



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
18 August 2010

Original: English

Committee on the Elimination of Racial Discrimination Seventy-seventh session

Summary record of the 2023rd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 10 August 2010, at 10 a.m.

Chairperson: Mr. Kemal

Contents

Consideration of reports, comments and information submitted by States parties under
article 9 of the Convention (*continued*)

Sixteenth to nineteenth periodic reports of Romania (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10:05 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Sixteenth to nineteenth periodic reports of Romania (CERD/C/ROU/16-19; CERD/C/ROU/Q/16-19; HRI/CORE/1/Add.13/Rev.1) (*continued*)

1. *At the invitation of the Chairperson, the delegation of Romania took places at the Committee table.*
2. **Mr. Peter** noted that the periodic report (paras. 377–388) devoted considerable attention to racial discrimination in football. The Romanian authorities might be interested in the anti-racism messages which had been disseminated before matches at the recent World Cup football tournament in South Africa. Racist incidents at football matches had been widely reported on the Internet. He asked for more details about the kinds of discrimination which took place, the type of racist abuse which was used and the groups against which it was directed. The alternative report submitted by the Roma Centre for Social Interventions and Studies and Roma Civic Alliance of Romania (Romani CRISS) stated that the organization had filed a complaint with the Prosecutor’s Office about events of a “fascist and racist character” at a football match in April 2009: what had been the outcome of that complaint?
3. He also asked what action was being taken to increase awareness in society of the unacceptability of racial discrimination in employment matters. People were apparently still not ashamed to post a job advertisement stating openly that Roma need not apply.
4. **Mr. Thornberry** asked what was being done to coordinate the many ambitious anti-discrimination plans and strategies. Was there a system of feedback, monitoring and review for evaluating results?
5. The periodic report referred to concepts such as “glorification of those guilty of committing crimes against peace and humanity” (para. 190). What definition was used for such crimes – was it a generally accepted international definition, or some other?
6. The section of the report dealing with article 4 of the Convention (promotion of and incitement to racial hatred – paras. 187–213) contained a great deal of information about action to combat hate speech. As far as he was aware, however, Romania had not yet acceded to the Additional Protocol to the Convention on cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems. Moreover, the lengthy section of the report dealing with article 5 of the Convention (paras. 214–397) did not mention any measures to protect the right to freedom of expression, which was a necessary counterbalance to potentially over-zealous action under article 4, as the text of the Convention itself made clear.
7. In relation to the section of the report dealing with article 3 of the Convention (paras. 179–186), he recalled that cases of segregation of Roma children in separate school classes had been brought before the European Court of Human Rights. However, there seemed to be no attempt to establish the perceived justification for such measures: in many cases, while non-Roma parents did not want their children to attend school with Roma children, Roma parents also did not wish their children to enter the State school system, as they did not like the education provided or the setting in which it took place. He would like to know what the experience of school was like for a Roma child. Were the ethos of the school and the attitude of the staff encouraging? Was the atmosphere friendly, and was the school equipped to meet the child’s needs? Was the curriculum suitable, especially in respect of language-learning? Merely banning segregation would not achieve results unless both Roma and non-Roma families believed that mixed schooling would provide the

education they wanted for their children. The recommendations on education of the United Nations Forum on Minority Issues dealt with the issue of segregation, but it was difficult to reconcile the various principles at stake.

8. **Mr. Asztales** (Romania), responding to members' questions, welcomed the large volume of material submitted by non-governmental organizations (NGOs) which, after all, shared the same human rights goals as the Government, even if they pursued them in a different way.

9. The Committee had asked about the impact of the global economic crisis, especially on vulnerable groups. Public-sector jobs had been reduced, and there had been a 25 per cent cut in wages. However, the minimum monthly income, pensions, unemployment benefits and vocational training for unemployed people had been maintained. The number of places for Roma students in schools and universities had actually increased.

10. Turning to the dissemination of the Convention at national level, he said that, over the previous 10 years, the Government had concentrated its efforts on raising awareness of European Union legislation. Its experience of implementing the Convention had helped it in that task, and it was now disseminating the Convention alongside European Union legislation.

