



No. 1943

The Permanent Mission of Romania to the United Nations Office in Geneva and Other International Organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights (OHCHR) - Anti-Discrimination Unit and, following its Note Verbale no. 490 of 14 March 2008, has the honour to refer to the contribution of the Government of Romania to the „Report of the Human Rights Council on the preparations for the Durban Review Conference”, adopted by the General Assembly on 20 November 2007, as reflected in the responses to the OHCHR Questionnaire.

The Permanent Mission of Romania to the United Nations Office in Geneva has the honour to submit to the OHCHR - Anti-Discrimination Unit, a **revised version** of the responses provided by the Government of Romania to the OHCHR Questionnaire, on policies and measures undertaken to implement the Durban Declaration and Plan of Action. The supplementary information is marked in bold. The Permanent Mission of Romania would like to kindly request the OHCHR – Anti-Discrimination Unit to make the updated contribution of Romania to Durban Review Conference available to all interested parties.

The Permanent Mission of Romania to the United Nations Office in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights - Anti-Discrimination Unit its highest consideration.

Geneva, 7 October 2008



**The Office of United Nations High Commissioner for Human Rights
Anti-Discrimination Unit**

In Town

OHCHR REGISTRY

10 OCT. 2008

Recipients :.....ADM.....

*alacuetz, registered
on 10.10.08
.....*

6 Chemin de la Perrière, 1223 Cologny - Genève
Tel: +41 (0)22. 752.10.90 Fax: + 41 (0)22. 752.29.76
e-mail : mission.romania@romaniaunog.org

Question 1: Can you assess the implementation of the Durban Declaration and Programme of Action in your country?

Romania has made considerable efforts in order to translate into practice the Durban Declaration and Programme of Action, especially in the field of prevention and combating racial discrimination.

These efforts materialized, on the one hand, in the adoption of a comprehensive and coherent legislative framework, and, on the other hand, in the establishment of several institutions with competences in combating racism, racial discrimination, xenophobia and any other forms of intolerance.

A series of strategies and public policies have been developed and implemented in order to promote diversity and equal opportunities, as well as to prevent and combat any form of discrimination, poverty and marginalization. These strategies contain specific measures for disadvantaged or vulnerable groups, including positive actions (further addressed in responses to question 3).

Romania has made important steps in the process of implementation of Durban Declaration and Programme of Action, by creating a functional anti-discrimination legal and institutional framework. DDPA offered a generous framework of action, helping us better organise and prioritize our activities in this field. As any other country, Romania is not free of cases of racial discrimination, racism or xenophobia and will continue to work on the basis of DDPA. The 2009 Review Conference will provide the opportunity to share good practices in the fight against discrimination.

Question 2: Can you assess contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance as well as initiatives in this regard with a view to eliminating them in your country?

According to Romanian legislation, discrimination is prohibited under all its forms. The victim of discrimination can resort, for legal protection and remedy, to a vast network of judicial, quasi-judicial and other institutions.

At present, we consider that, in Romania, racism and racial discrimination do not represent a phenomenon in itself. There have been isolated manifestations of this kind in certain sports events (football games). Also, there still exists discriminatory treatment and an attitude of intolerance towards members of Roma minority.

Any person can file a complaint to the National Council for Combating Discrimination (NCCD) or to the Ombudsman. Cases of discrimination based on ethnicity hold a significant share in the statistics of the National Council for Combating Discrimination (a similar trend is registered in the Ombudsman's statistics).

For instance, the situation of complaints filed to the National Council for Combating Discrimination in the period 2002-2007 having as object alleged acts of discrimination against persons belonging to the Roma minority is as follows: 25% out of 473 complaints, in 2002, 13% out of 353 complaints, in 2004, 24% out of 382 complaints, in 2005, 16% out of 432 complaints, in 2006 and 10% out of 836 complaints, in 2007. They cover cases in different fields of activity.

Other more frequent discriminatory criteria are social status, beliefs, gender, sexual orientation, nationality, age, disability. Race is not included in this category (the number

of complaints received by NCCD during 2003-2007 which related to discrimination based on race is 5. Two administrative sanctions were applied for race-related violations of anti-discrimination provisions).

In all discrimination cases, the victims are entitled to claim for damages in Court, proportionally to the damage caused, as well as for the restoration of the situation prior to discrimination act or to the cessation of the situation created by discrimination, in accordance with the common law. The claim for damages is exempted from judicial taxes and is not conditioned by any decision by the National Council for Combating Discrimination.

The burden of proof has been reversed in discrimination cases. It is for the respondent to prove that the facts do not constitute discrimination. Any proof can be brought before the Court, including video and audio evidence or statistic data.

Upon request, the Court may order that license of operating be withdrawn, by the competent authorities, from the legal entities which significantly prejudice the community by means of a discriminatory action or which repeatedly violated the anti-discrimination law.

