



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2404th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 1 December 2015, at 3 p.m.

Chair: Mr. Calí Tzay

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Combined eighth to eleventh periodic reports of Slovenia

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The meeting was called to order at 3 p.m.

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

Combined eighth to eleventh periodic reports of Slovenia (CERD/C/SVN/8-11 and CERD/C/SVN/Q/8-11)

1. **The Chair**, after commending the contribution made by the Slovene delegation in the Third Committee of the General Assembly to the promotion of the work of the Committee on the Elimination of Racial Discrimination, invited the delegation of Slovenia to introduce its report.
2. **Mr. Šuc** (Slovenia), introducing the combined eighth to eleventh periodic reports of Slovenia (CERD/C/SVN/8-11), said that his country's efforts to address racial discrimination across the board were reflected in the drafting of the report. Civil society organizations had been informed in September 2014 that the Committee would consider the report and had been fully engaged in the drafting process. The report was structured to address the concerns voiced in the Committee's previous concluding observations (CERD/C/SVN/CO/6-7). In 2014, in addition to its report under the Convention, Slovenia had submitted a new core document.
3. The Government of Slovenia was fully aware of the importance of achieving mutual understanding through intercultural dialogue, of eliminating stereotypes and of accepting migrants in society. It continued to provide equal access to free education to all children, regardless of their mother tongue, citizenship or legal status. To ensure the comprehensive integration of migrant children, special guidelines had been put in place. Schools constantly monitored and developed the integration programme and provided further training for teachers.
4. With regard to the prevention of racial discrimination against people of African descent, his delegation wished to highlight its long-standing support for the activities of the Institute of African Studies, based in Ljubljana, which was dedicated to the study of African history and culture. The Institute carried out projects aimed at promoting African culture and cultural diversity, at eliminating racial discrimination and at providing assistance to asylum seekers of African descent. Its projects were funded by the Ministry of Education, Science and Sport, the Ministry of Culture and the Ministry of the Interior.
5. In February 2011, the National Assembly had adopted, by a two-thirds majority, the Declaration of the Republic of Slovenia on the Status of National Communities of Members of Nations of the Former Socialist Federal Republic of Yugoslavia in the Republic of Slovenia, which related to the implementation of the rights of those communities in the areas of education and cultural and political participation. In November 2013, the National Assembly had adopted a resolution stressing that cultural diversity was a human right and a real asset to Slovene society. Slovenia had adopted guidelines for the prosecution and punishment of incitement to racial intolerance, in line with the Committee's general recommendation No. 35 (2013). It had also adopted measures to promote the development of the intercultural skills of the relevant civil servants. In January 2013, the Government had replied to the Committee's request for a report on the implementation of its recommendations concerning discrimination against the Roma community in the field of housing and the status of persons whose names had been erased from the register of permanent residents.
6. Since the submission of the report in June 2014, the current coalition Government had put forward a number of proposals on increasing respect for human rights, which included strengthening the role of the Advocate of the Principle of

Equality and enhancing dialogue with civil society. The elections of July 2014 had resulted in significant progress in the political representation of women: in the current National Assembly, 35.6 per cent of members were women. Half of the ministerial positions in the Government were held by women.

7. Like other countries, Slovenia had suffered a severe financial and economic crisis. Economic recovery had started in 2014 and continued in 2015. Gross domestic product (GDP) had remained below the pre-crisis levels. The Government had, however, tried to alleviate the effects of austerity measures on the most vulnerable sectors of the population. Social exclusion levels had thus remained below the European Union average, and inequality had also remained relatively low. There had been no deterioration with regard to access to health care or education, and the level of financial social assistance had not fallen. The unemployment rate among Roma had remained within the limits of the pre-crisis rate.

8. Since 16 October 2015, the entry of 281,682 refugees and migrants had been registered in Slovenia, which amounted to more than 14 per cent of the country's total population. The Government had done everything in its power to provide the new arrivals with shelter, food, clothing and medical assistance, with special attention being paid to the most vulnerable groups. It had mobilized the police, civil protection services and non-governmental organizations (NGOs), with logistical support from the Slovene armed forces. The scale of the challenge exceeded the country's capacity, however, and the Government had therefore made an appeal for international assistance. It was very grateful for the help already received from the Office of the United Nations High Commissioner for Refugees (UNHCR) and other partners. In view of the need to safeguard the welfare of all persons under its jurisdiction, however, the Government had recently decided to take urgent preventive measures to control the migration flow. It was doing its utmost to treat everyone humanely.