11. Regarding the competence of the various institutions concerned with human rights and the coordination of their activities, he said that the functions of the various institutions were defined by law and any conflicts resolved in the courts. The National Council for Combating Discrimination was responsible for dealing with all acts of discrimination, on any grounds. However, pursuant to European Union directives, any discriminatory remarks broadcast on television or radio were dealt with by a dedicated audio-visual council. The individual who had made the remarks was penalized, rather than the broadcaster. The various institutions had concluded collaboration agreements, and had organized training for judges, teachers, law enforcement officials and other public servants.

12. Evaluations of national strategies in various fields were conducted. The National Strategy for Improving the Situation of the Roma would shortly be replaced by a new strategy more suited to the prevailing situation.

13. Pursuant to European Union-wide regulations, the specialized human rights institution, the National Council for Combating Discrimination, had its own budget, under the control of himself, its President. Members of the Steering Committee were nominated in an open competition in which candidates had to defend their nomination in public. Successful candidates were formally elected by Parliament for a five-year term. NGOs were free to nominate their own candidates or contest the nominations of others. Currently, the Steering Committee consisted of nine members, two of whom were Roma and two Hungarian, and two members had previously been NGO activists. He himself had just been re-elected for a second five-year term as President. The circumstances in which a member of the Steering Committee could be dismissed were officially defined, although it had never happened in practice. Another proof of the National Council's independence was the fact that most of the cases it brought were upheld by the courts. Indeed, it had lodged a complaint against the President of Romania which had been upheld by the Supreme Court.

14. Cases of Roma being denied access to nightclubs or public spaces had occurred most frequently a few years before. Human rights organizations had monitored all such occurrences, prosecuted those responsible and demanded compensation, and the problem had now become less serious.

15. Acts of multiple discrimination were dealt with more severely under domestic law. They mostly involved discrimination on the grounds of nationality, gender or age. Discriminatory job advertisements were generally posted on the Internet rather than in the

press or other media: in those cases, it was relatively easy to identify the owner of the website, who was responsible for removing the discriminatory material. Roma women were subjected to discrimination both within their own community, by having limited access to education, for example, and outside.

16. Romania had, in fact, ratified the Additional Protocol to the Convention on cybercrime. In addition, the draft law implementing the new Criminal Code covered many aspects of cybercrime, including the distribution of material justifying acts of genocide or crimes against humanity, as defined by courts established under international instruments.

17. **Mr. Attila** (Romania), acknowledging that various problems with the country's previous census had led to incomplete information, for example on the number of Roma, outlined the measures taken to improve matters in preparation for the 2010 census. For the first time, respondents would have the opportunity to identify themselves as belonging to more than one ethnic group. New instructions had been issued for the staff involved, and members of various ethnic groups and communities had been recruited to assist with data collection. Although it would be impossible to obtain exact figures for the country's ethnic make-up, particularly as some people still feared to declare their ethnic identity, it was hoped that a much clearer picture would emerge. He explained that the reference in paragraph 6 of the periodic report to "Ukrainians, including Ruthenians" was an unfortunate error: the two communities were distinct, with their own organizations, representation in parliament, etc.

18. As a result of the 2008 election, there were 9 senators and 22 deputies representing the Hungarian community, and 18 deputies representing other minorities. In addition to the deputy representing the Roma party, many others were of declared or undeclared Roma origin. At local level, more than 2,000 councillors belonged to the Hungarian community, with other minorities also well represented. Some minority groups, including the Hungarians and Roma, were represented by more than one organization on local and county councils. Such flexibility benefited local democracy.

19. The 2003 revision of the Constitution had provided for Romanian citizens belonging to national minorities to express themselves in their mother tongue in any court of law, although specific procedures differed between the civil and criminal branches. Lack of qualified interpreters was still a problem, but additional training would help to ensure that provision could be made for all relevant languages. Romania would soon submit its first periodical report following ratification of the European Charter for Regional or Minority Languages in 2007. He had advocated inclusion of the Roma language under part III of the Charter but, for the purposes of the Charter, it was not considered a territorial language. It would be interesting to see how the situation developed. In terms of minority language media, negotiations had been under way for a year to launch a multi-ethnic public radio station broadcasting in minority languages only. Agreement had been reached in principle, but some technical details had yet to be finalized.

