

Romania's response concerning the Resolution A/RES/70/160, adopted by the General Assembly on 17 December 2015, entitled "International Convention for the Protection of All Persons from Enforced Disappearance"

The Romanian Criminal Code provides, in its Article 439, as crime against humanity the provocation of enforced disappearance of a person.

Thus, Article 439 of the Criminal Code, entitled "Crimes against humanity", provides the following:

"(1) The act of committing, as part of a generalized or systematic attack on a civilian population, one of the following offenses:

a) killing persons;

b) subjecting a population or parts of it to living conditions of a nature that will lead to their physical destruction in whole or in part, with the goal of destroying it;

c) slavery or trafficking in human beings, especially women or children;

d) deportation or forced transfer, in violation of the general rules of international law, of persons legally located on a certain territory, by expelling them to another state or territory or by using other means of constraint;

e) torturing persons who are under the perpetrator's guard or under control in any other form, causing them to sustain physical or psychological harm, or grave physical or psychological suffering, that goes beyond the consequences of penalties accepted by international law;

f) rape or sexual assault, compelling to engage in prostitution, forced sterilization or illegal detention of a woman who was forced to become pregnant, with a goal to change a population's ethnic composition;

g) harming certain persons' physical or psychological integrity;

h) causing certain persons to go missing, by force, with a goal to deprive them of the protection of the law, for an extended period, by kidnapping, arresting or detention, on orders or authorization, support or endorsement, from a state or a political organization, followed by refusal to admit that the person is deprived of freedom or to provide genuine information on the intentions concerning them or on their location, as soon as such information is requested;

i) imprisonment or any other form of serious deprivation of freedom, in violation of the general rules of international law;

j) persecution of a specific group or community, by deprivation of fundamental human rights or by grave restriction of their exercise of those rights, on political, racial, national, ethnic, cultural, religious, or sexual grounds or based on other criteria recognized as inadmissible under international law;

k) other similar inhuman acts that cause grave suffering or physical or psychological harm, shall be punishable by life imprisonment or no less than 15 and no more than 25 years of imprisonment and a ban on the exercise of certain rights.

(2) The same penalty applies to acts stipulated in par. (1) and committed as part of an institutionalized regime of systematic oppression and domination of one racial group over another, with the goal of maintaining the existence of that regime."