

**1. Who is "human" in the concept of modern human rights?**

A: All natural persons, regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

**2. How is carried out of the protection of a right which is not regulated in the Constitution in your legal system? What kind of balancing is done when a right uncounted in the Constitution is conflicted with a constitutional right?**

A: Rights not regulated in the Constitution can be protected by ordinary laws. However, if this is the case, their limitations, pursuant to the Constitutional Court's case law, have less stringent conditions than those set forth for the limitation of constitutional rights.

When balancing between Constitutional and non-constitutional rights, the classic, three-part proportionality test is used.

**3. Do International Human Rights Documents applied in your country represent minimum standards that are already provided or the must-reach aims? Are there any regulations in your legal system above international human rights standards? If there are, would you please explain?**

A: The Romanian Constitution enshrines that international Human Rights treaties have priority over internal laws if they are more favorable to the individual. If internal laws are more favorable in a particular case, the Constitution states that they should be applied in that case. Consequently, while International Human Rights Documents are minimum standards, sometimes they are applied directly, sometimes not, depending on the situation.

**4. In your legal system, is the jurisdiction an actor itself to move forward human rights standards? If it is, would you please explain?**

A: If by jurisdiction you mean the jurisdictional system of the Courts in general, in a way, yes. Meaning, that if we also include the Constitutional Court, the jurisdictional system is capable of defining the human rights standards on a case to case basis, and, consequently, expand the human rights protection.

**5. Are there values and issues in your country that are not covered by human rights documents but need to be protected under the concept of human rights? If your answer is yes, would you please explain?**

A: Given the multitude of human rights documents Romania is a party to, I cannot identify such values and issues.

**6. Are there such human right regulations in the legal system of your country that is protected by the constitution but contradicts social reality and justice?**

A: No, if anything, social reality and justice would need a more human rights-centric approach in order to be more effective.

**7. Are there any social realities contradicting international human rights concept based on individualism?**

A:

**8. In your legal system, are there legal mechanisms to protect human rights if fundamental rights are violated by private persons? Are these mechanisms effective?**

A: Yes, the fundamental rights are enforceable in court even against other private individuals, and these mechanisms are, by and large, effective, although not perfect.

**9. Are there groups in your country who have their own national, ethnical, religious and linguistic identities? Could you please give some information about them (especially if you feel yourself one of them)?**

A: Around 10% of the Romanian population is made up of ethnic minorities, mostly ethnic Hungarians, Romani and German ethnics. Please find more information here, although the information might not be up to date: [https://en.wikipedia.org/wiki/Minorities\\_of\\_Romania](https://en.wikipedia.org/wiki/Minorities_of_Romania)

**10. What is the definition of the notion “minority” according to your constitutional system? What is your opinion on this concept? Do you think that minority rights should be protected broadly by the constitutional level? Do you think that constitutional regulations that would broaden the rights of minorities will solve the conflicts between majorities and minorities?**

A: The Constitution does not expressly define national minorities but does grant certain specific constitutional rights to minorities as they are defined by national law standards.

This is a very good system, since it grants the most important rights at the constitutional level, thereby guaranteeing their efficiency.

Given the extent of the infra-constitutional legislation that protects minorities in Romania, I see no need to broaden the constitutional protection of minority rights.

**11. What do you think on the notion and the concept of minority rights in international law? Could the international regulations/treatments be a response to the reality and problems of the peoples in your country? In other words, do they cover the reality in your country from the view of the state and the view of peoples?**

A: I consider that the national standards for protecting minorities in Romania to be at least equivalent to the most important international and European regulations. Consequently, I think that our national legislation is better suited to cover the realities in our country.

**12. What you think is the most current human rights problem in your country?**

A: I think the most important human rights problem in Romania nowadays is that there is a lack of education on human rights issues in general. Namely, very few people know the extent of their fundamental rights, whether they come from the Constitution, or other International Human Rights instruments or the European Union legal system. One cannot respect human rights if one does not know their full extent, and this is true not only for the legal professions, but for all walks of life.