20. Autonomy, while not directly covered by the Convention, was an important issue. Previous problems in areas with Hungarian majorities or large Hungarian minorities could be ascribed in part to serious underrepresentation. In 2004, Hungarians had comprised 75 per cent of the population of Covasna County but had accounted for only 15 per cent of those in public office at county level. By 2010, representation had risen to 55 per cent, helped by the presence of a Hungarian political party within the Government, although more remained to be done. Autonomy could only be achieved by bringing decision-making closer to communities. Decentralization was being introduced in various fields, such as health and education, to ensure local involvement. A bill on minorities, containing provisions on cultural autonomy for various minorities, had been presented to parliament but had yet to be debated.

21. From his personal experience of working in the field of minorities and human rights, he had seen significant, if gradual, changes in his country over the last 15 years, although new issues were constantly arising. By focusing on outreach to children and young people, the Department for Interethnic Relations hoped to create a new generation that would continue the progress made. He expressed the view that the European Union should be more open to minority issues. In particular, it should recognize that the matter concerned both member States and non-member States. The distinction between “traditional” and “new” minorities should be clarified and the special case of the Roma people should be acknowledged.

22. **Mr. Asztalos** (Romania) underlined the fact that members of national minorities would be involved in preparing the November 2010 census at local and national level.

23. **Ms. Cajal** (Romania) said that progress had been made on anti-Semitism and xenophobia over the previous decade. The International Commission on the Holocaust in Romania, established in 2003, had submitted its final report in 2004, confirming that the Romanian Holocaust had taken place. The report had been published and disseminated, including in schools, and in 2005 the Elie Wiesel National Institute for the Study of the Holocaust in Romania had been created. Each year some 40 teachers attended courses at the Yad Vashem Holocaust Memorial Museum, Jerusalem, and a school textbook on the subject had been introduced into the high school curriculum. In October 2009, a monument to Roma and Jewish victims of the Holocaust in Romania, the only such joint monument in Europe, had been unveiled.

24. **Mr. Dincă** (Romania) described the system of health mediators, established by the Ministry of Health in collaboration with NGOs. Mediators liaised between health providers and communities to help improve population health, particularly among groups with low socio-economic status and in rural areas. The number of health mediators and the extent of the programme’s coverage had increased significantly between 2002 and 2009. There were around 400 health mediators from Roma communities.

25. Romania had joined eight other States in its region to celebrate the Decade of Roma Inclusion 2005–2015, promoting active policies for the social inclusion of Roma in education, health, employment and housing in order to fight poverty, discrimination and gender inequality. With a view to reducing the socio-economic gap between Roma and other citizens, the Government had prepared an action plan, and progress had been made. The Decade initiative was supported by various international organizations and Roma NGOs, who participated in all implementation phases. It was hoped that the Decade would form the base for European public policy on the issue. He expressed the view that conflict between Roma and other communities in Romania was generally restricted to isolated cases and was unlikely to result in the kind of inter-ethnic violence seen in countries such as Rwanda. With regard to the 1993 Hădăreni conflict, a new action plan was under development, efforts had been made to restore victims’ housing, and funds had been set aside for the creation of an association to promote income generation. Around 40 per cent of the staff of the National Agency for Roma, which aimed to attract, motivate and coordinate Roma graduates, were ethnic Roma.

26. **Mr. Asztalos** (Romania) added that the Roma community, including NGOs and political parties, had been consulted in appointing Mr. Dincă as President of the Agency.

27. **Mr. Rotundu** (Romania) said that the responsible Ministry had consulted various organizations, including Roma NGOs, in preparing the State party’s current periodic report and report under the universal periodic review, which had both been drafted as part of the same process. Since 1999, the unprecedented reforms in conjunction with accession to the European Union had delayed the submission of reports to United Nations bodies, but the process was back on track. The periodic report under consideration and the Committee’s

concluding observations would be publicized through the website of the National Council for Combating Discrimination.

28. Romanian legislation contained specific provisions on incitement to ethnic, racial or religious hatred, along with incitement to discrimination. The current and draft Criminal Codes classified discrimination as an offence.