Human rights non-governmental organisations can appear in Court as parties in discrimination cases, pertaining to their field of activity and where a prejudice is caused to a community or a group of persons.

Beginning with 2006, in discrimination cases, the due process takes place in the presence of a representative of the National Council for Combating Discrimination, summoned to be present in his/her expert capacity. The cases in which the NCCD was summoned by Court, to be present reached the number of 160, in 2006, 2325, in 2007 and 940, in the first semester of 2008.

At the same time, between 2006 and 2008, NCCD was party to a number of trials (appeals against the NCCD decisions or cases involving NCCD competencies) as follows: in 2006, 46 trials (36 – ruled in favour of NCCD; 3 – ruled against NCCD); in 2007, 97 trials (62 - ruled in favour of NCCD; 8 – ruled against); in 2008, 15 trials (first semester).

Question 3: Please identify concrete measures and initiatives for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance in order to foster the effective implementation of the Durban Declaration and Programme of Action.

I. Domestic legislation

The **Romanian Constitution**, as revised in 2003, states the principle of equality among citizens, without any discrimination based on race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin. It also states that all citizens are equal before the law and before public authorities, without any privilege or discrimination. According to article 20, the Constitution or the national laws take precedence over international regulations in the field of human rights when they comprise more favorable provisions.

The **Governmental Ordinance no. 137/2000** (as subsequently modified) on the **prevention and sanctioning of all forms of discrimination** represents the landmark piece of legislation in the field of anti-discrimination. It offers a comprehensive definition

of the concept of "discrimination" as any distinction, exclusion, restriction or preference based on race, nationality, ethnic origin, language, religion, social origin, beliefs, gender, sexual orientation, age, disability, chronic non-infectious disease, HIV infection, social status (being part of an disadvantaged category) or any other criteria which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

The Ordinance defines the principle of equality and non-discrimination among citizens, prohibits and sanctions the discriminatory acts committed by natural and legal persons. Such forms of discrimination punishable by law are: a) *Direct discrimination*; b) *Indirect discrimination*; c) *Harassment*; d) *Multiple discrimination*; e) *Order to discriminate*; f) *Victimisation*. Discriminatory acts are sanctioned as contraventions, unless they fall under the incidence of criminal law.

This law covers the following 5 main areas: 1) equality in the economic activity in terms of employment and professional work; 2) access to legal, administrative and public health services, as well as to other services, goods and facilities; 3) access to education; 4) freedom of movement, choice of residence and access to public places; 5) the right to personal dignity.

The principle of equality among citizens and the elimination of all privileges and discriminations are guaranteed; in particular with regard to the exercise of the following rights: the right to equal treatment before Courts and any other jurisdictional bodies; the right to personal security and to be ensured protection, by the State, against violence and mistreatment perpetrated by any individual, group or institution; political and civil rights; economic, social and cultural rights; the right of access to all public places and services.

The Ordinance also prohibits and sanctions any public behaviour with a nationalistic-chauvinist character, any incitement to racial or national hatred, or any behaviour aiming to prejudice a person's dignity or to create a hostile, degrading, humiliating or offending atmosphere, perpetrated against a person, a group of persons or a community, including on the grounds of race, nationality, ethnic origin.

The **Criminal Code** contains specific provisions on this matter. The offence "incitement to discrimination" (any incitement to hatred on the grounds of race, nationality, ethnic origin, language, religion, gender, sexual orientation, opinion, political membership, beliefs, possession, social origin, age, disability, chronic non-infectious disease or HIV infection) is punishable by a term of imprisonment between 6 months and 3 years or by fine.

The Government adopted, in 2002, the **Emergency Ordinance prohibiting organisations and symbols with fascist, racist and xenophobic character and the glorification of those found guilty of committing crimes against peace and humanity**. This special penal law defines the above-mentioned categories of organisations and symbols, establishes a set of criminal offences and sets the applicable sanctions. Further amendments to the Ordinance offer an extended definition of the Holocaust so as to include the Roma ethnics.

The **new Code of Labour** (2003) defines and bans direct and indirect discrimination. Employees have the right to benefit from adequate work conditions and payment,

without any discrimination. The internal regulations of the employer must include the observance of the principle of non-discrimination.

Law on equal opportunities for women and men (2002) establishes the legal framework in the field of equal opportunities between women and men. The law is based on the concept of multiple discriminations, which covers all grounds of discrimination, including gender and race.

According to the **Law for the Audio-Visual activities (2002)**, it is forbidden to broadcast programs which contain any form of incitement to hatred, including on the basis of race, nationality, religion. Furthermore, the 2006 Code of regulations on the audio-visual content details the general legal provisions on anti-discrimination in the audio-visual field.

Law on political parties (2003) regulates the topic of political representation and participation in the public life in conditions of equality and non-discrimination among citizens. The law ensures the representation of all 20 national minorities existing in Romania in the Parliament.

