

## ROMANIA

### CERD 27<sup>th</sup> No. 18 (A/8718) (1972)

57. The initial report of Romania, which was due in 1971, was examined by the Committee at the 106th to 109th meetings. A majority of the members of the Committee indicated their satisfaction with the scope and organization of the report and declared it satisfactory.

58. Several aspects of the situation in Romania relevant to the question of racial discrimination, as described in the report, were emphasized by one or more members as indicative of satisfactory conditions in that country. It was pointed out that, although the social system prevailing in the country was said to preclude racial discrimination, measures for prohibiting and combating such discrimination had nevertheless been adopted; that the Constitution proclaimed the principle of equality; that special guarantees for the protection of the rights of minorities were in force; and that, in some respects the measures adopted went beyond the scope of the undertakings of States Parties under the Convention. Thus, the equality of aliens (whether citizens of other States or stateless persons) with citizens in all spheres of life, except the political sphere, exceeded the provisions of article 1, paragraph 2, of the Convention. The existence of institutions designed to guarantee the enforcement of the equality prescribed in the Constitution and the laws of Romania were cited with approval by some members; and the functions of the Procurator's Office, as well as the provisions of article 35 of the Romanian Constitution regarding the annulment of illegal acts of State organs and the reparation of damages, were singled out in that regard and deemed to discharge the obligations of Romania under article 6 of the Convention. The provisions of legislation relating to the participation of minorities in political life and to their educational rights, as well as labour legislation ensuring non-discrimination in employment, were deemed to meet the obligations of Romania under article 5 of the Convention. Some members felt that the provisions of article 4, paragraphs (a) and (b), of the Convention, were adequately met by the relevant provisions of the Romanian Constitution and Penal Code cited in the report.

59. On the other hand, several members felt that, like most other reports received from States Parties, the report submitted by Romania furnished more information on legislative measures than on administrative or judicial measures. Information on the implementation of the laws cited in the report and the practices of the institutions mentioned in it was largely lacking. Information on the composition of minorities and other social and demographic data was, in the opinion of some members, also lacking in the report. Questions were raised about the educational system applicable to minorities and whether it adequately guarded against the dangers envisaged in article 1, paragraph 4, and article 2, paragraph 2, of the Convention; about the implementation by Romania of resolutions of the United Nations bodies concerning relations with the racist régimes in southern Africa; about the enjoyment by everyone, on an equal footing, of the right set forth in article 5, paragraph d (ii), of the Convention; about the texts of article 29 of the Romanian Constitution and articles 1 and 317 of the Penal Code, which related to the provisions of article 4 of the Convention, and whether, and in what circumstances, these provisions were applied; about the provisions corresponding to article 6 of the Convention and the extent to which such provisions effectively assisted the citizens of Romania in defending their rights; about how the right of petition was exercised; and about what measures, if any, have been adopted to give effect to the obligations of the reporting State Party under article 7 of the Convention.

60. The representative of Romania made a statement at the 108th meeting of the Committee in which he provided clarification regarding some of the comments made by members and answered some of the questions raised during the discussion.

61. At the 109th meeting, the Committee decided to consider the initial report of Romania satisfactory.

**CERD 29<sup>TH</sup> No. 18 (A/9618) (1974)**

111. The Committee welcomed the information, contained the second periodic report of Romania, to the effect that the Government of Romania had, since the submission of its initial report, ratified Convention No. 111 of the International Labour Organisation, 12/ and enacted new legislation affecting four areas of relevance to the provisions of the Convention. The fact that the texts of the relevant provisions of the new laws were furnished in the report was noted with appreciation. The laws passed during the period covered by the report were important in making the application of the Convention effective; and the adoption of these laws showed that the process of improving its national legislation was continuing in the reporting State.

112. It was noted, however, that the report was confined to information on legislative measures and made no reference to administrative, judicial or other measures. Nor did it contain information on the relations, if any, between the reporting State and the racist régimes in southern Africa or on the demographic composition of the country, as was envisaged in the Committee's general recommendations III and IV. It was observed that the Committee had not yet received from the Government of Romania information bearing on the implementation of article 7 of the Convention.

113. Regarding the supplementary information, submitted in response to decision 3 (VII) of the Committee, the question was raised whether article 166 of the Penal Code of Romania covered racist propaganda and membership in racist organizations. Members of the Committee did not all agree that the word "fascism" was synonymous with the word "racism", or that the use of the former word in penal legislation without an interpretation of its precise connotation would serve the purpose of the legislation.

114. The representative of the Government of Romania replied to specific questions raised during the discussion and elaborated on the new legislation discussed in the report. He stated that article 166 of the Penal Code covered racist propaganda and membership in racist organizations.

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12/ Conventions and Recommendations Adopted by the International Labour Conference, 1919-1966 (Geneva, International Labour Office, 1966), p.973.

## **CERD A/31/18 + Corr. 1 (1976)**

166. The Committee noted with satisfaction that the information contained in the third periodic report of Romania was confined to relevant measures adopted in the biennium covered by the report, and did not incorporate repetitions of information formerly submitted to the Committee. It took note also of the introductory statement made by the representative of the Government of Romania which supplemented the report under consideration: whereas the report itself dealt only with constitutional amendments and legislative enactments, the texts of which were provided in all instances, the statement of the representative of the reporting State dealt with general policy and administrative measures, with particular reference to the rights of national minorities, and supplied some data on the composition of the population (in accordance with the Committee's general recommendation IV) and on the manner in which equal rights were ensured in practice to the national minorities. With the consent of the representative of the Government of Romania, the Committee decided to have the full text of his statement issued as a supplement to his Government's report.