9. **Ms. Herman** (Slovenia) said that, with a view to monitoring the progress made in implementing the National Programme of Measures for Roma for the Period 2010-2015, the Government had reported annually to the National Assembly on the situation of the Roma community. The annual reports had recorded slow but steady progress in all aspects of the Programme. The Government was, however, aware of the need to promote the social inclusion of some members of the Roma community. It would place additional emphasis on combating intolerance and hate speech directed at Roma and the need to eliminate prejudices and stereotypes through closer dialogue and cooperation between national and local authorities, the Roma community and civil society organizations, all of whom would contribute to the drafting of the new Programme covering the next five year period. The top priority would be to improve the living conditions of Roma and to modernize Roma settlements in accordance with a concept prepared by an expert group. The basic infrastructure of such settlements could be regulated through financial incentives for the construction and modernization of water supply and sewage systems, electrification and building of local roads.

10. Another important element of the Programme would be educational measures, which would focus on developing family literacy, offering learning assistance to Roma children, enrolling Roma children in the preschool system and promoting outdoor and leisure activities. In 2016, the Government would launch a project linking education, employment, health and other areas of life by setting up eight centres in Roma settlements. The centres would bring together various stakeholders to offer support to Roma in the organization of everyday life.

11. The new Programme would make the fight against discrimination a cross-cutting activity, with measures including the education of civil servants, Roma and the general public about prejudices and stereotypes. An example of good practice in that regard

was the Skupaj (“Together”) project conducted by the Ministry of the Interior and the police.

12. **Ms. Snoj** (Slovenia) said that the Government had introduced amendments to the Act Regulating the Legal Status of Citizens of the Former Yugoslavia Living in the Republic of Slovenia, thus giving persons deleted from the register of permanent residents and who for justified reasons did not reside in Slovenia the right to apply for a permanent residence permit. The Act set a deadline for applications, namely 24 July 2013, three years after its entry into force, which the National Assembly had decided was long enough to allow all potential applicants to acquaint themselves with its provisions. A brochure containing information about the Act had been published in Slovene and four other official languages of the successor States to the former Yugoslavia. Those who had failed to apply for a permanent residence permit under the Act or whose applications had not been accepted could apply for a residence permit under the conditions set out in the Aliens Act.

13. In 2013, Slovenia had adopted the Act on Reparations for Persons Erased from the Register of Permanent Residents, which had taken effect in June 2014. That law was intended to remedy the violations of human rights of persons deleted from the register and also to give effect to the judgement of the European Court of Human Rights of 2012 in the case of *Kurić and Others v. Slovenia*.

14. **Ms. Trtnik** (Slovenia) said that the Criminal Code had been amended in 2011 to extend the scope of the circumstances in which public incitement of hatred, violence or intolerance explicitly based on a person’s ethnicity was punishable and to increase the penalties for that offence. The definition of the offence had been clarified and the range of persons liable for punishment had been extended to include webmasters and those who replaced them in their work, whereas previously it had applied only to editors-in-chief in the mass media. It was a criminal offence to distribute hate content to a large group of persons. Even if the distribution was addressed to a closed group, an offence was considered to take place if the circumstances indicated that the author’s purpose was to reach the general public. There was, however, no offence if public law and order were not threatened or disturbed. If such offences were committed by holders of public office, the cases in question were handled with priority.

15. Slovenia had developed a platform for detecting hate speech on the Internet, which enabled Slovene Internet users to report hate speech and sexual abuse of children on the Internet anonymously. The Office of the State Prosecutor General, the police and representatives of the media and other organizations took part in the project. Hate speech was prohibited under the laws governing the media and audiovisual services. Moreover, a number of self-regulatory mechanisms had been in place for several years. The prohibition also applied to hate speech by politicians, with the exception of members of the National Assembly, who had immunity.