29. **Mr. Asztalos** (Romania) said that racial motivation was considered an aggravating factor in criminal offences.

30. **Mr. Domokos** (Romania) said that all instances of segregation in schools, particularly against Roma children, were punished by the National Council for Combating Discrimination. The Ministry of Education had issued regulations to prevent segregation and every effort would be made to ensure that all educational establishments complied with them. The regulations had been widely publicized and progress had been achieved. With a view to eliminating discrimination against Roma and other ethnic minority children, the Ministry had taken steps to promote mother-tongue teaching methods in schools and preschools.

31. **Mr. Asztalos** (Romania) explained that, in addition to imposing penalties for segregation, the process was being monitored. If cases came to light during a school year, solutions to eliminate it were prepared for the following year. Prevention measures were also taken before the start of a new school year, including training in desegregation and anti-segregation provisions for teachers. In line with the jurisprudence of Romania and the European Court of Human Rights, placing Roma children in special schools constituted discrimination. The Government was dealing with the issue seriously, as education for Roma children was a priority in order to improve their living conditions.

32. **Ms. Dimitriu** (Romania) said that a verification and cooperation mechanism had been introduced to improve judicial reform and fight corruption. The reform process had been accelerated and an institutional and legal framework to combat corruption had been established. The competent authorities had instituted legal proceedings in a number of cases, including at high levels of public office. The National Integrity Agency continued to function, despite the fact that its constitution had been challenged through the courts, prompting censure from the European Commission. The Government was determined to rectify the situation and a special sitting of parliament would be held in August 2010 to agree action to strengthen and stabilize the fragile legal and institutional framework in that area.

33. **Ms. Palaghie** (Romania) said that stateless persons and foreign citizens enjoyed the general protection of persons and assets guaranteed by the Constitution and other laws. Romania had ratified the 1954 Convention relating to the Status of Stateless Persons. Under an emergency Government order issued in 2002, foreigners and stateless persons with the right to permanent residence within the European Union were entitled to remain in Romania for 90 days without obtaining an entry visa.

34. The incidents in Sanmartin could not be described as an inter-ethnic conflict between the local Roma and ethnic Hungarians but rather as a manifestation of tensions in the community. Thanks to the rapid intervention of the police and gendarmerie there had been no casualties. A meeting at the Harghita Council Prefecture on “The escalation of inter-ethnic violence in Harghita County – a European tendency?” had been attended by representatives of the Prefecture, the General Inspectorate of the Romanian Police, the County Police Inspectorate, the County Gendarmerie Inspectorate, the National Council for Combating Discrimination and NGO defenders of Roma rights. The meeting had thoroughly analysed the events with a view to preventing inter-ethnic tension.

35. Human rights formed part of both initial and in-service training courses for the police and gendarmerie. Steps were being taken to implement the principle of community policing. Special places were reserved for members of the Roma community in the Police Academy. The Ministry of Administration and the Interior also organized human rights training courses for the police. Emphasis was placed on non-discrimination, prevention of torture and ill-treatment, and investigation of cases of racism, xenophobia and other forms of intolerance.

36. The Ministry had also created a mechanism whereby criminal or administrative investigations were conducted into complaints regarding torture, ill-treatment or other human rights violations submitted by national or international NGOs. If members of the Ministry's staff were found to have committed such acts, appropriate criminal, administrative or disciplinary action was taken. Police personnel working in detention centres received training in relevant legal provisions and regulations aimed at ensuring respect for human dignity and the physical integrity of persons deprived of their freedom. The police also checked all complaints and reports of violations of fundamental rights and freedoms or of ethical standards and proposed appropriate disciplinary measures. If a police officer was found to have committed a criminal offence, the details were forwarded to the relevant public prosecutor's office or court.

37. Law No. 360/2002 on the status of police officers prohibited the use of force by the police in circumstances other than those prescribed by law. Physical or mental suffering could not be used to obtain information or confessions, to inflict punishment for acts committed or allegedly committed, or to intimidate or bring pressure to bear on a person or a third party.