167. Members noted with appreciation the provisions of article 4 of the Press Act of 1974 which implemented the provisions of article 1, paragraph 4, of the Convention. It was observed that, if the interests of minority groups (whether or not they were disadvantaged groups) were to be fully protected, it was not sufficient simply to allow them to use their own languages; they must also be given facilities for the dissemination of information and the expression of opinions through press organs operating in their mother tongues - as provided in article 4 of the Press Act. It was observed also that the provisions of article 67 of the Press Act and of article 17 of the Constitution complied substantially with the provisions of article 4, paragraph (a), of the Convention.

168. Some members expressed the wish that more detailed information had been provided regarding the subject-matter of general recommendation III of the Committee as well as articles 4, paragraph (b), 6 and 7 of the Convention.

169. The following questions were asked by members of the Committee: (a) Did the Romanian Penal Code provide for specific punishments for violations of the provisions of article 67 of the Press Act of 1974? (b) Was the first part of that article a separate element or was it simply an explanation of why the various acts enumerated thereafter should be considered unlawful? (c) Did the clause, "Workers have a right and an obligation to engage in work that is necessary to society" (which appeared in article 1 of Act. No. 57 of 1974) preclude the right of a worker to engage in work that was not "necessary to society"? (d) Regarding article 2 of the Electoral Act of 1974: (i) Did individuals have equal rights not only to vote but also to be elected? (ii) Did citizens have full equality of rights in electing deputies to representative organs other than the Grand National Assembly and the People's Councils? And (iii) How was proportional representation of national minorities assured in the State organs where members were elected? (e) What was the present practice of the Romanian Government with respect to the exercise of "the right to leave any country"? (f) How did the Romanian Government define the term "co-inhabiting nationalities"?

170. The representative of the Government of Romania gave the following replies to the questions enumerated in the foregoing paragraph: (a) The Press Act itself contained a chapter on the sanctions to be applied to persons who violated the provisions of article 67; in addition, articles 166 and 317 of the Penal Code prohibited and specified punishment for incitement to racial hatred and

propaganda for racial discrimination. (b) The first and second parts of article 67 of the Press Act constituted a whole. (c) The right and the obligation to engage in work “necessary to society” could not be interpreted as in any way restricting specific national and racial groups’ enjoyment of the right to remuneration according to the quality and quantity of work. (d) (i) Article 3 of the Electoral Act stated that citizens who had reached the age of 23 and were entitled to vote could be elected deputies to the Grand National Assembly and the People’s Councils. (ii) In Romania, it was only members of the Grand National Assembly and the People’s Councils who were elected by direct universal suffrage. (iii) Proportional representation resulted from the policy followed by the Front for Socialist Unity of Romania, in which all national groups were represented; neither the Constitution nor the Electoral Act stipulated that seats should be reserved for national minorities. (e) The Government of Romania applied to the provisions of article 12, paragraph 2, of the International Covenant and Civil and Political Rights (“Everyone shall be free to leave any country, including his own”) without distinction as to race or nationality. (f) No reply was provided.

171. The representative of the Government of Romania gave the Committee additional information on his Government’s policy with respect to the racist régime in South Africa, reaffirming and bringing up to date the information presented by a representative of that Government to the Committee at its tenth session.

## **CERD A/34/18 (1979)**

199. The fourth periodic report of Romania (CERD/C/42) was considered by the Committee, together with the introductory statement made by the representative of the reporting State. The representative of Romania elaborated on the rights of nationalities in his country other than Romanians, on measures taken to implement articles 6 and 7 of the Convention and on Romania's support for international action against apartheid.

200. The Committee commended the statement made by the representative of Romania and suggested that the full text of the statement be reproduced as an annex to the next periodic report of that country. The fourth periodic report was characterized as being thorough and concise but, none the less, raising some pertinent questions.

201. With regard to the rights of minorities, the question was asked whether representation of the minorities in the workers' councils was proportional and whether those minorities could in their own languages exercise the right of petition guaranteed to all citizens under Act No. 1/1978. More information was sought regarding the position of gypsies in Romania.

202. In connection with article 3 of the Convention, it was noted that the report itself gave no particulars concerning the action taken by Romania to combat racial segregation and apartheid.

203. It was observed that articles 247, 317 and 357 of the Penal Code of Romania were important but did not fully meet the demands of article 4 (b) of the Convention. Information was sought as to whether the victim of an Act of discrimination ascribed to a public official could invoke the first of those articles to lodge an appeal free of charge with the administrative body in question or with a judicial body. If, in the latter case, the court did not deem that his complaint could be heard, was the victim able to prosecute and take the matter to a civil court for redress?

204. Members of the Committee noted that the various normative texts listed in section 2 of the report guaranteed various social and economic rights, but not the civil rights covered by article 5 of the Convention. It was asked, in particular, whether Romanian workers were guaranteed the right to form and join trade unions, and whether, in general, freedom of opinion and expression was respected.

205. With reference to article 7 of the Convention, information was sought on the measures adopted, particularly in the fields of education, culture and public information, with a view to combating racial prejudice and promoting understanding, tolerance and friendship among nations and racial or ethnic groups. The Romanian Government's attention was drawn to the recommendation adopted by the Committee concerning the information to be provided on the implementation of that article.

206. The representative of Romania replied in the affirmative to the question concerning the use of the mother-tongue for the exercise of the right of petition. He explained that all State organs could receive petitions to which they were required to respond within 30 days; in addition, various remedies were available for petitioners who did not obtain satisfaction. Touching upon the question of the presence in Romania of some 350,000 gypsies, he said that it posed no particular problem.