16. **Ms. Dah** (Country Rapporteur) said that the consolidated report and the core document were rich in information, although the Committee would have liked a wider overview of the composition of the population of Slovenia, especially its minorities. The core document made it clear that, despite the financial crisis, Slovenia remained a wealthy country, with a modern social structure providing quality services — it had, for example, the lowest infant mortality rate in the European Union — and comfortable income levels. Its dedication to human rights, as expressed in its commitments to the European Court of Human Rights, international treaties and such bodies as the Human Rights Council, was impressive.

17. The report was useful, but it had been set out in the form of answers to the Committee’s previous concluding observations (CERD/C/SVN/CO/6-7). The

Committee's preference was for the layout specified in the guidelines for the CERD-specific document to be submitted by States parties under article 9, paragraph 1, of the Convention, contained in document CERD/C/2007/1, which produced reports addressing the practical implementation of the Convention article by article. The report had therefore not provided all the information that the Committee had wanted, in particular about the ethnic composition of the country. She recognized that data that might be considered personal was sensitive, but other bodies, too, had requested further details, including the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child, which had said that the State party should establish a system providing disaggregated data. Although the report gave some data on the linguistic and demographic structure of the country on the basis of the 2002 census, the fact remained that a large portion of the relevant information was missing.

18. She wished to know why groups of citizens of the former Yugoslavia were not recognized as national minorities in the same way as the Hungarian and Italian communities. With regard to the Act on Reparation for Persons Erased from the Register of Permanent Residents, she asked what was being done to help individuals and families who had not yet resolved their legal status, and whether the non-pecuniary compensation was sufficient to restore the economic, social, cultural and other rights of victims, including through the restitution of property. The delegation should also state whether, with the adoption of the Act, the matter was considered settled, or whether additional measures were planned.

19. It would be interesting to know the impact of recent amendments to domestic legislation on the situation of the Roma community, how many Roma were estimated to reside in Slovenia and what distinction the Government drew between autochthonous and non-autochthonous Roma. Among those considered to be non-autochthonous, had any been citizens of the former Yugoslavia? Had any been erased from the register of permanent residents?

20. While welcoming the projects launched by the State party to promote the inclusion of Roma, she drew the delegation's attention to the concluding observations of the Committee on the Elimination of Discrimination against Women on the combined fifth and sixth periodic reports of Slovenia (CEDAW/C/SVN/CO/5-6) specifically relating the situation of the Roma community. She also invited the delegation to comment on the 2013 report of the Human Rights Ombudsman, who had labelled progress towards the inclusion of Roma as slow and had identified a lack of political will to overcome obstacles.

21. Turning to the situation of asylum seekers, migrants and refugees, she asked why provisions of the International Protection Act related to family reunification and to the principle of non-refoulement had been transferred to the Aliens Act, whether the State party intended to ratify the Convention on the Reduction of Statelessness and how many cases of statelessness the Government was currently handling.

22. Regarding the case law cited in the report in respect of the article of the Criminal Code prohibiting incitement to hatred, violence or intolerance, she asked whether complaints of racial discrimination were often dismissed by courts of first instance because of judges' resistance, or because of a lack of appropriate training. She also asked what steps were being taken by the Advocate of the Principle of Equality to prevent racial discrimination and invited the delegation to comment on the 2014 report of the European Commission against Racism and Intolerance, which had found that the law implementing the principle of equal treatment was dysfunctional, that the existence of racial discrimination had not been established in a single court case and that the Advocate lacked the organizational and budgetary independence required of a body for the promotion of equal treatment.

23. Lastly, she called on the Government to provide the Office of the Human Rights Ombudsman with adequate resources, which would help it obtain A status from the International Coordinating Committee of National Human Rights Institutions and thereby enable it to cooperate more closely with the Committee.

24. **Mr. Diaconu** said that it would have been useful to receive statistics on the representation of minority groups in public office. Did municipalities that had no Roma councillors adopt spatial analysis and planning documents to address the organization of settlements with a Roma population?

25. He would appreciate data on the distribution of Roma within Slovenia. What results had been achieved by the 2010-2015 National Programme of Measures for Roma People? He wished to know whether a new programme had been adopted or was planned and, aside from public calls for applications issued by the Office for Nationalities in support of specific activities, whether any special measures had been taken to secure the advancement of the Roma community. Had any of the projects addressed by public calls for applications proven unsuccessful? Had any been scrapped?