38. Regulation No. 112/20 of the General Inspectorate of the Romanian Police on the use of force and equipment by police personnel required the police to respect legal and constitutional rights, and the principles of the presumption of innocence, proportionality of the use of force, minimum risk, impartiality and non-discrimination. They were further required to protect the life, health and physical integrity of persons in their custody and to use the means and procedures for immobilization and self-defence prescribed by law only if the situation so required.

39. During the period 2008–2009, some 2,200 complaints alleging abuse and ill-treatment by the police had been filed. To date 368 complaints had been partially or totally upheld and 1,505 had not. During the first few months of 2010 a total of 51 complaints had been lodged, of which 41 had been upheld.

40. Although there had been isolated cases of forced evictions, the measures taken had not involved violence or discrimination of any kind. The local authorities were trying to improve the living standards of vulnerable groups, including Roma, in coordination with local prefectures and NGOs representing the Roma community.

41. Housing Law No. 114/1996 contained general provisions concerning the administration and use of dwellings on the basis of the principle of free and unlimited access. It created a legal framework for the construction of and access to social housing for low-income individuals and families, and for the provision of temporary accommodation for individuals or families who had been rendered homeless by natural or manmade disasters or by the demolition of their homes due to public utility projects.

42. Provision had also been made for income-generating activities and the development of social enterprises in low-income and isolated communities which created employment opportunities for young people.

43. In addition to the provision of social housing, steps were being taken to consolidate or renovate existing houses belonging to Roma minorities. The local authorities identified

alternative housing for people who were living in homes that they did not own, or provided them with land and construction materials to build their own homes. For instance, a local prefecture had recently arranged for a Roma family to build a house on a plot of land whose owner had agreed to a land swap.

44. **Mr. Asztalos** (Romania) said that the Ministry of Administration and the Interior currently employed 71 persons of Roma ethnicity.

45. **Ms. Croitoru** (Romania) said that ethnographic research, a seminar and a study on multiple discrimination had been undertaken during the European Year of Equal Opportunities for All (2007). The main conclusion reached was that Roma women, poor women and women with disabilities faced a higher risk of multiple discrimination in access to public facilities, relations with local authorities and access to education and health care. Almost 35 per cent of the population, particularly women, persons over 30 years of age and members of the Roma community, were unaware of the existence of a legislative framework providing for the punishment of discrimination.

46. A total of 1,109 members of the Roma community had benefited from free vocational training services in 2008, and 714 had graduated; the corresponding figures for 2009 were 775 and 508; during the current year, 164 persons were attending vocational training courses. The National Agency for Employment sought to improve Roma access to the labour market by running special programmes for communities with a large number of Roma, holding special employment fairs, organizing employment caravans in the Roma community and developing partnerships with the National Agency for Roma. As a result, the National Agency for Employment had employed 7,735 Roma in 2009 and 7,479 as at 13 June 2010.

47. The National Agency for Roma ran three major projects. The “Together on the Labour Market” project had set an employment target of 7,770 for the 16 to 65 age group. A second project entitled “National Network of Local Roma Experts” was designed to promote social inclusion. It was being implemented in collaboration with the National Agency for Public Service. The aim of the third project, “Together for a Better Life”, was to increase the participation of vulnerable groups in the labour market by means of vocational training and to promote the social inclusion of Roma. The target groups were 1,000 Roma, 100 persons with minimum income and 200 people with disabilities; 50 per cent were women and 15 per cent were between the ages of 55 and 64.

48. **Mr. Asztalos** (Romania) said that the labour caravans run by the National Agency for Roma in partnership with Ministry of Labour had been launched in 2003. Job markets had been organized each year to facilitate the employment of ethnic Roma. They also provided Roma job-seekers with the opportunity to ascertain the requirements for obtaining employment. The employment figures resulting from the job markets were: 1,523 in 2003; 2,257 in 2004; 1,129 in 2005; 1,116 in 2006; and 1,187 in 2007.