207. With reference to the comments made in connection with article 4 of the Convention, he admitted that, in a desire for brevity, articles 247 and 317 of the Penal Code simply listed punishable acts. Organizations and propagandist activities which incited racial discrimination were covered by article 323 of the Penal Code. The victim of an act of discrimination committed by an administrative authority could either appeal without charge to the head of the authority concerned or could institute judicial proceedings to obtain annulment of the act in question or reparation of the damage suffered.

208. With regard to the civil rights referred to in article 5 of the Convention, he said that Romanian citizens were allowed to travel abroad for personal reasons and to take up residence abroad under Decree No. 166/1970 and Act No. 24/1971. Freedom to choose one's place of residence within Romania was guaranteed by Act No. 25/1969. In connection with the freedom of the press, he informed the Committee that censorship had been abolished in Romania. In accordance with articles 68, 73 and 74 of the Press Act, the defence of society and of individuals against the abuse by the press of the right of freedom of expression was primarily the responsibility of editors-in-chief and journalists.

209. He assured the Committee that the authorities of his country would take the comments of the Committee duly into account when preparing the next report.

## **CERD A/35/18 (1980)**

210. The fifth periodic report of Romania (CERD/C/50/Add.4) was introduced by the representative of the reporting State who limited his remarks to the question of the legislation, relevant to the Convention, enacted during the period under review and to the rights of the national minorities.

211. Members of the Committee noted with satisfaction that the report of Romania was serious and methodical and that the information provided therein was of an exceptionally high standard. They commended the measures taken to promote the social and cultural development of the national minorities in Romania and their equitable representation in political and cultural bodies. Some members of the Committee wished to know how the extent to which national minorities could develop ties with their mother countries, particularly in the fields of education, culture and publishing. Information was requested on the economic and cultural activity of Gypsies, whether it had proved possible to settle Gypsies and to provide them with agricultural employment and to encourage their participation in local bodies. In view of Greece's earlier connections with Romania, a member was interested to learn whether there was still a Greek minority in that country.

212. With regard to article 4 of the Convention, some members pointed out that the information provided in the report concerning the scope of the Criminal Code showed that Romania was fulfilling its obligations under this article. Other members believed that the Romanian Criminal Code did not sufficiently reflect the provisions of article 4 of the Convention and asked to be provided, in the next periodic report, with the texts of articles 247 and 317 of the Code as well as other relevant provisions. Reference was also made to the Press Act of 24 March 1974, and it was stated that, while the Act prohibited various offensive activities, it did not make it clear on whose authority the prohibition was made or prescribed no penalty. Moreover, the concept of incitement to racial discrimination and hatred by no means covered all the manifestations of racial discrimination referred to in article 4 of the Convention. It was doubted, therefore, whether the Press Act could be said to comply fully with the provisions of that article.

213. With respect to article 5 of the Convention, it was emphasized that the relevant provisions of the Constitution and other laws seemed to be consonant with the requirements of this article. However, members wished to be informed of the system of proportional representation at the Grand National Assembly and the People's Councils; whether the criteria used for that system were fixed by an electoral law or another instrument and how the system worked in practice. In connection with articles 105 to 110 of Act No. 28 which provided for the organization of teaching units, members wished to know also whether the schools used only the national language concerned, whether they were bilingual or whether they used mainly the Romanian language but taught the national language concerned. Further information was sought on Romania's position with regard to the protection of intellectual property and, in particular, to copyright. With reference to article 2 of Act No. 52/1945 which recognized the right of persons working in the same occupation to form trade unions without the need for any prior authorization, some members wished to know whether that meant that trade unions could be formed outside the framework of the General Union of Romanian Trade Unions. Additional information was requested on the position of foreigners in Romania.

214. In connection with article 6 of the Convention, members of the Committee were pleased to



note that victims of racial discrimination could institute civil proceedings to obtain damages and wished to know if an aggrieved person could apply for redress in an individual capacity; if compensation could be obtained for moral as well as material damage; whether an injured person was entitled to legal aid to safeguard his rights under the Convention; and if the texts of the laws in question could be transmitted to the Committee in order to enable it to assess the scope of the relevant provisions.

215. As far as article 7 of the Convention was concerned, it was felt that the report provided ample information concerning the implementation of this article. Members of the Committee felt that it would be useful if the next report gave details of the steps taken to disseminate information on the cultures of other peoples, the principles set out in the Universal Declaration of Human Rights and measures being taken to combat racial discrimination. They especially welcomed the emphasis placed in the report on the cultural aspects of the prevention of racial discrimination. Although legislation was important, it was even more important to eliminate the root causes of discrimination and the way to do so was through emphasis on cultural and educational means.

## **CERD A/37/18 (1982)**

317. The sixth periodic report of Romania (CERD/C/76/Add.3) was introduced by the representative of the reporting State, who indicated that during the period covered by the report, no new legislative measures directly related to provisions of the Convention had been adopted. However, even before acceding to the Convention, Romania had been constantly seeking to eliminate all forms of racial discrimination. The exercise of basic rights and fundamental freedoms in the political, economic, social, cultural and other areas of public life was recognized and guaranteed without distinction as to race, descent of national origin. Article 17 of the Constitution embodied the elements required for the implementation of all the provisions of the Convention. The report gave an overview of Romanian legislation related to the provisions of the Convention and illustrated how they were implemented, taking into account the questions asked by members of the Committee during its consideration of the fifth periodic report.

