



COMMISSIONER FOR HUMAN RIGHTS
COMMISSAIRE AUX DROITS DE L'HOMME



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Ms Lia - Olguța VASILESCU
Minister of Labour and Social Justice
of Romania

Strasbourg, 14 September 2017

Dear Minister,

Further to the latest constructive exchange that I had with the former Prime Minister Grindeanu, I take the opportunity to contact you with regard to the specific issue of monitoring the human rights of persons with disabilities living in institutions.

In the 2014 report I issued following my visit to Romania, I expressed my serious concern about the widely reported abuse suffered by persons with disabilities living in institutions, and these persons' lack of effective access to justice.

In addition, by the letter that I addressed to the former Prime Minister Grindeanu last May I called for a thorough investigation of allegations concerning serious human rights violations suffered by persons with disabilities in institutions which have been reported by expert organisations, notably the Centre for Legal Resources (CLR).

I was very concerned to learn that the visits carried out by CLR experts to institutions have ceased since 1 July due to the Romanian authorities' decision not to renew the Memorandum of Understanding that had been concluded with CLR in 2013.

I understand that the reason for this decision is the creation of an administrative authority under the supervision of the Parliament, the Monitoring Council, whose mission would be to review the national implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD). I welcome the establishment of a monitoring mechanism in line with the requirements of CRPD.

However, I have learnt that the Monitoring Council is not yet operational as questions related to its adequate staffing and material resources have not been resolved. The lack of effective monitoring puts the human rights of persons with disabilities in institutions at serious risk, and may lead to violations of CRPD and the European Convention on Human Rights. As you know, institutionalised people with disabilities are extremely vulnerable, with limited access to justice, and practically incapable of defending themselves against potential abuse.

In view of the above, I would recommend the restoration of the Memorandum of Understanding or the setting up of another form of collaboration between your authorities and CLR, which would allow the latter and other expert organisations to continue their monitoring.

I take this opportunity to reiterate the importance of close co-operation between national authorities and NGOs with extensive expertise in the protection and promotion of the human rights of persons with disabilities. Romania may only gain from making the most out of this valuable expertise.

I look forward to receiving your reply and continuing a constructive dialogue,

Yours sincerely

Nils Muižnieks