26. How many of the persons erased from the registry of permanent residents had applied for permanent residence permits within the three-year deadline set by the law? Could those who had not done so nevertheless claim compensation in accordance with the judgement of the European Court of Human Rights in the case of *Kurić and Others v. Slovenia*?

27. Noting that, in some rulings, courts of first instance had held that only the Hungarian and Italian national communities in Slovenia were entitled to protection against the criminal offence of public incitement to hatred, violence or intolerance, he urged the State party to enact legislation that afforded such protection to persons as individuals rather than as members of specific ethnic groups.

28. The delegation should elaborate on the mandates, powers and responsibilities of the Human Rights Ombudsman and of the Advocate of the Principle of Equality. It should also describe the extent to which information conveyed to the public by the Government was made available in Romani languages.

29. **Mr. Kut** asked whether the Government intended to evaluate the effectiveness of the 2010-2015 National Programme of Measures for Roma People and noted that the periodic report was silent on the difficulties reportedly faced by the Roma community in Kočevje in accessing basic services, education and employment.

30. He would welcome further details on the implementation of the Act on Reparation for Persons Erased from the Register of Permanent Residents and on the results achieved. The delegation should also describe efforts to combat racism in political discourse, provide an update on the activities of xenophobic political parties and extremist groups and indicate whether any initiatives had been undertaken to set up an independent body to examine allegations of police misconduct.

31. **Mr. Lindgren Alves** asked whether persons who had been erased from the register of permanent residents and had failed to apply for a permanent residence permit within the three-year period could still do so. He invited the delegation to comment on reports that such persons were being denied many fundamental rights, including social services in the areas of education and health.

32. Noting that the State party had developed a number of best practices with regard to Roma, he asked the delegation whether some of the problems encountered by that community owed more to a rejection of integration within the Roma community than to a failure by the Government to take adequate steps. He said that he would also

appreciate information on socialization programmes for the Roma community and on the attitude of Roma parents towards their children's schooling in mainstream classes.

33. Noting that the Criminal Code now provided for the prosecution of webmasters or persons performing their duties if a criminal offence of public incitement to hatred, violence or intolerance was committed through a website, he asked whether there had been any prosecutions under that provision. How many refugees had Slovenia been assigned to take in by the European Union? How was the country coping with the situation?

34. **Mr. Vázquez** said that the Committee was concerned about the status of the office of the Advocate of the Principle of Equality, which was widely regarded as dysfunctional. The proceedings before the Advocate resulted in only non-binding opinions. The law was silent on the role of the Advocate in judicial and administrative proceedings, and the Advocate had so far failed to establish that racial discrimination had taken place in a single case. The Advocate reportedly did not have any staff to assist him; there were concerns that the office of the Advocate lacked the organizational and budgetary independence required of a body for the promotion of equal treatment. He would be interested to hear what action the State party had taken to remedy the situation and to respond to a warning issued in 2012 by the European Network of Equality Bodies addressing those problems.

35. He asked whether the scarcity of complaints regarding racial discrimination in employment might be due to a fear of retaliation among employees. What steps had the State party taken in response to the recommendation by the European Commission against Racism and Intolerance that Slovene politicians should be encouraged to take a firm public stance against the expression of racist and xenophobic attitudes, including from within their own ranks? Was the State party considering making racial motivation an aggravating circumstance for crimes other than murder? What steps were being taken to address the problem of racial profiling? He requested further information about the distinction drawn between autochthonous and non-autochthonous Roma and the steps taken to address the very serious problem of a lack of access to water among the Roma population.

36. **Mr. Avtonomov** said that he would welcome clarification of the protective measures in place and legislative provisions on non-refoulement for persons considered to be refugees under the Convention relating to the Status of Refugees. He would be interested to hear more about the right to family reunification, which appeared to be covered in the Aliens Act but not the International Protection Act, and about the social assistance available to persons entitled to international protection. Was a formal mechanism in place to ensure that the best interests of the child were taken into account when decisions were made about the children of refugees? He would also be interested to hear about the State party's plans to commemorate the International Decade for People of African Descent.

