

CERD, A/55/18 (2000) Chapter III

...

CHAPTER III. CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

...

Y. Thematic discussion on the question of discrimination against Roma

442. The Committee may request, under article 9 of the Convention, that States parties submit further information in addition to the periodic reports that they undertake to submit upon ratification. On the basis of the information received the Committee may make suggestions and general recommendations.

443. In examining the periodic reports of States parties the Committee has found that some forms of racial discrimination are common to several States and can usefully be examined from a more general perspective. An example is discrimination against Roma populations. As a result the Committee decided, at its fifty-sixth session,ⁱ to hold at its next session a thematic discussion on that issue with a view to possible further action. In this connection, it requested from States parties information about Roma populations residing in their respective territories, the economic and social situation of such populations and policies for eliminating racial discrimination against them.

444. The holding of the thematic discussion adds to the Committee's contributions to the preparatory process for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The thematic discussion, the first to be organized by CERD, was held during the 1422nd to 1424th meetings of the Committee, on 15 and 16 August 2000; it was preceded by an informal meeting with concerned non-governmental organizations on the morning of 15 August 2000.

445. The Committee was able to draw upon extensive information from its own activities, including that contained in periodic reports submitted by States parties and its dialogues with State delegations. In addition, a number of States replied to the invitation extended by the Committee in April 2000 to submit additional information. Information was also received from regional organizations, including reports, studies and recommendations prepared by the Organization for Security and Cooperation in Europe (OSCE) and its High Commissioner on National Minorities, and by the Council of Europe and its European Commission against Racism and Intolerance.ⁱⁱ

446. In addition, the Committee had relevant information from other United Nations human rights mechanisms, including other treaty bodies, the special procedures of the Commission on Human Rights (in particular the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), and the Sub-

Commission on the Promotion and Protection of Human Rights. The Office of the High Commissioner for Human Rights also submitted the report of the Central and Eastern European regional seminar of experts on the protection of minorities and other vulnerable groups and strengthening human rights capacity at the national level (A/CONF.189/PC.2/2), held in Warsaw from 5 to 7 July 2000.

447. Non-governmental organizations representing the Roma and global human rights organizations also submitted relevant information.

448. During the informal meeting, after an introductory statement by the Chairman of the Committee, non-governmental organizations raised a number of issues of concern.ⁱⁱⁱ Members of the Committee posed questions to some of the representatives present. During this informal meeting, a statement was also made by the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Glélé-Ahanhanzo.

449. At the next meeting, the general debate was opened by the Chairman of the Committee, who called attention to the emerging evidence of similar patterns of discrimination against Roma populations in many States parties to the Convention. In response to the invitation addressed to United Nations human rights mechanisms, bodies and agencies, three members of the Sub-Commission on the Promotion and Protection of Human Rights spoke. The Chairperson, Antoanella Iulia Motoc, drew attention to the many relevant activities of the Sub-Commission, which had long experience in the areas of protection against ethnic discrimination and protection of the rights of minorities. Asbjørn Eide, the Chairperson of the Sub-Commission's Working Group on Minorities, referred to the links between equal enjoyment of human rights without ethnic discrimination and the right of cultural minorities to preserve their cultural identity. Yeung Kam Yeung Sik Yuen, the member of the Sub-Commission entrusted with the preparation of a working paper on the human rights problems and protections of the Roma (E/CN.4/Sub.2/2000/28), presented the preliminary findings of his working paper. In addition, Kirsten Young, the Senior Liaison Officer of the South-Eastern Europe Operation, Bureau for Europe at the Office of the United Nations High Commissioner for Refugees (UNHCR), made a statement focusing in particular on the extreme forms of discrimination currently faced by Roma groups in Kosovo and in neighbouring areas.

450. A comprehensive statement was made by Mr. Diaconu, the convenor of the Committee's open-ended working group on the organization of the thematic discussion. Most Committee members took part in the general debate which continued during the meeting in the morning of 16 August 2000.^{iv} Issues of particular concern regarding the discrimination experienced by Roma communities explored in the statements of Committee members included:

(a) The need to address the legal status of the Roma (as ethnic groups or ethnic minorities, but also in regard to matters of citizenship, migration or asylum) while respecting their right to express their wishes in this regard;

(b) The inadequate or ineffective implementation of legislation designed to prevent discrimination and provide effective remedies and compensation to victims;

(c) The violent attacks suffered by the Roma and the impunity which is sometimes accorded to the perpetrators of such attacks;

(d) The need for increased political will and leadership, as public authorities (in particular at the local level) are sometimes reluctant to confront the racial prejudices and attitudes of voters by enforcing respect for international human rights norms;

(e) The related need to combat widespread public bias and prejudice, often based on little real knowledge and understanding of the history and culture of the many Roma communities;

(f) The need for increased political participation of Roma communities and for efforts to involve them in planning, adopting and implementing any policies or programmes designed to assist them;

(g) The need to address the severe socio-economic disadvantage experienced by the Roma, including: unequal access to education and the resulting underqualification, which complicates efforts to reduce very high unemployment or employment in the informal sectors of the economy; housing segregation, or placement in isolated camps without access to public services, or the lack of sites and facilities for travelling communities, which compound education and unemployment problems, exposing the Roma to increased prejudice and discrimination; and unacceptable health conditions, from disproportionately higher infant mortality to significantly shorter life expectancy;

(h) The need for increased training and sensitization of public officials, including police and other law enforcement officials, teachers and local authorities, both in the need to respect the right of the Roma to be protected from discrimination and in how to prevent and avoid racial conflict;

(i) The need to pay special attention to the additional problems faced by particular groups, particularly by travelling Roma communities, or by those who are not citizens (migrants, asylum-seekers and refugees) of the States where they reside;

(j) The need to address the double discrimination suffered by many Roma women and girls, who are often subject to gender discrimination within their own community as well as to gender-specific forms of discrimination as Roma;

(k) The need for the international community to act urgently on the unacceptable persecution - amounting to "ethnic cleansing" - to which Roma communities have been subjected in Kosovo;

(1) The need to maintain the delicate balance between the preservation of the culture in minority groups and their right to equal and non-discriminatory enjoyment of all human rights.

451. Several members spoke of the need to identify the causes of the prejudices against Roma and maintained that they had to be seen in the context of a triangular relationship involving the Government of the State, the Roma and the non-Roma, or Gaje, population. Finally, the Committee requested that the records of the meetings at which the thematic discussion took place be verbatim.

452. At the end of the general debate, the Deputy High Commissioner for Human Rights addressed the Committee and welcomed its initiative in organizing the thematic discussion. He emphasized the need to monitor continuously the situation of vulnerable groups and to ensure that international strategies were available to offer urgent relief and protection against the widespread human rights violations to which they were subjected. Mr. Ramcharan called attention to the conclusions and recommendations on the “persistence of racism against the Roma” adopted by the Warsaw regional seminar.

453. Based on the information submitted and collected for the thematic discussion and on the outcome of the general debate, the Committee adopted, at its 1424th meeting (CERD/C/SR.1424), on 16 August 2000, its general recommendation XXVII on discrimination against Roma (see annex V, sect. C).

ⁱ See CERD/C/SR.1399.

ⁱⁱ The list of States parties and intergovernmental organizations which submitted information in response to the Committee’s invitation is given in annex VIII.

ⁱⁱⁱ For a list of non-governmental organizations which took part in the informal meeting, see annex IX.

^{iv} For a detailed record of the statements made by the participants during the general debate, see CERD/C/SR.1422 and 1423.