The organizations of persons belonging to national minorities have the same status as political parties regarding the electoral procedures. **National minorities** also benefit from **governmental and local participation and representation**. Since 1996, the Democratic Alliance of Hungarians in Romania (UDMR) has been co-opted in the governing and parliamentary coalitions. During 1996-2000 and 2004-present, UDMR has been part of the governing coalition, while during 2000-2004 UDMR has been part of the parliamentary coalition. UDMR representatives were appointed in high ranking offices, such as minister positions (3), secretaries of state (13), presidents of various state agencies. After the 2004 elections, the organizations of persons belonging to national minorities have obtained a significant number of mayor, local counselor and county counselor seats.

The 2003 Governmental Decision on the organisation and development of civil servant's career mentions the equality of chances as one of the underlying principles in the organisation and development of the civil servant's career. Furthermore, the **Code of Conduct of Civil Servants** establishes the principle of equal treatment of all citizens by public institutions and authorities.

Law on the **prevention and combating of social marginalisation (2002)** aims to guarantee real access of all persons and, in particular, the young people to fundamental rights such as the right to work, the right to housing, the right to medical insurance and the right to education.

The regime of foreigners in Romania is founded on the principle of non-discrimination in relation to Romanian citizens. According to the **Law on the asylum in Romania (2006)**, the legal framework for foreigners applying for a form of protection or benefiting of a form of protection in Romania applies without discrimination. Foreigners benefiting of a form of protection defined by law can enjoy their rights in the same conditions as the Romanian citizens. At the same time, the **Governmental Ordinance regarding the social integration of foreigners who obtained a form of protection in Romania (2004)** stipulates that the integration programs for foreigners who obtained a form of protection in Romania are worked out and implemented based on the needs of the beneficiaries, without discrimination and in observance of their cultural specificity. Such programmes comprise of a set of measures and activities whose aim is to facilitate the integration of foreigners and their active

participation to the social, economic and cultural life of the Romanian society, with a view to preventing and combating their social marginalization. They last 6 months with the possibility of an extension for another 6 months. Participation is ensured upon request by the Romanian Office for Immigration. The programmes are run with the cooperation of relevant national public institutions, local communities and NGOs, under the coordination of the Romanian Office for Immigration (ROI) within the Ministry of Interior and Administrative Reform.

Foreigners enlisted in these programmes can attend free language classes (organized by the Ministry of Education in cooperation with ROI), social and psychological counsel and cultural accommodation courses, in accordance with an individual integration plan, accustomed to the needs of each adult participant. Moreover, the foreigners who obtained a form of protection in Romania have access, under the same conditions as the Romanian citizens, to a job and working conditions, housing, health care, public pension, social assistance and social insurance and to all levels of education.

This Ordinance also provides for various social measures meant to assist foreigners in their integration process, such as the possibility of housing in special centres managed by ROI (for those who lack financial resources), access to a social house or to subsidies for rent, facilities in finding a place to work (with the support of the National Agency for Employment) etc.

The 2002 Governmental Decision regarding the status of foreigners in Romania stipulates the obligation for public institutions to ensure the protection of foreigners against all forms of discrimination.

II. Institutional framework

The Government created, in 2001, the **National Council for Combating Discrimination (NCCD)**. It is a specialized body of the central public administration empowered to guarantee and supervise the implementation of the principle of equality and non-discrimination among citizens. The Council is an autonomous public institution, with legal personality, under parliamentary control and is responsible for the enforcement and observance of anti-discrimination legislation.

The **National Council for Combating Discrimination** *receives and examines petitions and complaints* regarding violations of the legal provisions concerning the principle of equality and non-discrimination, from individuals and groups of persons, NGOs, other legal entities and public institutions. The **Steering Board** – the decision-making body of the Council – decides the appropriate measures, following investigations carried out by the specialized staff of the NCCD (the **Inspection Team**). Once the decision is adopted, the **Steering Board** establishes the *sanction*, which can be the payment of a fine. The amount of the fine to be paid varies from 400 to 4000 lei (RON), in cases of discrimination against a person, or from 600 to 8000 lei (RON), in cases of discrimination against a group of persons or a community. It is possible to appeal against the sanctions applied by NCCD for committing a discriminatory act, under the procedure provided for by the common law.

The **National Agency for the Roma (NAR)** was created, in 2004, as a specialized body with legal personality of the Romanian Government, in charge with elaborating, coordinating, monitoring and evaluating public policies for Roma minority in Romania. It

is also the main governmental body responsible for the implementation of the Strategy for the Improvement of Roma Situation.

The **Ombudsman** (set up in 1997) is an autonomous institution, acting independently from any other public authority. The Ombudsman exercises its duties *ex officio* or upon request by the persons whose rights and freedoms have been infringed by the public administration, issues recommendations in cases of real human rights violations and submits special reports to the Parliament and the Government.