318. Several members of the Committee congratulated the representative of Romania for the excellent report submitted, which testified to his Government's commitment to eliminate all forms of racial discrimination. The report was commended for providing information not only legislation to implement the provisions of the Convention but also on how that legislation was put into practice. It was felt that that was very important, since some countries had laws to combat racism, but those laws were not applied. It was stated that Romania's experience in maintaining good relations between all national groups should be thoroughly studied by other countries. The report was also praised for giving detailed answers to questions raised when previous reports had been considered in the Committee.

319. Some members pointed out, however, that it would make the Committee's task easier if reporting countries adhered strictly to the guidelines on the form and content of periodic reports, and the hope was expressed that Romania would do so in its next report.

320. With regard to articles 2 and 5 of the Convention, satisfaction was expressed with the Government's achievements in ensuring equality of treatment for all ethnic groups living in Romania. Members noted that ethnic groups were afforded special facilities in the cultural sphere and that they participated equally in the government of the country through elected legislative and other bodies at all levels. The Government was asked to provide information on how the candidates for parliament was selected, in order to ensure that the various national groups were properly represented. Additional information was requested on the opportunities afforded to the different ethnic minorities for the use of their languages in written and oral form, in administrative and court proceedings and in all other areas of public life. The point was also made that the various ethnic groups living in Romania were bound to have ties with people of the same ethnic stock in their so-called mother nations, and further information was requested on the development of such links, especially in border areas. Concerning the provisions regarding marriage, it was noted that the report indicated that marriage could in no circumstances be forbidden on grounds of race or religion and it was asked whether it could be forbidden on grounds of nationality.

321. With respect to article 3, it was remarked that no information had been provided in the report on the measures taken by the Government taken to oppose apartheid and segregation, or on any

relations with the South African régime. The hope was expressed that the next periodic report would shed more light on the Government's activities to combat racism on the international front.

322. Concerning article 4 (a) and (b), a number of members referred to the inadequacy of the provisions of Romania's legislation to meet the corresponding obligations. It was pointed out that the important matter of punishing incitement to racial discrimination was not covered. Although article 17 of the Constitution established complete equality of all citizens without distinction, it did not provide for any penalties for acts of racial discrimination. Acts of racial discrimination were not mentioned in the Criminal Code, nor was the provision of assistance to, or financing of, such activities declared punishable law. While it was likely that the laws of Romania, like those of most other countries, provided for the punishment of those who instigated the commission of an offence, it would be helpful if the Government could indicate to the Committee whether that was in fact the case. It was also pointed out that there was nothing in the report to indicate that the Government had declared unlawful or prohibited associations which promoted racial discrimination. With regard to article 4 (c) of the Convention, which was met by article 247 of the Criminal Code punishing discriminatory acts by a public official, the question was asked whether the State could be considered liable for the official's actions and required to pay damages.

323. With regard to the Press Act mentioned on page 5 of the report, the point was made that the act could be seen as an attempt to control information, implying censorship and the punishment of journalists. Clarification was sought concerning the use of certain concepts in the report in connection with article 4. It was asked why, in article 317 of the Criminal Code, nationalistic-chauvinistic propaganda and incitement to racial or national hatred were treated in the same way, and why mysticism, which appeared to be linked in the report with the idea of "backward mentality", should be seen as an evil to be combated.

324. With reference to article 6 of the Convention, it was asked what remedies were available to members of ethnic groups in the event that their rights were violated. While very few cases, if any, may have occurred in Romania, it would be interesting none the less to know what formal possibilities were available to an individual.

325. As far as article 7 of the Convention was concerned, it was remarked that the right to education regardless of descent was clearly guaranteed in practice, with all citizens being given full freedom of choice to study in whatever language they wished. The involvement of the press in preventing racial discrimination was also encouraging.

326. The representative of Romania assured the Committee that he would refer to his Government the questions which could not be satisfied at the meeting for reply in the next periodic report. He reiterated his Government's position that the legislation in force adequately covered the provisions of the Convention as far as their aims were concerned. The essential factor in that connection was the will on the part of the Government to promote the objectives of the Convention.

327. With reference to the electoral process, he said that candidates for elections were selected at electoral meetings held in all voting districts established in accordance with the law. The participants in such meetings were free to propose several candidates, from among which the final choice was made. That arrangement reflected the broadening and deepening of socialist democracy

in Romania. With regard to the grounds on which marriages could be prohibited, he reassured the Committee that nationality could not be an impediment to marriage. As to the references in the report to mysticism and obscurantism, he said that they must be viewed within the broader context of Romanian law and Government policy, which respected and guaranteed the freedom of conscience and of religion of all citizens. Wherever the term “mysticism” appeared the author had specifically in mind the sometimes harmful influences and consequences which a certain attitude could have for economic and social development. As used in the report, mysticism denoted an attitude of hostility to reason and progress and to the progressive instruction of the masses. Perhaps obscurantism was a more appropriate term. He wished to stress that his Government’s education policy aimed at promoting the sentiments of human solidarity, tolerance and friendship, in accordance with the traditions of the Romanian people.

328. His Government would give consideration to including in its future reports more detailed information on its active participation in international efforts to combat apartheid, racism and racial discrimination. It would continue to endeavour, through its ongoing dialogue with the Committee, to promote the values embodied in the Convention.

## **CERD A/43/18 (1988)**

127. The seventh and eight periodic reports of Romania, submitted in one document (CERD/C/132/Add.4), were considered by the Committee at its 821<sup>st</sup> meeting, held on 4 August 1988 (CERD/C/SR.821).