49. **Mr. Serban** (Romania) said that the first stage of the activities of the National Cultural Centre for the Roma had lasted from 2003 to 2007 and involved the forging of partnerships and the development of cultural projects: 18 music, dance and drama festivals; 1 research project; 7 traditional craft fairs; 2 visual arts exhibitions; and 5 conferences, round tables, and anniversary and commemoration events. Since 2008 the Centre’s activities had been based on five programmes: vocational training; research and development; museum activities and exhibitions; performing arts; and intercultural dialogue. The main objectives were: to analyse cultural consumption patterns in Roma communities; to further partnerships with private and public entities with similar goals; to create a network of Roma NGOs; to enhance the Centre’s visibility; to develop intercultural dialogue with the majority population and other national minorities; to create a diversified supply of cultural programmes; to maximize the efficiency of human rights management;

and to ensure more effective use of budgetary funds. The following projects had been implemented during the period from 2008 to 2010: 3 vocational training projects; 5 research and development projects; 23 festivals and shows; 9 conferences, anniversaries, commemorations and communication sessions; 10 traditional Roma craft fairs; 6 museum activities and exhibitions; 2 contests; and 1 project involving sponsorship for cultural and educational activities for Roma children.

50. **Mr. Asztalos** (Romania) said that action to prevent discrimination against the Roma, Jewish and Hungarian communities in football had first been taken in 2003 and 2004. The Romanian Football Federation had initially resisted pressure to apply the regulations but had relented after the Union of European Football Associations (UEFA) had been alerted to the problem. Football clubs were now fully aware of the issue. When seeking a licence from the Federation, they were required to prove that they outlawed racism and complied with the principle of non-discrimination. They could obtain a certificate to that effect from the National Council for Combating Discrimination. Football club owners had been sanctioned for engaging in hate speech against the Roma community or Hungarians. For instance, UEFA had taken action against Steaua Bucharest for using anti-Hungarian slogans in a match against a Hungarian team.

51. A balance must be struck between the right to freedom of expression and the principle of non-discrimination. Romanian domestic law stipulated that the principle of non-discrimination could not be invoked to restrict the right to freedom of expression and opinion and the right to information. Cases were carefully analysed in the light of the jurisprudence of the European Court of Human Rights. Debates on sensitive issues were conducted in the media but hate speech was not tolerated. Discriminatory articles in the press were publicly condemned and, if appropriate, their authors were prosecuted. Training was provided in coordination with the main journalists' association and the mass media had been persuaded to introduce regulations based on the principle of non-discrimination. For instance, the owners of newspaper websites prohibited discriminatory comments by persons accessing the sites.

52. He confirmed that the National Council for Combating Discrimination could report offences to the relevant public prosecutor's office, provided that the aggrieved party had submitted a complaint. In civil cases the court summoned the National Council and asked it to make known its official position regarding discriminatory acts.

53. NGOs publicly condemned hate speech and inflammatory statements. They filed complaints with the National Council and in most cases applied for compensation for the victims. Unfortunately politicians and public officials were less likely to denounce hate speech. He agreed that they should be encouraged to do so in the future.

54. Hostility to the Roma was a sensitive issue because of persistent negative perceptions of the community. Political correctness was, in his view, an inadequate response since it might simply be exploited to divert attention from the real problems that existed. It was preferable to explain clearly to the majority community what was meant by affirmative action in order to counteract feelings of resentment and negative attitudes. The treatment of the Roma minority had become a political issue throughout Europe. Media and electoral propaganda often had an adverse impact on efforts to improve their status.

55. **Mr. Thornberry** said that special schools played a valuable role in supporting children with disabilities and should not be rejected out of hand. Of course, the assignment of pupils to such schools should not be based on racial stereotyping but on a strict testing process. However, even tests performed by reputable psychologists were sometimes tainted by in-built cultural assumptions. He asked whether testing procedures were carried out by persons who were familiar with the cultural background of the pupils concerned and whether Roma personnel were involved. It was certainly difficult to draw the line between

discrimination and the child's best interests. While the imposition of a ban on segregation might be an essential first step, it failed to address the causes. He therefore asked whether the State party's assessment of the ban on segregation simply monitored its progress or whether it also included an assessment of the causes.

56. Paragraph 188 of the report listed diverse types of behaviour that were sanctioned as discrimination, such as public behaviour with a nationalistic-chauvinist character, incitement to racial or national hatred or behaviour aiming to prejudice a person's dignity. They were called contraventions unless the act fell "under the incidence of criminal law". He asked the delegation to clarify that comment.