The **Department for Inter-Ethnic Relations** (created in 2001 and reorganized in 2005) functions as a specialized body of the central public administration, within the Romanian Government. DIR has 6 territorial offices. It promotes specific programmes for the purpose of enhancing understanding and dialogue between the majority and the national minorities.

The **Council of National Minorities** (CNM) is a consultative body of the Romanian Government and works under DIR's coordination. CNM ensures a permanent relation with the organisations of persons belonging to national minorities as it is composed of representatives of all 20 national minority organizations represented in the Parliament

The **National Council of the Audio-Visual (NCAV)** was created in 2002, an autonomous public institution, under parliamentary control. NCAV is authorized to adopt normative decisions, issue public summons and apply contraventional sanctions in support of its role to ensure the application of anti-discrimination policies in the field of audio-visual. Between 2002 and 2007, the National Council of the Audio-Visual applied 15 sanctions for breaches of the legal provisions regarding discrimination based on nationality, race, religion, gender or sexual orientation and ethnicity – 13 to TV stations and 2 to radio stations.

National Agency on Equal Opportunities for Women and Men (created in 2002) is the central public administrative institution responsible for promoting the principle of equal opportunities between women and men through the elaboration and implementation of gender policies.

National Authority for the Protection of the Rights of the Child, established in 2005, is the state authority responsible for monitoring the observance of the rights of the child. One of the underlying principals of its activity is the equality of opportunities and non-discrimination.

III. Public policies and other measures

The National Council for Combating Discrimination designed a **National Strategy for Implementing Measures on Preventing and Combating Discrimination (2007-2013)**, establishing guidelines in the field of preventing and combating discrimination, with the aim to develop a society which is inclusive, intercultural and based on policies facilitating interaction, equality, mutual understanding and respect.

The Strategy sets 5 main objectives, as follows: 1) Protection against acts of discrimination (victimisation, harassment, incitement), 2) Inclusion and equality in the economic activity and in the field of employment, 3) Promotion of equality with regard to access public or private services, 4) Recognition of the importance of respect and mutual understanding in a culture of diversity, 5) Prevention of discriminatory practices by implementing a zero-tolerance policy. Each objective has a set of implementation priorities.

The implementation of the Strategy focuses on 3 groups which were identified as the most frequent victims of discrimination, one of them being composed of members of the Roma minority (especially in relation with law enforcement agencies). There are several key actors involved in the process, namely the central and local specialized institutions, non-governmental organizations and any other entities with a manifest interest in preventing and combating discrimination. Vulnerable groups will be involved at all stages in the development and implementation of the Strategy (coordination with the institutional actors, dissemination of information, monitoring and review of the Strategy etc.).

The Romanian Government adopted, in 2001, **the Strategy for the Improvement of Roma Situation**. The Strategy is a governmental initiative that has a comprehensive approach to the problems of the Roma population and aims to ensure that this minority enjoys its rights on equal footing with the rest of the population. Subsequently, the Government designed a General Master Plan of Measures, approved by Decision 522/2006, to speed-up the implementation of the Strategy over the next two years. In addition, Romania participates in the initiative entitled "The Decade of Roma Inclusion", adopted in 2004, for the period 2005 – 2015, by eight Central and Eastern European countries with the support of the international community, representing the first collaborative effort of this magnitude dedicated to the improvement of the situation for the Roma minority.

Upon the adoption of the National Strategy to improve the situation of Roma, the General Inspectorate of The Romanian Police worked out and applied "**The Program regarding the contribution of the Romanian Police to the improvement of the situation of Roma**", having as objective, amongst others, the prevention of discriminatory acts that can be perpetrated by police officers. Relevant regulations have been included in the Police Officer Code of Conduct and Deontology.

Starting with 1994, the Romanian Police promoted partnership relations with NGOs in the field of human rights protection, including Roma NGOs. The collaboration was focused on several areas such as: support for social inclusion of Roma; anti-crime education among Roma communities; improving the relationship between the police and multicultural communities by increasing the level of trust of Roma in the local authorities; preventing, identifying and diffusing tensions between Roma and the majority population; combating discrimination. Since 2000, 9 important projects have been implemented in the above-mentioned action fields. In addition, the police county offices had regular meetings with county representatives of the Social-Democratic Organization of Roma from Romania (organization represented in the Parliament), as well as with representatives of Roma communities under their respective jurisdiction with a view to prevent inter-ethnic tensions and to fight criminality.

A special attention was given to providing an adequate professional training to law enforcement officials in the area of human rights and anti-discrimination. **A total number of 1604 police officers were trained in the last two years in the framework of different projects in areas such as the observance of human rights, conflict resolution, prevention of discrimination, management of intercultural diversity, intercultural communication.**

Since 2006, the Ministry of Interior has allocated reserved seats for Roma at the Police Academy and Police Schools. In 2007, 45 seats were allocated (11 for the Police Academy). In 2008 a number of 49 seats will be allocated (16 at the Police

Academy and 33 at police schools). Information campaigns were launched in order to inform Roma communities of this opportunity and to encourage Roma individuals to pursue such a career. Roma graduates will become police officers at the end of their studies. At present, the Romanian police include 116 staff of Roma origin (officers, agents and policemen).

