



**“Impreuna” Agency
for Community Development**



**Romani CRISS
Roma Center for Social Intervention and Studies**

**OVERVIEW OF THE ROMA SITUATION
IN ROMANIA
for European Commission consideration at the
2006 Country Report**

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SECTION I – GENERAL REMARKS

Chapter I. INTRODUCTION

“Impreuna” Agency for Community Development (Impreuna Agency) and Roma Center for Social Intervention and Studies – Romani CRISS) respectfully submit this report on the situation of Roma in Romania for consideration by the European Commission.

Since 1999, “Impreuna” Agency mission is to empower the Roma to become real and active partners on the county/regional socio-economical live. Our main objective is to get Roma with clear connections to the grassroots active, mobilised and organised in order to be better prepared for advocating for their socio-economical rights on different levels in the society.

In this moment, Impreuna Agency supports 4 regional **Active Roma Organisation Networks** (NV, Centre, South and NE) with more than 50 grassroots Roma entities (NGO’s, initiative groups, community leaders etc) involved. In the same time, the Agency has active programs in more than 20 Roma communities in Romania.

Starting with 2001, “Impreuna” Agency in partnership with National Employment Agency (public institution in charge with *occupation*) starts to implement a common strategy in order to facilitate Roma access on the labour market, with good results. New initiatives like Job Fairs, Occupation Caravan’s, Professional Training Programs, studies etc. were realized through this partnership.

Further information is available at www.agentiainpreuna.ro

By its very mandate, as organization that militates for the defense and promotion of human rights, **Romani CRISS** has documented and intervened in cases of torture, violence and abuse committed by law enforcement officials, as well as cases of discrimination and abuse in the field of education, health or housing.

Through their nature and effects of such type of actions, they constitute strategic lines of action for Romani CRISS, which has constantly monitored such events, drafted documentation reports, press releases, and letters of protest and has initiated actions in the court of law¹.

The documentation of the human rights situation provided by Romani CRISS is based on our experiences in working for and with Roma communities in Romania as well as working with Romanian institutions, looking at the role of the Romanian institutions or representatives in combating discrimination against Roma in Romania. Our work is based on our partnership with local Roma Human Rights NGOs from Romania, members of the Human Rights Monitoring Network : “Romii Romascani” Association – Neamt County, “Amaro Suno” Association – Dolj County, Sanse Egale” Association – Salaj County, “Roma Access” – Constanta County, “Asociatia Femeilor Tiganci pentru Copiii Nostri” – Timis County, “Ilo Terno” Association – Galati County, “CREDO Rom-Star” Association – Bacau County, “Divano Romano” Association – Botosani County, “Asociatia Romilor Ursari” – Iasi County, “Romano Suno” Association – Cluj County, “Ruhama” Foundation – Bihor County, “Asociatia Romii Buiozeni” – Buzau County, “Romii in Europa” Association – Gorj County, “Roma Heart” Association – Brasov County.

Further information on the Romani CRISS is available at www.romanicriss.org.

¹ For details, see “*Respecting Human Rights in Romania: Roma – Citizens of the State of Law*”, Romani CRISS, ECA Publishing house, Bucharest, 2004.

II. RATIONALE

In many cases Roma access to social services is difficult because of their lack of a stable income that would enable them to have an adequate health status, proper education, and decent housing.

The lack of stable job is one of the causes that trigger social exclusion. Stable financial resources created by, a stable well-paid job, would enable many Roma to meet basic needs, but such resources are missing. The lack of employment keeps the Roma on permanent stand-by, because whatever money is available is used to ensure survival, not a secure future.

As to human rights, the situation of the Roma in Romania continues to be worrisome. Particularly, police abuse, discrimination in the field of employment, abuse and discrimination in housing rights segregation in the field of education and health are patterns of discrimination Roma face daily. Furthermore, Roma women face multiple discrimination and are more vulnerable to abuse and violence. Romanian Government must not only remain consistent, but reinforce its policies ensuring respect and enjoyment of basic human rights and freedoms for all individuals, after EU accession.

SECTION II – EMPLOYMENT

Chapter III. ACTION FOR INCREASE ACCES TO ROMA ON LABOR MARKET STUDY CASE – ROMANIA

1. The problem

The situation regarding employment in the labour force, in the case of the active Roma population, indicates poor integration of this population into the labour market. The very low access of the Roma to the official labour market has two main consequences:

- Reorientation of the Roma towards the grey/black labour market and
- Creation of a significant segment of Roma beneficiaries, or potential beneficiaries, for the social protection system.