57. He commended the State party for forcefully addressing hate speech while seeking to respect freedom of expression.

58. **Mr. Kut** said that he would appreciate more information as to how the State party set about striking a balance between hate speech and freedom of expression in the media. It was sometimes difficult to decide where the balance lay and caution should be exercised to avoid the many pitfalls.

59. He asked whether the State party screened school textbooks regularly to remove all traces of stereotyping of minority groups and to replace them by positive messages about the value of tolerance and non-discrimination.

60. **Mr. Asztalos** (Romania) said that testing was carried out by committees composed of medical professionals and social workers. The latter had a good knowledge of the cultures of different minority groups. The Government was in the process of re-evaluating the cases of all children currently placed in special schools. However, many parents of children who were assessed as able to attend mainstream schools had requested that their children continue attending special schools because those schools provided welfare benefits for the children.

61. When addressing issues of segregation, the Government's aim was not to punish anyone, but to resolve complaints and foster good community relations. Mediation was always the starting point in segregation cases; once teachers realized what segregation meant and that it amounted to discrimination, they were often the ones who proposed good solutions.

62. In all cases involving discrimination, it was necessary to ascertain the level of danger for society. If a case could prove truly damaging, the prosecutor's office was asked to evaluate it and decide whether a criminal act had been committed. Other cases were considered contraventions and punished by fines, as detailed in paragraph 188 of the report.

63. The balance between freedom of expression and non-discrimination was sought on a case-by-case basis. Statements that were found to be discriminatory were publicly condemned; no fines or other sanctions were applied. Since surveys had clearly demonstrated that the majority of the Romanian public had a negative perception of the Roma, hate speech against that minority was not tolerated. The Government was particularly vigilant given the context of the current economic crisis.

64. Schools used textbooks that provided information on the history of national minorities and students were taught about all the country's different communities. Emphasis was placed on ensuring that children from different national minorities mixed so that they could learn about each others' cultures.

65. **Mr. Ewomsan** asked whether the State party was aware of the reasons for the public's negative perception of the Roma community. He would also be interested to learn how the rest of the Romanian public reacted to cases of ill-treatment or racial discrimination against Romanian Roma in other European Union member States.

66. **Mr. Attila** (Romania) said that the root of the problem appeared to be the public's tendency to make generalizations. If one member of the Roma community was convicted of a crime, people assumed that all Roma were criminals. Efforts were made to tackle discrimination against the Roma in partnership with other States, including Hungary, with which the Government would hold a joint meeting in the near future.

67. **Mr. Lahiri** asked whether any steps had been taken in the State party to punish those who disseminated hate speech against the Roma on the Internet. It would be useful to know whether public support for the Greater Romania Party had increased or decreased since its extraordinary popularity in the 2000 presidential elections. He would appreciate clarification of whether extremist right-wing elements had joined forces with similar groups to form a caucus in the European Parliament. He wished to know why the majority of the complaints received by the National Council for Combating Discrimination came from NGOs rather than individuals.

68. **Mr. Asztalos** (Romania) said that in 2009, 20 cases of cybercrime involving discrimination had been investigated. He would provide the Committee with written information on the results of those investigations. In 2008, there had been six such cases, two of which had resulted in convictions. In 2007, nine such cases had gone to court.

69. Despite winning over 20 per cent of the votes in 2000, the Greater Romania Party had not received sufficient votes to be represented in the Romanian Parliament in 2008. The leader of the party was, however, a member of the European Parliament. The Greater Romania Party had formed part of the Identity, Tradition, Sovereignty group in the European Parliament, which had indeed been composed of European extremist movements. The group had been dissolved in 2007.

70. Most of the complaints received by the National Council for Combating Discrimination concerned the Roma community, which had a good NGO network. Legislation recognized NGOs' right to represent that community before specialist bodies and courts. That explained the high number of complaints received from NGOs. However, some complaints were brought directly by individuals. An NGO or other association usually took up the case once it had been presented to the Council. The procedures of the National Council for Combating Discrimination and those of the courts were free of charge. In addition, reversal of the burden of proof was recognized in Romanian legislation and was a useful tool in combating discrimination.