Concrete measures have been adopted in order to solve the problem of Roma persons who do not have identity documents, including information campaigns among the Roma communities on the importance of holding IDs and on the requirements to obtain them. Disabled persons and persons without income are exempted from fees paid for the issuance of these documents. Mobile units have been set up in order to photograph persons who cannot walk. County public services specialized in issuing ID cards keep a permanent relationship with local Roma leaders and with representatives of the county offices for Roma.

The National Institute of Magistracy organized a series of seminars for magistrates on issues related with discrimination, including the obligations assumed by Romania under international conventions, in the period 2001-2007.

The Government of Romania set up a Commission for Anti-Poverty and Promotion of Social Inclusion, which developed a **National Anti-Poverty and Social Inclusion Plan (NAPinc)**, approved by the Decision no. 829/2002. In Chapter 14, NAPinc deals specifically with the reduction of poverty and social exclusion of the Roma.

Within the *Social Inclusion Programme*, 68 Roma communities were selected and other 23 will be selected in the near future in order to have their infrastructure developed and improved (roads, electricity, sewage and drinking water system). Furthermore, 100 Roma communities were selected to have kindergartens built or rehabilitated in order to ensure a good quality early education for Roma children.

The governmental programme "***Partnership for Roma Support - 2003***" has granted 1.6 million Euros for projects in three areas: income-generating activities, housing, and agricultural activities. The programme has provided important lessons learned and could be used for sharing experience on successful practices.

The **2006 – 2009 National Strategy and Plan of Action on Equal Opportunities for women and men** contain actions to improve the situation of vulnerable categories, including those that are the most exposed to marginalisation and social exclusion, because of multiple discriminations.

The Ministry of Culture and Religious Affairs has launched several **cultural and educational programmes** such as „Pro-ethnoculture” and „Roma together for Europe” with the aim to ensure equal chances to all communities of national minorities in Romania in promoting their values and cultural traditions. Romania has also joined European anti-discrimination campaigns (e.g. “All Different, All Equal” campaign, “ The European Year of Equal Opportunities for All - 2007”).

All national minorities in Romania benefit of TV and radio programmes/stations, publications (books, magazines, newspapers), theatrical and artistic companies in their mother tongue. The Ministry of Culture and Religious Affairs and the Department for Inter-Ethnic Relations (DIR) support these activities, including financially.

The Government allocates every year a **special budgetary fund**, run by DIR, for programmes against racism, anti-Semitism, xenophobia and intolerance. A part of this

fund goes to the organizations of persons belonging to national minorities in support of their activities. In 2004, DIR carried out approximately 60 interethnic programs and projects aimed at combating intolerance. In 2005, DIR initiated or supported about 100 projects proposed by different NGOs and in 2006 – about 130 projects. In 2007, the number of projects reached 120 (70 at the initiative of various NGOs and 50 at the DRI's own initiative). The areas covered by these projects included education, culture, youth, awareness-raising, promoting intercultural dialogue, enhancing public participation, consolidating the socio-political integration of minorities. This activity continues in 2008.

The Law on **education** grants all Romanians equal access to all levels and forms of education, "regardless of social origin and financial situation (...) race, nationality". Denying the access of a person or a group of persons to the public or private education system of any kind, degree or level, based, inter alia, on race, nationality, ethnicity constitutes contravention according to O.G. 137/2000. Members of national minorities are entitled to study and receive instruction in their mother tongue at all levels and forms of education. Priority has been given to preventing and combating school abandonment of the Roma children and those coming from socio-economic disadvantaged areas. Topics related to multiculturalism and combating discrimination (at all levels

Segregation is prohibited both by Romanian domestic law and applicable international law. Notwithstanding the ongoing efforts of the Romanian authorities in the area of combating all forms of discrimination, some cases of segregation practices in schools have been reported in connection with the Roma pupils. Thus, in 2007, the minister of education ruled a Decision formally banning segregation of Roma children in schools and, subsequently, issued the methodology for preventing and eliminating the segregation of Roma children in school. Several measures have already been taken in order to enforce the relevant methodology.

Starting with 2003, **job fairs** have been organized every year for the Roma. The objective was to facilitate the employment of the Roma. These fairs represent a good opportunity for the Roma to find what the main interests of the employers are. The 2007 job fair for Roma was organized throughout the country and had the following outcomes: out of 6,214 employers contacted, 985 took part in the fair (out of them, 30 Roma entrepreneurs). 16,347 jobs were offered, out of which 13,560 for Roma (the others targeted other marginalized or excluded categories). 8,619 persons took part in the events, out of which 6,496 were Roma. Of them, 1,187 Roma found a job. Earlier figures show 1,523 Roma employed in 2003, 2,257 employed in 2004, 1,129 employed in 2005, and 1,116 in 2006.