128. The report was introduced by the representative of Romania who stated that, since the Committee's consideration of Romania's previous report (CERD/C/76/Add.3) in 1982, his country had maintained and consolidated its existing legal framework relating to the provisions of the Convention. In that connection, there were not merely legal but also practical guarantees to ensure access by all to every field of economic, social, political and cultural activity. He drew the Committee's attention to the fact that there had been a considerably greater volume of investment in some districts inhabited by Romanian citizens of other nationalities as compared with the rest of the country. The urbanization process which had taken place concerned all parts of the country and had led to the establishment of five or six urban centres in each district. The membership of local political and administrative bodies in districts inhabited by a population of another nationality reflected the proportion of that population in the district and special teacher-training colleges had been set up to train teachers in languages other than Romanian. Lastly, he emphasized the provisions governing the Council of Culture and the right of petition for citizens of all nationalities.

129. Members of the Committee expressed appreciation for the Romanian report as well as for the introductory statement and commended the Government for its willingness to maintain a dialogue with the Committee. Some members noted with satisfaction that the report provided information not only on legislation to implement the provisions of the Convention but also on how that legislation was put into practice. However, it was observed that the census referred to in the report had been conducted in 1977; new statistics regarding the demographic composition of the population were therefore requested.

130. Considerable concern was expressed by members regarding the position of the Hungarian and German minorities in Romania. There was a feeling that some of the measures adopted by the Government pursuant to its central planning policy might have the effect of destroying those minorities' cultural heritage and entail the loss of their identities. Some members, however, considered that Romania endeavoured to ensure full equality of rights and the elimination of any discrimination.

131. In that connection, members of the Committee referred to article 2 in conjunction with article 5 of the Convention and requested further information on the central planning policy and the urban resettlement programme. In that regard, members wondered whether some attempt was being made to assimilate the minority population and whether the Government had any plans for aligning some of its present legislation more closely with the provisions of the Convention. Additional information was also sought on the representation of minorities in the Grand National Assembly, on the closure of a Hungarian consulate in Cluj, and on whether a decree under which foreign tourists were no longer allowed to stay overnight in private houses was enforced with greater stringency against Hungarian-speakers in Transylvania. Regarding discrimination in employment, members wished to know whether Hungarian-speakers were posted to places where Hungarian was not spoken and people who did not speak Hungarian were being posted to Hungarian-speaking districts and whether

Hungarian-speakers were represented proportionately in the diplomatic service, the armed forces and the police. Information was requested on the Council of Workers of Hungarian Nationality and, lastly, members requested additional information on the status, rights and education of Gypsies and German-speaking minorities.

132. Concerning the implementation of article 3 of the Convention, members of the Committee expressed their satisfaction with the measures taken by the Government in the struggle against apartheid.

133. With regard to article 6 of the Convention, members of the Committee observed that the report referred to various articles of the Criminal Code providing for offences and punishment. However, they wished to receive further information on the kind of cases brought, the verdicts handed down and the forms of punishment imposed by the courts.

134. In connection with article 7 of the Convention, members of the Committee wished to receive additional information on the plan to create agro-industrial centres by destroying existing villages and rehousing the population in modern blocks. In that regard it was asked whether buildings housing Hungarian-speakers were the first to be demolished. In addition, members asked whether cultural documents relating to the past of the Hungarian minority had been removed or destroyed, whether non-Romanians were obliged to use the Romanian version of all place names and whether the history of Transylvania was being rewritten so as to exclude the contributions of Hungarians from history textbooks. It was also asked whether there were provisions for the use of minority languages in educational institutions, what proportion of the ethnic population received instruction in their mother tongue, whether students could take university courses in Hungarian literature in the Hungarian language, and what the illiteracy rate was among minorities.

135. Replying to questions raised and observations made by members of the Committee, the representative of the State party explained that the purpose of the central planning system was to ensure the economic, social and cultural development of the whole country, although areas inhabited by certain nationalities might be singled out for more accelerated development. The Government recognized the right of minorities to be different and there was no intention of assimilating ethnic Hungarians to Romanians or of destroying their cultural identity. The objective was to place them on a equal footing with the majority of the population. In response to other questions, he also stated that a new census was scheduled to be taken in two years' time, that consulates were still open, that tourists could stay in private houses if they were close relatives of the occupiers, that the number of Hungarian teachers in the country was proportionately higher than that of Romanian teachers, that there were Hungarians in the diplomatic service, that the percentage of Hungarian-speakers in the army was the same as that in the population at large and that there were many Hungarian-speakers in the police. He added that the Council of Workers of Hungarian Nationality was operating, held two sessions a year and was properly staffed. Regarding the question raised concerning the Gypsies, he stated that they all spoke Romanian, received their schooling in Romanian and had access to all public offices and that nomadic gypsies were allowed to continue their nomadic life and to preserve their traditions.

136. In connection with the implementation of article 6 of the Convention, the representative explained that no proceedings had yet been brought before the courts regarding racial discrimination

and that, if any cases arose, they would be settled at the administrative level.

137. With regard to the questions concerning the urban resettlement programme, the representative of the reporting State drew attention to the fact that the process of introducing the new agro-industrial centres had begun in the Bucharest area and that the programme would take 20 years to be completed. The plan affected the whole country and was not directed against any particular ethnic group. Its purpose was to ensure that there were no more scattered houses without running water, electricity or schools. The inhabitants of such scattered houses would be grouped together in a nearby commune with improved modern facilities in the same area.

138. The representative assured the Committee that all cultural property produced in the course of history by the Hungarian minority enjoyed the same protection as that created by Romanians and that the history of Transylvania as written in Bucharest took account of the various contributions made by the Hungarian population. Furthermore, the Romanian versions of place names were used only for official purposes and were not imposed upon the newspapers and books of ethnic minorities.

