection of All Persons from Enforced Disappearance. We take this opportunity to encourage you to also ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as well as the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance, both of which Romania has already signed.

■ *Cooperation with the Special Procedures*

We encourage you to facilitate without delay the visits requested by the Special Rapporteur on the right to education and the Working Group on mercenaries, as well as the forthcoming visit by the Special Rapporteur on the independence of judges and lawyers.

¹ *Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council* prepared by the Office of the High Commissioner for Human Rights <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>

² Operative paragraph 9.

We also note that a number of Special Procedures have visited Romania in recent years, including the Special Rapporteur on the right to adequate housing (2002) who urged a broader understanding of housing to include not only the physical aspects of housing, but also social, economic, cultural, climatic, ecological and other factors. The Special Rapporteur also recommended that Romania address the problem of lack of security of tenure for those living in property or settlements without legal contract or proof of ownership.

We also underline the urgent need for the government of Romania to respond in full to the allegations made by four mandate holders in the Joint study on global practices in relation to secret detention in the context of countering terrorism.³ These allegations include the existence of secret CIA imprisonment centres on Romanian territory and tolerance of or collusion with other States involved in the secret detention or rendition of individuals suspected of committing or conspiring to commit terrorist acts. The response should endeavour to go beyond that of the brief denial of the allegations as provided to the mandate holders in the report of the Inquiring Committee of the Romanian Parliament and every effort should be made to ensure the independence of any investigating procedure.

■ *Cooperation with the treaty monitoring bodies*

We welcome your commitment to intensify efforts to submit periodic reports to the treaty bodies. We note that periodic reports are due to the Committee on the Rights of the Child, the Committee against Torture, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women.

■ *Engagement with the Universal Periodic Review*

We welcome your commitment to continue to support an effective Universal Periodic Review mechanism. We consider of particular importance the recommendations, made to Romania during the review in 2008, to respect and promote the human rights of vulnerable groups, including the Roma communities, to ensure their equal enjoyment of human rights, to take effective measures to eliminate discrimination against Roma and to ensure their access to education, housing, healthcare and employment without discrimination.

■ *Participation in the deliberations of the Human Rights Council*

We note your willingness, expressed in your election pledges, to engage actively in the review of the Human Rights Council; to contribute to the consolidation of its effectiveness in the protection and promotion of all human rights; to support the dialogue between members of the Council and all United Nations Member States, with a view to ensuring inclusiveness in the Council deliberations. In this regard, we urge you to work towards better use of the Council's broad range of working methods and practices to address situations that require its attention and to improve the follow up by the Council of initiatives, including by its expert mechanisms and subsidiary bodies.

2. Commitments at the national level:

■ *National human rights policy*

We note your commitments to continue to provide human rights training for law enforcement personnel; to allocate adequate resources and implement projects to protect and support vulnerable groups, such as Roma people, children and women, especially in rural areas, victims of human trafficking, people with HIV/AIDS, and people with disabilities; to continue efforts to prevent and combat trafficking in human beings and to provide support to the victims; to protect against and prevent discrimination in all

3 UN Joint Study on global practices in relation to secret detention in the context of countering terrorism of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances (A/HRC/13/42), Published 26 January 2010

its forms, both in law and in practice; and to adopt measures to combat negative prejudices in relation to lesbian, gay, bisexual and transgender minorities.

With regard to supporting vulnerable groups, such as the Roma, we urge you to address their access to adequate housing, including the lack of security of tenure for those living in property or settlements without legal contract or proof of ownership. Housing legislation must be brought in line with international human rights standards, prohibiting forced evictions and ensuring “adequacy” of housing as defined in relevant international human rights standards. Even if the responsibility for implementing housing policies may have been transferred to local authorities, the central government still has to set the appropriate policy and legal framework.

We welcome the pledges and commitments already made by Romania and encourage your government to use this opportunity to further strengthen its pledges and commitments by including the additional elements listed above. We encourage your government to announce the steps it will take to fulfil its electoral pledges, whether it is successful in gaining a seat on the Council or not, and to regularly inform the Council of progress in implementing these commitments. This could, for example, be done in the form of an oral or written statement to the Council.

We would be pleased to receive your comments and responses to the issues raised in this letter.

A copy of this letter has been sent to your country’s permanent missions in Geneva and New York.

Yours sincerely,

A handwritten signature in black ink that reads "Steve Crawshaw". The signature is written in a cursive, flowing style.

Steve Crawshaw
International Advocacy Director
Amnesty International