In 2005, the National Agency for Employment in cooperation with the National Agency for Roma conducted the "**Employment Caravan for Roma**," an initiative aimed at informing Roma about their rights and about the services they can benefit from in order to find jobs. In 2007, 46,545 Roma took part at events organized within this framework, out of which 19,637 were women. 9,995 persons benefited from professional counselling on employment issues (out of them, 4,279 were women). 17,196 were registered in the database (6,583 women) and out of them 3,753 have found a job (1,199 women). Another 13,847 Roma (5,363 women) were included in various employment active measure programmes.

Question 4: How would your Government assess the effectiveness of the existing Durban follow-up mechanism and other relevant UN mechanisms dealing with the

issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them?

In the aftermath of the Durban Conference, there has been a significant increase in the number of UN mechanisms dealing with racism and racial discrimination. Without ever questioning the importance of combating these scourges and the dedication of experts involved in the exercise, the proliferation of these mechanisms may have the opposite effect of undermining the effectiveness of this process, by dissipating energies and undermining its visibility. The difference in terms of mandates and objectives was not always clear, generating the risk of duplication and overlap. Sometimes it proved difficult to ensure proper national participation to all WG.

It is important to use the Durban Review Conference to evaluate and streamline all these mechanisms, in line with key priorities and remaining challenges in the DDPA implementation. Therefore, all our efforts in this phase should focus on the preparations for the 2009 Review Conference.

Question 5: What are the steps taken by your Government to ratify and/or implement the International Convention on the Elimination of All Forms of Racial Discrimination and give proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination?

Romania became party to the International Convention on the Elimination of All Forms of Racial Discrimination in 1970. In 2002, Romania submitted a declaration, in accordance with article 14 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination, recognizing the competence of the Committee on the Elimination of Racial Discrimination (CERD) to receive and consider complaints from persons within its jurisdiction claiming to be victims of a violation by Romania of any of the rights set forth in the Convention.

The adoption of anti-discrimination legislation, the development of public policies, as well as the establishment of new human rights institutions were carried out with due regard to the requirements set out by the UN Convention and following the recommendations of CERD. In our opinion, the Convention maintains its pertinence in relation to nowadays forms of discrimination and racism.

Thus, following the recommendations contained in para. 15 of the Concluding Observations of CERD on Romania's fifteenth periodic report to the UN Convention (CERD/C/304/Add.85), the Government adopted in 2001 the Strategy for the Improvement of Roma Situation. Also, the relative large percentage of NCCD cases involving ethnic discrimination indicates an increased awareness of the population of the existence of available legal remedies and of the protection against racial discrimination provided by the Convention, as suggested at para.13 of CERD/C/304/Add.85. The adoption of the 2002 Emergency Ordinance prohibiting organisations and symbols with fascist, racist and xenophobic character responds to the recommendation contained in the second part of the para. 12 of CERD/C/304/Add.85.

Romania will submit its sixteenth to nineteenth periodic reports due under article 9 (1) of the Convention very shortly (by the beginning of April 2008).

Question 6: Please identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance in your country.

Discrimination is especially caused by the existence of stereotypes and prejudices and it can only be eliminated in time through information and education, including by constantly developing prevention and awareness campaigns. The efficiency and impact of national anti-discrimination campaigns have increased in the last four years, including in terms of media visibility (e.g. anti-discrimination spots were broadcast by TV and radio stations). All relevant ministries and agencies are involved in such programmes and initiatives.

The role of national NGOs became more prominent. Projects of national strategies and legislation are debated and, after their adoption, implemented in collaboration with NGOs.

Actions against discrimination and cooperation with civil society:

- SPER (“Stop the Prejudices against the Roma!”) – the anti-discrimination campaign was a complex and comprehensive project focused on Roma issues that aimed at informing the Roma about their rights, while raising awareness of the Roma reality among the general public. An outcome of this campaign was the history manual on the Roma minority for the 4th grade, which also comprised a guide for teachers providing historical data.

- The campaign “Jan angle, Romale!” (the Romani translation for “Take a step forward!”) was aimed at boosting Roma individuals’ self-esteem and at increasing awareness of their rights.

- PHARE Projects aiming at the Roma communities’ development have focused on community self-organization. These projects led to the establishment of 8 new Roma NGOs and some 200 Initiative Groups, while more than 150 local action plans resulted from partnerships with local authorities.

Institutional:

- the National Council for Combating Discrimination (NCCD). Its activity had a strong impact on the Romanian society. The relative large percentage of cases involving discrimination lodged before the NCCD indicates an increased awareness of the population of the existence of available remedies and protection against various forms of discrimination.