139. There was no problem with regard to the Hungarian minority in matters of education. Decisions in that area were taken by persons of the respective ethnic minority, at both ministerial and district level. The number of schools for Hungarians was proportionately higher than the number of schools for Romanians, since wherever there were seven children of Hungarian origin a school or class was established for them. Lastly, the representative explained that illiteracy did not exist in Romania and that Hungarian and German were used in higher education.

## **CERD A/50/18 (1995)**

247. The ninth, tenth and eleventh periodic reports of Romania, submitted in one document (CERD/C/210/Add.4), were considered by the Committee at its 1090<sup>th</sup> and 1091<sup>st</sup> meetings, held on 13 March 1995 (CERD/C/SR.1090 and 1091).

248. The reports were presented by representatives of the State party, who emphasized the importance attached to the Convention by the Government of Romania. They explained that the Constitution calls for the creation of a People's Advocate, who will be responsible also for the protection of the rights of persons belonging to minorities.

249. Regarding the diffusion of messages promoting discrimination, the representatives explained that Act 41 of 17 June 1994, which governs the Romanian Society for Radiodiffusion and the Romanian Society of Television, prohibits the use of radio and television to, inter alia, defame the nation, incite wars of aggression or promote racial, class-based or religious hatred or discrimination. They maintained that the conflicts in Romania were inter-community rather than ethnic in character.

250. Members of the Committee expressed appreciation for the high level of representation and for the quality of the report, which adhered to its guidelines. They underscored the importance of the many changes that had taken place in the State party in recent years, particularly that it had become a democratic nation that guaranteed its minorities the right to conserve, develop and express their ethnic, cultural, linguistic and religious identities. It was noted that the Government attached primary importance to its obligations under the international human rights treaties to which it was a State party, including the International Convention on the Elimination of All Forms of Racial Discrimination.

251. Members also noted that the Gypsy and Hungarian minorities were subject to serious de facto discrimination. They asked what were the results of the inquiries into the events in Tîrgu-Mures in March 1990 between the Romanians and Hungarians, which had not been completed at the time of the drafting of the report. They asked whether the persons arrested and prosecuted in connection with the incidents were mostly Gypsy or Hungarian.

252. Members welcomed the participation of minorities in the parliamentary elections of September 1992 and asked what proportion of the Parliament was constituted by the 39 elected deputies from the Hungarian minority organization.

253. Members further took note of the Government's own acknowledgement in the reports that the situation in certain regions was not satisfactory, particularly with respect to small minorities. A number of members requested clarification as to the difference between "ethnic" and "inter-community" tensions. Members wished to know what other concrete measures were being taken by the Government to effectively prohibit incitement of racial discrimination and hatred. They further expressed regret at the lack of information on the complaints registered and prosecutions pursued due to acts of racism and requested detailed information on this matter in the next periodic report.

254. Members asked whether the Government was considering making the declaration under article



14 of the Convention, according to which individuals could present communications regarding human rights violations before the Committee, or withdrawing its reservations to articles 17, 18 and 22. Members inquired whether the Government was planning to adopt a law on minorities.

255. Members also inquired about a reported agreement between the Governments of Germany and Romania whereby groups of Gypsies would be transferred from the former to the latter nation. They asked what were the specific provisions of the agreement and whether it was true that Romania was accepting money in return for accepting the Gypsies.

256. The representative of Romania thanked the members of the Committee for their interest and understanding of the situation in Romania and stressed that the views of the Committee were highly valued in Romania for shedding new perspectives on the domestic situation. He questioned whether the expression "multiracial" was apposite as a description of Romania since over 89 per cent of the population was Romanian; the second largest group, the Hungarians, accounted for a further 7 per cent. To call the country "multiracial" was to question the concept of Romania as a single, unitary nation. In response to a question about the positions taken by certain Romanian political parties, it was explained that the Hungarian Democratic Union of Romania (HDUR) had opposed the 1991 Constitution because it disputed the declaration contained therein that Romania was a national State which was unitary and indivisible. In early 1995, HDUR called for territorial autonomy on an ethnic basis in certain areas. There were a number of other parties, however, that did not demand territorial autonomy but rather were devoted to the promotion of economic development and the protection of human rights and opposed racist, anti-Romanian, anti-Semitic, Fascist and neo-Nazi views.

257. The representatives acknowledged that confusion had been created by the preparation of a new Penal Code. The Penal Code currently in force dated from 1968; its anti-democratic provisions were to be corrected. The provisions of international treaties were incorporated into Romanian law; they ranked below the Constitution but took precedence over domestic law. For most purposes, aliens and stateless residents enjoyed the same rights as Romanians, except for certain political and property ownership rights.

258. On the agreement between Romania and Germany, the representatives acknowledged that an agreement had been made between the two countries. He stated, however, that it involved the repatriation of undocumented persons living in each party and was not specifically targeted at any ethnic group. The transfer of DM 31 million called for in the agreement was to facilitate the professional and social reintegration of persons repatriated to Romania under the agreement.

259. The representatives also discussed the establishment in April 1993 of the Council for National Minorities, consisting of representatives of all national minorities and representatives of 12 government ministries. Each minority had the right to vote and the right to veto any Council action contrary to its interests, while the representatives of the Government had one vote each and could only veto decisions contrary to the law. On the possibility of adopting a law on national minorities, the representatives explained that a bill proposed by the Hungarian minority was before the Parliament and that a national minorities bill was under consideration by the Government. The representatives explained that the Constitution guaranteed the right of national minorities to be represented in Parliament and locally, and mentioned that many actually have been elected at both levels. Members of national minority groups also served in the government administration.

