



ROMÂNIA
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**Ms. Mary Lawlor,
UN Special Rapporteur on the situation of human rights defenders**

Dear Madam,

AVOCATUL POPORULUI
REGISTRATURĂ GENERALĂ
INTRARE NR. 5450 / 16. MAR. 2021

We have received your email, dated 9 February 2021, in which you requested the People's Advocate institution to respond to a questionnaire, meant to inform the Special Rapporteur's thematic report on the long-term detention of human rights defenders, which will be presented to the UN General Assembly in September 2021.

In view of your request, we send you our submission containing the relevant information in the attached document, according to our area of competence.

With my best regards,

**Renate WEBER,
Ombudsperson**



Bucharest, 16 March 2021

Contact Details

Please provide your contact details in case we need to contact you in connection with this survey. Note that this is optional.

Type of Stakeholder (please select one)	<input type="checkbox"/> Member State <input type="checkbox"/> Observer State <input checked="" type="checkbox"/> National Human Rights Institution <input type="checkbox"/> Other (please specify)
Name of Stakeholder/ Institution (if applicable) Name of Survey Respondent	People's Advocate Institution
Email	<u>avp@avp.ro</u>
Can we attribute responses to this questionnaire to your State or Institution publicly*? *On OHCHR website, under the section of SR on the situation of human rights defenders.	Yes x No Comments (if any):

Questions

Human rights defenders are persons, who individually, or in association with others, work peacefully to promote and protect universally recognized human rights and fundamental freedoms, in accordance with the UN Declaration on Human Rights Defenders.

Defenders around the world peacefully promoting and defending human rights operate under national legal frameworks not always fully consistent with the United Nations Charter and international human rights law. In some instances, as echoed in multiple Human Rights Council and General Assembly resolutions,^[1] national legislation, in particular national security and counter-terrorism laws, or regulations on civil society and public freedoms have been misused to target defenders in a manner contrary to international law that might result in long-term arbitrary deprivation of liberty.

1) Do you know of any human rights defender(s), currently detained by your State, who have been imprisoned on charges that carry a prison sentence of at least 10 years or more? Please provide a list of cases.

Response: NO

^[1] See [A/HRC/RES/22/6](#) (2013) and [A/RES/68/181\(2014\)](#). See also: [A/HRC/RES/25/18](#) (2014), [A/HRC/RES/27/31](#) (2014), [A/HRC/RES/32/31](#) (2016) and [A/HRC/RES/34/5](#) (2017).

2) Do you know of any human rights defender(s), currently detained by your State, who have been imprisoned on continuous sentences amounting to 10 years or more? For example, a defender who completes a sentence of four years in detention but instead of being released is given another six year sentence? Please provide a list of cases or examples if possible.

Response: **NO**

3) Do you know of any human rights defender(s), whose time in pre-trial detention and/or administrative detention by your State combines with a sentence that amounts, or would amount to 10 years or more? Please provide a list of cases.

Response: **NO**

4) Do you know of any human rights defenders falling under any of the previous categories above, who were released before ending their long-term prison sentences for any reasons (e.g. granted a pardon, as a result of an appeal, or released on humanitarian or other grounds)? Please provide a list of cases.

Response: **NO**

5) What actions do you suggest the Special Rapporteur can take to:

- a) Prevent defenders from being detained for long terms in connection to their human rights work? and
- b) Have those human rights defenders arbitrarily detained under long sentences released?

Response: The People's Advocate Institution, considering its legal and constitutional mandate, cannot issue an opinion on these matters.

NOTE: When providing the list of cases/examples under each question, please include: the name of the human rights defender(s), a summary of their human rights work, history of detention (date of arrest(s), charges and conviction including articles of the relevant law(s)), a brief explanation of facts relevant to their case).