NCCD is an instrument designed specifically to fight all forms of discrimination. Through its specific functions and competence, this Council was the first institution of this kind in Central and Eastern Europe

- The National Audio-Visual Council sanctioned cases of incitement to discrimination. Between 2002 and 2007, the Council has applied 15 sanctions (summons or fines) for breaches of the legal provisions regarding discrimination based on ethnicity, nationality, race, religion, sex and sexual orientation – 13 to TV stations and 2 to radio stations.

Policy:

a) anti-racism initiatives in sports, in particular football

Given the occurrence of discriminatory behaviors and attitudes in football, numerous awareness-raising and prevention campaigns have been carried out to fight this phenomenon, with the support of the NCCD and football clubs.

In addition, Romania started its active participation in the annual European campaign “Action Week against Racism in Football” organised by the FARE network (Football

against Racism in Europe). NCCD organized, annually, prevention campaigns aimed at combating discriminatory behaviour in football, during the week declared by FARE as "Action Week against Racism in Football".

In 2006, National Council for Combating Discrimination, together with the Romanian Football Federation and a number of NGOs, organized the campaign "*Racism affects football*". Its role was to stimulate social dialogue and to promote tolerance and fair-play in football.

In 2007, the NCCD, together with the Association of Amateur and Professional Football Players and the Open Society Institute, launched a project aimed at combating discriminatory behaviour and violence on the stadiums and outside the football fields, as well as at promoting social dialogue through sport. This project included a media campaign "*Racism spoils the game. Violence destroys lives*", which contains a social advertising spot of 30 seconds; activities on the stadiums (both in national and international games), in schools, media announcements.

A player of Roma ethnicity from one of the National First League football teams was designated the Romanian "Anti-racism Ambassador", becoming a member of the international network of players promoting tolerance and fair-play.

Based on the NCCD's evaluation and experience, the efficiency and impact of these anti-discrimination campaigns have increased in the course of the last four years. The Romanian Football Federation and the football clubs became more aware and more sensitive to discriminatory actions on the stadiums, especially against the backdrop of UEFA's strict and severe sanctions for racist manifestations. Taking into consideration the positive effects of the prevention campaigns in football, NCCD is currently considering extending these activities to other sports.

b) The Roma health mediator (RHM) project.

The project was designed to address the complex health issues faced by the Roma minority, in particular Roma women. The position of health mediator has been recognized as a professional occupation in the Classification of Occupations index in Romania.

The role of the RHMs is to facilitate the communication between members of the Roma community and the health personnel, to facilitate access of the Roma people to health care services and to educate members of the Roma communities on health related issues (hygiene, reproductive health, nutrition etc.). The RHMs register all pregnant women and explain the importance of gynaecology and obstetrics consultations, register infants and children, educate the community members on reproductive health issues (in particular the importance of pregnancy monitoring, contraceptive methods, family planning etc.), assist the medical personnel in vaccination campaigns (by explaining the need of vaccination, assisting in the vaccination process and accompanying children and mothers to the general practitioners), explain the benefits of the health insurance system and provide assistance in obtaining health insurance membership and other missing identity documents (e.g. ID cards, documents for welfare benefits) etc.

RHMs are women with completed mandatory education, selected on the basis of community leaders' recommendations and employed by the public district health offices. They are recognized and respected by the community and must have good

communication skills. The mediators are being trained in different fields such as communication, basic techniques in working with groups, settlement of disputes, patients' rights, hygiene, general information about diseases, health insurance system. The training manual was developed by the NGO Romani Criss.

Throughout their practical work, some RHMs received further training in specialised areas, such as reproductive health or tuberculosis (TB) control. The reproductive health training started in 2005 and was conducted by trained trainers (there are 13 trainers currently). By June 2006, 102 RHMs have been trained in reproductive health issues already.

Each RHM reports once a month to a supervisor with the district health office on the following: number of community members, children and pregnant women in the community (in the last month and altogether); description of work relations with authorities and general practitioner; number of people without identity documents and number of solved cases; number of persons not registered with a general practitioner; number of identified cases of tuberculosis, HIV/AIDS, sexually transmitted diseases; number of identified drug addicts; number of abandoned children; performed health education activities; description of vaccination campaigns; number of women informed on reproductive health issues (family planning, pregnancy health, STDs, HIV/AIDS, cervical and breast cancer) and domestic violence; information on identified cases of discrimination against community members.

Romania was the first country in the region in which a programme of this nature was launched and, overall, it has proved to be a successful model of intervention in the Roma communities. The number of the Roma Health Mediators has increased as follows: from 67 in 2002 to 308 in 2006.