37. **Mr. Yeung Sik Yuen** asked whether, in the case of the offence of incitement to hatred, violence or intolerance, the commission of the offence "in a manner that could jeopardize or disrupt public order" was an element of the offence itself. Perhaps that provision was intended to be interpreted to the effect that, if there was an actual disruption of public order as a result of the offence, that should be considered an aggravating factor. Turning to the situation of the people "erased" from the register of permanent residents, he expressed concern that approximately half of the more than 25,000 persons affected had still not regained permanent status in the country. According to NGO sources, 1,350 of a total of 1,899 recent applications for status restoration had been denied or rejected. If that was the case, the State party clearly needed to take further measures to definitively resolve the issue, perhaps by declaring another moratorium so that outstanding cases could be processed.

38. **Mr. Kemal** asked why the State party had used the specific format for its report. Had that resulted from a conscious decision to take a first step towards opting for the simplified reporting procedure that was under consideration by the Committee? Regarding the people “erased” from the register of permanent residents, the fact that a large number still found themselves in such legal limbo in the twenty-first century was intolerable. From a humanitarian and practical perspective, they should be granted legal security so that they could contribute fully to the development of the country. The Government would have to address the problem one way or another, particularly as it now had repercussions for the children of the persons originally affected. What measures did the State party intend to take to remedy the problems faced by Roma people, including their lack of access to water and sanitation? Did it plan to enact legislation to introduce safeguards against the forced eviction of Roma living in informal settlements? He asked whether more effective special measures, such as subsidies and scholarships, were planned to encourage Roma children to remain in school. He would also be interested to hear about the work of the Interdepartmental Working Group on the Fight against Trafficking in Human Beings.

39. **Mr. Bossuyt**, noting that a great deal of attention was paid to the Roma population in the report, said that he would welcome further details on the distinction made between autochthonous and non-autochthonous Roma. He wondered what the constitutional recognition of the Hungarian and Italian minorities entailed in practical terms. Did the State take positive measures in respect of those groups in relation to language and education, for example?

40. **Ms. Crickley** said that she would be interested to know more about the State party’s anti-discrimination framework. How did it address racial discrimination? The legislation on national minorities might be effective for the implementation of the Framework Convention for the Protection of National Minorities of the Council of Europe, but it did not always meet the conditions required to address racial discrimination. Was it true that among the Roma only those who were considered autochthonous had access to places on local councils? That would create an invidious situation for others that did not have the same status, even though they might have been in Slovenia for a very long time. She expressed concern about forced evictions of Roma from informal settlements and their lack of access to water distribution systems.

41. **The Chair** asked what activities Slovenia was intending to organize to mark the International Decade for People of African Descent, which had been declared by the General Assembly of the United Nations and had begun on 1 January 2015. He was concerned about the absence of specific information on cases of racial discrimination brought before the courts. The fact that no such cases arose did not mean that legally punishable racial discrimination did not exist. It could be that the victims were ignorant of their rights, received no legal support from the authorities or lacked confidence in the authorities themselves.

42. **Mr. Amir** asked the delegation to provide further information about the problems of discrimination in the country’s diplomatic service mentioned in the periodic report.

The meeting was suspended at 5.15 p.m. and resumed at 5.25 p.m.

43. **Ms. Herman** (Slovenia) said that under the Constitution, sensitive personal data, including information about the ethnic make-up of the population, could not be collected unless specifically prescribed by law. However, when drafting policies such as the National Programme of Measures for Roma People, the authorities took pains to consult stakeholders and conduct surveys to obtain relevant information. Thus, the current Programme, covering the period 2015-2020, had been drawn up in consultation with Roma communities, and certain priorities had been redefined on the

basis of the needs they had expressed. The Programme gave priority to the question of their living conditions, which was a long-term issue and would remain a priority in the future. The implementation of the Programme was regularly monitored by the Commission for the Protection of the Roma Ethnic Community, which submitted its findings to Government. In August 2014, the Government had adopted the Commission's fourth report and had ordered ministries and other administrative offices to take it into account in their future planning.