260. Regarding the possibility of discrimination in employment, the representatives stated that such discrimination was prohibited in the Constitution, in the law on individual labour contracts and in ILO Convention No. 100 (Equal Remuneration Convention), to which Romania was a State party. While most unemployed persons were Romanian nationals in areas predominantly Romanian, the complete eradication of discriminatory treatment in employment depended on the resolution of social, economic and political problems. The representatives assured the Committee that the issue of employment would be dealt with more thoroughly in the next report.

261. Members of the Committee, while expressing deep appreciation for the detailed answers provided by the representatives of the Government, also expressed regret that the representatives had not addressed the question posed by several members as to what measures were being taken by the Government to end incitement of racial discrimination and hatred. It was unclear whether legislation in fulfilment of obligations under article 4 was effectively implemented.

### Concluding observations

#### (a) Introduction

262. At its 1096<sup>th</sup> meeting, held on 16 March 1995, the Committee adopted the following concluding observations.

263. The Committee welcomes the report of the State party, which was drafted in general accordance with the Committee's guidelines for the presentation of State party reports, and the additional material and oral information provided by the delegation.

264. The Committee expresses regret, however, that some additional answers provided did not fully address many of the questions posed by the Committee during the consideration of the report. In particular, the information given only orally on the agreement between Romania and Germany on the transfer of Sinti and Roma is insufficient. In this regard, the Committee invites the Government to submit in its next report information on the points raised in the present concluding observations and on any remaining questions posed during the consideration of the present report. Given the short time remaining until the next report is due in October 1995, the Committee considers that that report should be a brief but complete update of the situation surrounding the rights protected in the Convention and that the following report, to be submitted in October 1997, should comprehensively address the situation regarding all of the articles contained therein.

265. The Committee expresses appreciation for the invitation extended by the delegation to visit Romania and to undertake direct consultations on the human rights situation with the competent authorities.

#### (b) Factors and difficulties impeding the application of the Convention

266. With Romania's history of authoritarian rule, which has severely impeded the enjoyment of many human rights in the State party, it is understood that the establishment and practical application of a new democratic and non-discriminatory political, economic and social framework is a difficult and time-consuming process.

(c) Positive aspects

267. Romania has also made progress in dismantling or revising the legal framework established during the period of authoritarian rule, particularly the Penal Code; it encourages democracy and openness in Romanian society and brings the legal codes closer in line with international human rights instruments, including the International Convention on the Elimination of Racial Discrimination. The establishment of national human rights institutions is also noted, including the Council for National Minorities, the Centre for European Studies of Ethnic Problems, the Romanian Human Rights Institute, and the office of an Ombudsman to be exclusively concerned with the defence of human rights and freedoms. It is noted that these actions conform with General Recommendation XVII on the establishment of national human rights institutions.

268. Regarding the Government's new policy directions regarding minorities, note is taken of the Government's intention to preserve the ethnic, linguistic, cultural and religious identity of minorities and to protect them against attempts at forced assimilation, exclusion or segregation, as expressed in the Declaration on National Minorities of 20 November 1991. The increasing political participation of minority groups in Romania, both at the national and local levels, is noted.

269. Satisfaction is expressed with the Government's efforts to raise awareness of international human rights standards through civic instruction in the schools and through human rights training programmes initiated in cooperation with international human rights organizations, including the United Nations Centre for Human Rights. The legal provisions that prohibit speech which encourages racism or incites violence are also believed to be constructive.

(d) Principal subjects of concern

270. Concern is expressed as to the continued prevalence of xenophobic attitudes and traditional prejudices in Romanian society against certain minorities, manifested in the appearance of extremist political parties and increasing acts of violence.

271. Concern is also expressed about the concept of the nation-State since it may result in weakening the policy of protecting minorities and could aggravate the relations between communities.

272. While it is noted that Romania's new legal framework prohibits manifestations of racism, including acts of violence, the propagation of racist speech, and discriminatory employment practices, the extent to which measures are being taken by the Government to translate the legal prohibition of such acts into effective prohibition is unclear. Once such acts occur, it is not evident what remedies are available to victims and whether and how it is ensured that the guilty parties are prosecuted in an adequate and timely manner. It is noted in this connection that with regard to the violence on 20 September 1993 which resulted in the death of three members of the Roma and the destruction of the homes of 170 others, victims have yet to receive compensation or have their homes reconstructed.

273. Concern is expressed at the continuing reports of racism among police forces, which have been said to occasionally use excessive force against members of certain groups or, alternatively, are said

not to take action when acts of violence against certain groups are committed in their presence.

(e) Suggestions and recommendations

274. The Committee recommends that the Government include in its next report information regarding the legal force of the Convention in Romania, especially enforcement of article 4, whether it may be directly invoked by victims of racism, and whether any such cases have been tried before the courts (and if so, what was the outcome of those cases). If codification into Romanian law is required before the Convention may be directly invoked, information is requested regarding the status of codification of the Convention. Information on the legal force of the Declaration on National Minorities of 20 November 1991 is also requested.

275. The Committee recommends that further information on the Law on Minorities be provided in the next report. It should contain the legal definition of "minorities", information on each of the ethnic groups listed in the present report (para. 16), and whether any special programmes are being implemented or are envisioned to improve the situation of the minorities identified, particularly the most vulnerable groups. The Committee further recommends that the Government systematically collect data on foreigners residing in Romania and take steps to ensure that they are not subjected to harassment or other acts of racism and xenophobia.

276. The Committee invites the Government to provide in its next report information regarding the agreement signed with Germany on the repatriation of Sinti and Roma, specifically as to how many persons are affected, which ethnic groups they belong to, and what measures are being taken to facilitate their reintegration into the repatriated country.