Since its inception in Romania, the RHM project has been the subject of debate at several international conferences. Evaluations found that RHMs fulfil a very important role in the society. They are respected by the community; their advice is well perceived and welcomed.

c) establishment of posts for the Local Roma Experts within the structure of the local public administration

The Local Roma Experts are the main mediators between the Roma communities and the local public administration. They must have good knowledge on problems of the local Roma community and represent them in relation with the Municipality. They are employed by Municipalities and are subordinated to the Mayor but also to the Roma County Offices (territorial structures of the National Agency for Roma).

d) measures taken in order to improve the education of the Roma

Special positions for inspectors on Roma education in the County School Inspectorates were created, in order to improve school attendance by Roma children, as well as for the teaching of Romani language. Out of the 42 inspectors, 26 are Roma.

Reserved seats for Roma children in high-schools and in arts and trade schools. If, in 2002, 1350 places were allocated for Roma children, in 2007 there were more than 3000 reserved seats;

Reserved seats in universities for Roma children who graduated high-school. If in the academic year 1998 -1999, 149 reserved seats for Roma were offered in 8 universities, in 2007 there were 454 reserved seats in 39 universities. Additionally, 200 seats for training Roma people to become primary education teachers were allocated at the Open Distance Learning Department CREDIS of the Bucharest University, as a result of the partnership between the Bucharest University, UNICEF and the current PHARE Programmes "Access to education for disadvantaged groups" implemented by the Ministry of Education, Research and Youth. The Roma students will acquire also the competence to teach Romani language or/and Roma history and tradition;

Financing, through the county school inspectorates, Roma language and history teachers positions (420 positions in September 2007). In 2006 - 2007 school year, a number of 25.000 pupils, out of 250.000 Roma pupils which have assumed their Roma identity, have chosen to study Romani language and literature and Roma history and traditions;

An annual Romani language national contest. 200 – 250 Roma children that excel at local, county and national level in this competition, are invited to participate in the summer camp for Romani language, culture and creation, annually financed by the Ministry of Education, Research and Youth, at the seaside;

Revising and developing, with Roma authors, the syllabus for Romani language (for first to fourth grades) and for Roma history and traditions (for sixth and seventh grade);

A multi-annual national programme of training non-Roma teachers, who work in classes or kindergartens with Roma children, so that they become aware of the Roma pupil's specific needs, inter-cultural problems etc. (since 2004).

School without discrimination - a campaign was launched by the National Council for Combating Discrimination in partnership with National Agency for Roma in October 2007 in order to prevent racist attitudes, prejudices and segregation cases at the primary and secondary levels of education through intercultural activities

Good results and success stories registered during the implementation of the PHARE projects "Access to education for disadvantaged groups" since 2001, as follows:

- approximately 850 teacher trainers from all 42 counties were trained on themes like inclusive education, active teaching methods, school based curricula development and implementation, second chance and remedial education programmes;
- approximately 4000 Roma pupils, youngsters and adults have been enrolled in the *Second chance programmes* (for primary level and lower secondary level);
- after school/remedial teaching programmes and intensive kindergarten programmes have been developed in 25 counties with a good participation and are currently being developed in 11 new counties;
- subjects related to Roma culture are present in the newly designed curriculum for the Second Chance programmes and the Second Chance programme has been extended in all counties;

- approximately 381 school mediators have participated or are currently participating in the mediator training programme;
- 36 Resource Centers for Inclusive Education have been established in participating counties;
- approximately 300 participating schools and another 150 schools, currently being selected, have developed or are developing activities for parents participation in education;
- Counties participating in the project have financed works and procurement activities and approximately 300 schools from disadvantaged communities already ensure a friendly educational environment.

The Roma school mediators - The position of school mediator has been a recognized professional occupation in the Classification of Occupations Index in Romania since 2002. The school mediator is part of the "Other personnel in education" category. The main responsibilities of a school mediator include the following: data collection, helping to ensure that all children of compulsory school age are enrolled, working to prevent dropping out by communicating with parents and local authorities, facilitating pre-school enrolment for Roma children, mediating between families and school authorities to promote social inclusion, identifying potential problems, helping to disseminate information throughout the Roma community, supporting teaching staff. Mediators also support children directly and liaise with the community on a variety of levels.

The selection of the school mediators is based on recommendations from the inspectors for Roma education and also from the local community Roma leaders. Some of the criteria taken into consideration are: residency in the locality, Roma ethnicity, communication skills, possessing good standing within the local community and coming recommended by a local Roma organization, speaking the language used in the community. A high-school level education is considered important but they must have completed compulsory education.

Mediators' training has a strong focus on practice and covers topics such as: children protection legislation, communication, ICT, Romani language, Roma culture, community involvement.

e) "The Roma and the Police" project was developed in partnership with the OSCE/ODIHR (Focal Point for Roma and Sinti) and the NGO Romani CRISS. It analyzed police forces' policies and practices towards Roma and led to establishing a Permanent Consultative Committee on relations between the Romanian police and Roma. It also resulted in the employment of a number of Roma in the Romanian Police forces.