71. **Mr. de Gouttes** (Country Rapporteur) asked what position the Government took on so-called "testing" of access to public places, whether the practice was used in the State party and if it was considered to be in line with the standards of evidence. With reference to the reluctance of some Roma parents to send their children to mainstream schools, he asked how the State party encouraged minority groups to integrate into society and how it reconciled the need for social integration with respect for traditions and customs that were not always acceptable to the majority of the population.

72. **Mr. Asztalos** (Romania) said that testing was admissible under Romanian legislation. The practice was used in conjunction with NGOs or television companies that filmed evidence of discrimination against the Roma. A documentary film had been produced as a result of those partnerships, which the Government had broadcast in order to raise public awareness of discrimination against the Roma.

73. The Government and public institutions worked with Roma NGOs to try to persuade Roma parents of the benefits of allowing their children to attend mainstream schools. Affirmative action was taken in cases where families required social assistance. In recent years, Roma parents had shown increased awareness of the importance of sending their children, particularly girls, to school. Programmes were run for children who had missed

school years and for parents who had not attended school. Efforts were also being made to combat the general public's perception that the Roma did not wish to attend school.

74. **Mr. Murillo Martínez** requested additional information on the steps taken to ensure that the public regarded affirmative action for the Roma as legitimate, including the results of any relevant opinion surveys.

75. **Mr. Asztalos** (Romania) said that the National Council for Combating Discrimination conducted annual surveys in the field of discrimination, which provided data that could be analysed to reveal shifts in perception. The majority of the population accepted anti-racism messages in sport, owing to the popularity of sport, particularly football. Many football players were of Roma origin or from other minority groups. Players were involved in the anti-racism campaign, providing positive role models for children.

76. **Ms. Crickley** commended the State party's efforts to decentralize anti-racism initiatives. However, she would welcome additional information on the specific measures that would be taken to tackle discrimination, given that it often remained explicit at the local level. She wished to know whether discrimination and segregation would be explicitly prohibited in the State party's new legislation on education and housing. While welcoming the State party's concern to create the conditions for integration in education, she asked how the Government planned to provide education that did not deny identity. What steps were being taken to address structural discrimination against the Hungarian minority and how would the Government ensure that the integrity and identity of that group was maintained?

77. **Mr. de Gouttes** (Country Rapporteur) commended the delegation for its frank replies and thorough explanation of the State party's strategies to combat discrimination. The Committee's concluding observations and recommendations would focus on the national minorities and the Roma community. The Government should refer to the Committee's general recommendation No. 27 on discrimination against Roma.

78. While appreciating the measures the State party had taken, the Committee would welcome additional data from the forthcoming census on the exact number of Roma and members of national minorities. Information should also be provided on the bill on minorities that was currently before Parliament, and the practical effect on the ground of the Government's strategies, particularly given the efforts towards decentralization. The Committee would also like to receive information on the effects the economic crisis and the Government's austerity plan were having on the most vulnerable groups in society. It would be interesting to learn whether the National Council for Combating Discrimination was in full conformity with the Paris Principles.

79. The Committee would follow the progress of the reform of the Criminal Code, and would be particularly interested to see whether it resulted in prohibition of all the offences under article 4 of the Convention. Further details would be welcome on follow-up to measures taken to prevent ill-treatment by the security forces, racial profiling, and acts of discrimination within the police and the judiciary. The Government should refer in that regard to the Committee's general recommendation No. 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice system. The next periodic report should include information on racial discrimination in the media, political speeches, and sport. It should also provide additional details on complaints, prosecutions and court convictions in cases involving racial discrimination. Lastly, the Committee would welcome information on training provided to teachers and all public officials on human rights and inter-ethnic and interracial understanding.

80. **Mr. Asztalos** (Romania) said that his delegation appreciated the different approaches to tackling racial discrimination that the Committee members had highlighted. The dialogue had been open and frank, reflecting the shift in attitude that had taken place in

his country. He thanked the NGOs for their alternative reports and assured them of his Government's willingness to work in partnership with them.

The meeting rose at 1 p.m.