44. By drawing a distinction between the rights of autochthonous and non-autochthonous Roma people, the Government was simply attempting to protect the country's Roma as a special local community with specific ethnic characteristics. The Constitutional Court had established that such a distinction was valid and reasonable. Autochthonous Roma groups in Slovenia had the right to have a member of their community sit on the municipal council of the area in which they traditionally resided, and a total of 20 municipalities had Roma members. To avoid problems in implementing the legislation, those municipalities were listed by name. Thus, most Roma living in the north-eastern Prekmurje Region and the southern part of Lower Carniola Region had municipal council representatives. Experience had shown that it was vital to integrate Roma into local activities, so municipalities were also required to maintain close relations with the Roma community through special committees. The Roma Community Council was an umbrella organization composed of 7 Roma councillors and 14 other Roma representatives, many of whom were non-autochthonous Roma. They were thereby guaranteed some degree of participation.

45. For historical reasons, the Italian and Hungarian communities were traditionally considered the national minorities in Slovenia. Their status was defined in treaties signed after the Second World War and their rights were guaranteed by the Constitution. Although its position was not exactly the same, the Roma community too was mentioned in the Constitution and was recognized as a minority.

46. **Ms. Javornik** (Slovenia) said that under the current legislation, the children of foreigners resident in Slovenia could access primary and secondary education in the same conditions as Slovene children. Since the 1990s, additional funds and special assistance had been made available for the teaching of Slovene to foreign children, and the teaching of Slovene continued to be an area of particular focus, despite financial constraints. The authorities also provided funding to ensure that migrant children could learn their mother tongue, including at the secondary level, and the number of children availing themselves of that opportunity was increasing. The languages thus taught included Albanian, Finnish, Russian, Serbian and Ukrainian.

47. The authorities considered the presence of Roma in schools as an opportunity for cultural exchange. Schools offered optional subjects in Romani language and Roma culture, and additional funds from the national budget were allocated to improving the level of education among Roma themselves. At the preschool level, for Roma children emphasis was placed on learning the Romani language and on discipline and group dynamics, which it was hoped would help them as they went through the educational system. Kindergartens and schools both had Roma teaching assistants, most of whom were women who spoke both Romani and Slovene, and attempts were made to involve Roma parents in the educational process, including in extracurricular activities. No statistics were available about the numbers of Roma in higher education. There was a Roma Academic Club, and access to university was free.

48. **Ms. Čobal** (Slovenia) said that the authorities were aware of the close correlation between income and health. In 2008, they had introduced special health-care provisions for members of the Roma community in an attempt to improve their general well-being and prolong their life expectancy. A number of conferences had been held between 2008 and 2015 focusing on the specific needs of certain vulnerable

and marginalized groups within the Roma community — including women, girls and preschool-aged children — who might encounter difficulty in accessing health-care services. Information about the most recent conference, held in 2015 and entitled “From Girlhood to Motherhood”, would soon be published on the website of the Ministry of Health. The conference had identified unsuitable diet, high blood pressure, multiple miscarriages and early motherhood as some of the issues Roma women had to face. The entire cycle of conferences had underscored the importance of focusing on the prevention of such problems.

49. No statistics were available specifically concerning the health of the Roma population, but research had revealed a prevalence of smoking and other risk factors. The Roma community needed to be actively engaged in any initiatives to improve the situation, so it was important to raise awareness about healthy lifestyles. One project, co-financed by the Norwegian Financial Mechanism, included training in Romani language and culture for health professionals and lectures to explain available health-care options to Roma themselves. Health-care awareness was more effective at a young age, so a particular area of focus was Roma children at the preschool level.

50. **Mr. Gazdić** (Slovenia) said that the Ministry of Culture was careful to ensure that all national and ethnic minorities in Slovenia, not just Roma, Italians and Hungarians, had the right to express their own culture and language. Specifically concerning the Roma community, the Ministry had taken steps to avoid the risk of ghettoization, including affirmative action measures and an integration programme, as well as some important organizational measures designed to help Roma by means of calls for applications. Those measures, which involved teaching applicants the literacy skills they needed to fill out official forms, were available to all Roma in the country, not just citizens. Roma were also represented in the media, with a regular weekly broadcast on national television as well as a number of radio programmes for the Roma community. Co-funding and other support for their programming was provided by the Ministry of Culture.

The meeting rose at 6 p.m.