

Mr. President,

Distinguished members of the Committee

Ladies and gentlemen,

I have the privilege to present the 3rd, 4th and 5th report on the implementation by Romania of the provisions of the International Covenant on the Economic, Cultural and Social Rights as well as the answer to the list of issues sent on the 2nd of June 2014. A quarter of century ago, the Romanian people stood up for their basic human rights, asking for the respect of the dignity inherent to any human being and for freedom. While presenting this report we are trying to honour the memory of those who sacrificed their life so that their compatriots can be free and we can talk freely about the situation of human rights in Romania, about the achievements as well as about the shortcomings.

We are aware that Romania is resuming the dialogue with the Committee after two decades of absence. This is not due to lack of political will but rather to a transition that encompassed all the sectors of Romanian society and had a profound impact on all its' components.

Mr. President,

Distinguished members of the Committee,

Romania has signed and ratified most core universal instruments on human rights.

The International Covenant on the Economic, Cultural and Social Rights was signed in 27th of June 1968 and ratified on 9th of December 1974.

Romania has also ratified essential European human rights instruments such as the European Convention of Human Rights and its additional protocols, the European Social Charter Revised, the Framework Convention on the Protection of National Minorities, the European Charter for the Protection of Regional or Minority Languages, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, Council of Europe Convention on Action against Trafficking in Human Beings and is a signatory of the Council of Europe Convention on preventing and combating violence against women and domestic violence.

As member of the European Union, Romania is bound by the provisions of the European Social law as well as to those of the Charter of Fundamental Rights of European Union.

We have to emphasise the fact that all international instruments ratified by Romania have direct applicability in the domestic law. We are ready to elaborate on this during the dialogue.

Mr. President,

The Constitution of Romania clearly stipulates that *"Romania is the common and indivisible homeland of all its citizens, without any discrimination on account of race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin"*.

In order to fulfill this lofty goal as well as the obligations incurring from the international instruments to which Romania is a contracting party, we did adopt a comprehensive legislative and institutional framework to combat the discrimination. The Romanian Ordinance of the Government adopted in 2000 has a broad definition of the discrimination that has been extended in order to cover the issues of indirect discrimination as well as the incitement to discrimination and also established the National Council for Combating Discrimination a quasi judicial body that is able to examine all the requests of the citizens who consider that were victims of acts of discrimination.

Also, during the last decade in the most important legislative reform in the last 25 years, Romania did adopt two new fundamental Codes, the Criminal Code (new Criminal Code adopted on July 17th 2009, entered into force from February 1st 2014), as well as the Civil Code (adopted in 2009 -2011, entered into force in 2014) address the issue of combating discrimination. The citizens may start civil or criminal proceedings if they consider that their rights were infringed.

Equal rights between women and men are stipulated in several legal provisions, beginning with the fundamental law, the Romanian Constitution, and in detail in Law No. 202/2002 regarding equal opportunities between women and men.

Romania guarantees the freedom of association. The right to form and to join trade unions is guaranteed by the Constitution, the national laws as well as by the Conventions to which Romania is a contracting party such as the ILO Convention 87/1948 of the International Labour Organization regarding Freedom of Association and Protection of the Right to Organise. There are virtually no restrictions for the Romanian citizens in this respect with the exception of the military staff, exceptions fully in accordance with the provisions of the human rights instruments and standards.

The trade unions are essential partners in the social dialogue, together with the Government and the employers. The dialogue takes place under the auspices of the Economic and Social Council that is a public institution of national interest, with a tripartite structure constituted in order to achieve national tripartite dialogue between employers' organizations, trade unions and government.

The right to strike is guaranteed by the Constitution and further protected by the Code of Labour and by the Act on Social Dialogue. The participation to strikes remains voluntary. The employees cannot be forced to participate or not to strikes. The Act on the Social Dialogue provides severe sanctions for the persons who try to stop the employees to participate in a strike or force them to work during a strike. These sanctions go from severe fines up to 2 years in prison.