277. The Committee recommends that the Government engage in a public campaign, conducted through the media, the schools and other means at the disposal of the Government, to familiarize the public with the Convention, to attempt to change traditional prejudices against minorities, and to convey messages of tolerance. In this regard, the Government should continue to provide instruction on international human rights standards and norms in the schools and organize periodic training programmes for persons engaged in the administration of justice, including judges, police officers and lawyers.

278. The Committee recommends that the Government review and improve the training of law enforcement officials in the light of the Committee's general recommendation XIII.

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272. The Committee considered the twelfth to fifteenth periodic reports of Romania (CERD/C/363/Add.1) at its 1336<sup>th</sup> and 1337<sup>th</sup> meetings (see CERD/C/SR.1336 and 1337), on 3 and 4 August 1999, and adopted, at its 1360<sup>th</sup> meeting (see CERD/C/SR.1360), on 19 August 1999, the following concluding observations.

### **A. Introduction**

273. The Committee welcomes the report submitted by the Government of Romania, together with the additional information provided by the delegation in reply to the questions and observations by members of the Committee during the oral consideration of the report. The Committee notes with appreciation the particular effort made to respond to concerns and requests for information expressed by the Committee on the occasion of the consideration of the previous periodic report in 1995.

### **B. Positive aspects**

274. Note is taken with satisfaction of the legislative measures adopted since the consideration of the previous periodic report which are relevant to the implementation of the Convention, such as the Act regulating the institution of the People's Advocate and its entry into operation, and also the Act regulating the status of refugees.

275. Note is taken with interest of the establishment within the Executive of a Governmental Department for the Protection of National Minorities. In connection with the Roma, note is taken of the establishment, within that Department, of the National Office for Roma and of the efforts made at the inter-ministerial level to coordinate policies in support of this minority.

276. The efforts made to put into practice human rights education programmes, some of which are intended for law enforcement officials, are welcomed. Note is taken of the efforts to make the police more efficient and respectful of the rights of individuals in general and of minorities in particular.

277. The efforts aimed at facilitating access to mother-tongue education for members of national minorities are also welcomed.

278. Note is taken with interest of the increase in the number of persons belonging to national minorities who are members of the organs of the Legislature and the Executive, and also of local administrative bodies.

279. The Committee takes note with satisfaction of the submission to Parliament of bills for the ratification of the amendments to article 8, paragraph 6, of the Convention, approved at the fourteenth meeting of States parties to the Convention, and for approval of the declaration provided for in article 14 of the Convention.

### **C. Principal subjects of concern**

280. Concern is expressed that the provisions of Romanian legislation making punishable acts of

racial discrimination by individuals, are not in full conformity with the provisions of article 2, paragraph 1 (d), of the Convention. The fact that legislation contains no clear prohibition of organizations which promote and incite racial discrimination, within the meaning of article 4 (b) of the Convention, is also unsatisfactory.

281. Another subject of concern is the persistence of xenophobic attitudes and prejudice against certain minorities within Romanian society, which manifest themselves on numerous occasions in various mass media.

282. The situation of Roma is a subject of particular concern since no improvements have been noted in the high unemployment rates and the low educational level traditionally predominant among members of this minority; this contributes to the continued unacceptable prevalence of the negative and stereotyped image of the minority in the rest of society. Given its disadvantaged situation in society, particular concern is caused by the absence of economic and social measures of the kind envisaged in article 2 (2) of the Convention in favour of this minority, Romania's current difficult economic situation notwithstanding.

#### D. Suggestions and recommendations

283. The State party should adopt measures to include in legislation provisions which fully prohibit any act of racial discrimination by individuals, as provided for in article 2, paragraph 1 (d), of the Convention, and also any organization which promotes and incites racial discrimination, within the meaning of article 4 (b) of the Convention.

284. The Committee notes the limited number of cases of racial discrimination that have come before the organs administering justice. The Committee is of the opinion that the lack of more complaints and judicial decisions may indicate a lack of awareness of the existence of available legal remedies and of the protection against racial discrimination provided by the Convention. It suggests to the State party that it take measures to remedy that situation.

285. The Committee recommends that the State party take measures to prevent and punish racist practices in the mass media. In addition, adequate means should be found to ensure that the media constitute an instrument that helps to combat racial prejudice, particularly against the Roma, and fosters a climate of understanding and acceptance among the various groups which make up the country's population.

286. Measures of affirmative action should be adopted in favour of the Roma population, especially in the areas of education and vocational training, with a view, *inter alia*, to placing Roma on an equal footing with the rest of the population in the enjoyment of economic, social and cultural rights, removing prejudices against the Roma population and enhancing its capacity in asserting its rights. A coordinated effort by the various State bodies competent in this area, working in conjunction with representatives of the Roma population, is required.

287. While noting the State party's statement that in view of the absence of any practices of racial segregation or apartheid it has not taken any action to prevent or eliminate such practices, the Committee nevertheless requests the State party to take into consideration its general

recommendation XIX relating to article 3 of the Convention.

288. The training programmes for law enforcement officials on human rights in general and observance of the Convention in particular must be continued. In this connection, the Committee invites the State party's attention to the content of its general recommendation XIII.

289. The Committee suggests to the State party that it take measures to ensure the effective dissemination, including in the languages of the national minorities, of the provisions of the Convention, as well as its periodic report and the Committee's concluding observations.

290. The Committee recommends that the State party's next periodic report, due on 15 October 2001, be an updating report, and that it should address all the points raised in these concluding observations.