The social protection in Romania has various forms. Its seven forms are described in the report presented by Romania. Concerning the unemployment, according to Eurostat the unemployment rate in Romania in 2013 was 7.1% of the labour force. 6,3% of women and 7,7% of men were unemployed.

The right to education is guaranteed by the Romanian Constitution and by the legislation. Article 32 of the Romanian Constitution states: "*The right to education is provided by the compulsory general education, by education in high schools and vocational schools, by higher education, as well as other forms of instruction and postgraduate improvement*".

The fourth paragraph further provides that *State education shall be free, according to the law. The State shall grant social scholarships to children or young people coming from disadvantaged families and to those institutionalized, as stipulated by the law.*

In accordance with the last changes to the Act on Education, the education in Romania is compulsory for 11 years. The respect for the autonomy of the universities is guaranteed.

Considering the risks and pressure by the economic crisis and, at the same time to further support the economic growth, the Government of Romania has adopted and implemented a series of measures likely to ensure a climate of social protection and to reduce the effect of the crisis.

Mr. President,

Romania has always been a place where people of different ethnicities lived together with the Romanian majority. After the fall of the dictatorship the persons belonging to national minorities have also regained their freedom.

One of the first measures, also enshrined in the 1991 Constitution, was to ensure the Parliamentary representation of the persons belonging to national minorities in the Parliament. Since the formation of the Constituent Assembly in 1990, the Romanian Parliament has always had the representatives of the Hungarian minority (the largest in the country, representing 19 to 21 members) and the other national minorities from the country.

The Government has a Department for Interethnic Relations, always led by representatives of national minorities (usually a representative of the Hungarian minority) that has as mission the promotion of the ethno cultural and ethnic diversity in order to consolidate the system of the protection of the rights of persons belonging to national minorities.

The Romanian legislation guarantees the rights of the persons belonging to national minorities to be educated in or thought their maternal language

Also the cultural heritage specific to minorities is protected by the Romanian authorities in different ways.

Mr. President,

Among the minorities in Romania, there is a significant Roma community. The situation of Roma needs special attention due to a complex history that included marginalization, discrimination and poverty.

Romania acknowledged it and started working on the issue. At national level, we adopted a series of strategies for the improvement of the situation of Roma and did joint the Decade for Roma inclusion as well as the various initiatives undertaken at European level.

The freedom regained by all Romanians led to the free expression of the religious or spiritual beliefs of all our citizens. Freedom of religion or belief was one of the first and most visible achievements after the fall of the dictatorship. This includes the right to express one's belief in public, to profess or not a certain religion or spiritual philosophy and to change his or her beliefs.

The state does recognize the religious organizations and is separated from them.

Monsieur le Président,

La Roumanie a toujours considéré les Droits de l'Homme comme un ensemble qui doit être exercée par chaque être humain. Pendant nos deux mandats dans le Conseil des Droits de l'Homme ainsi que par nos action dans le cadre des Nations Unies ainsi que dans les organisations régionales, nous avons toujours combattu la fausse dichotomie qui vise a opposer les divers catégories des droits.

A notre avis il y a pas de droits de premier ou second ordre et l'histoire que prétend qu'une personne affame a plus besoin de nourriture que d'un bulletin de vote est, a notre avis complètement fausse. Nous estimons qu'une personne en difficulté a besoin de deux afin de pouvoir exercer ces droits inaliénables. Il revient aux Etats de s'efforcer

d'assurer les deux. Sinon, et l'histoire plus ou moins récente l'a prouvé, les citoyens vont les prendre eux-mêmes.

Notre délégation, même si elle ne compte pas beaucoup des membres est prête à avoir un dialogue constructif avec le Comité. Nous sommes conscients du fait que l'application du Pacte par la Roumanie connaît de succès ainsi que des problèmes.