The process of excluding Roma from the labour market has reached worrisome dimensions during the transition period, under circumstances of economic decline and structural adjustments undertaken by the Romanian economy at large. Thus, the dissolution of the agricultural cooperatives for production (CAP's) and the closure of certain productive units have deprived a significant part of the Roma population from a source of employment, for Roma individuals are generally the first to be dismissed in the case of closure of productive units.

The mechanisms that lead to the exclusion of Roma from the official labour market are, in general, the following:

- Formal education below the levels required on the labour market;
- Lack of qualification in general, especially in modern professions;
- Decline of traditional crafts;
- Existence of stereotyping and prejudice against Roma, effecting discriminatory practices by employers;
- Economic recession that accompanies the post-communist transition and the creation of a competitive economy.

The consequences of the exclusion of Roma from the official labour market are the following:

- Lack of income for an important segment of the Roma population, which leads to extreme poverty of an ethnic nature and deepens the social isolation of the ethnic group of the Roma, compared to the majority population;
- Reduction of “life chances” and social opportunities for the future generations of Roma “trapped” in the vicious cycle of poverty, due to the impossibility of the adult population to financially support the education of their children;
- Encouragement of illegal activities or activities at the limit of legality, in order to ensure family survival;
- Marginalisation and exclusion of the Roma population from the social life, through the association of the lack of jobs with an inferior status;
- Placement of an important social group in the situation of social dependency and creation of an increased pressure and cost on the social security system.

The measures taken for the improvement of the Roma access to the labour market are rather fragmented and come in particular from the civil society. The state intervention has been limited, until now, to passive/reactive, universal measures, not focused on the Roma population, but reaching this segment only in a tangential manner. Such measures include the provision of unemployment benefits, support allowance and social support. In fact, these measures are targeted only in a small percentage to the Roma population, for a big part of the Roma work without a written contract and are not hence eligible for welfare measures; thus, social support becomes a discretionary measure, being granted on a conjectural basis.

The initiatives of NGOs in this respect envisage especially the creation of jobs for Roma, income generating activities and support for private initiatives of the Roma. In this context, the main direction for action is the initiation of active employment measures for the Roma, through positive discrimination or affirmative action practices in the favour of Roma, institutionalised through the law and common practice. Supporting such positive discrimination practices is, in my opinion, a necessary repairing measure that can contribute to the reduction of social polarisation between the ethnic group of the Roma and the majority population, and to the improvement of the economic situation of Roma families.

2. Situation of labour force employment

Research data (ICCV, 2002) show that the integration of Roma on the labour market is very poor. Thus, analyses² reveal that the degree of employment of the Roma population in Romania is much lower than that of the population at large (47% comparing to 61.7%). Of the total employed population, almost 2/3 is represented by men (65%), while only 27.5% are receiving salaries from employers.

Most of the Roma in Romania are self-employed (71.7%). The large percentage of day-labourers, 41.7% of the total population, indicate that the Roma are in a difficult situation with respect to employing their labour force and, implicitly, to ensuring the necessary income for day-to-day living.

The percentage of retired persons from the Roma population in Romania is significantly lower than at the national level (17.9% comparing to 49.2%).

The percentage of housewives is over 4 times bigger in the case of Roma compared to the population at large, indicating a poor participation of women in the labour market.

Direct observations in several Roma communities in Romania, as well as individual or group discussions with Roma, make us believe that an important part of the activities that they undertake for ensuring their income take place within the so-called grey or black economy. Although there are no quantitative data regarding Roma participation in the informal economy, it is supposed that at least half of the Roma individuals undertake such activities. In addition, almost 60% of the interviewed Roma (ICCV, 2002) declare that the activities undertaken were based on simple verbal agreements, without any registered labour contracts. Besides the fact that the majority of the Roma

² Sorin Cace, Ionescu Mariea “*Labour policies for Roma*”, 2006, Editura Expert

present an increased degree of vulnerability with regard to incomes, in the majority of cases they are placed in marginal activities, associated with an inferior social status.

The most frequent activity of the Roma within the informal economy is represented by day-work in agriculture or construction. Thus, almost half of the occupied Roma population receive their incomes as day-labourers in the mentioned fields. This type of activity has a rather seasonal nature, in the sense that it cannot be undertaken during winter, thus making the insurance of income for the winter period very difficult for the Roma families. Employment usually takes place for short periods, without written contracts, and payment is usually made on a daily basis.

Out of the approximately one third of the employed Roma who receive regular salaries, half of them undertake unskilled activities. The percentage of agricultural labourers is relatively small (12% of the occupied Roma population), due to the fact that only a small number of Roma have property rights on land. In frequency, this activity is followed by traders (10%) and workers in traditional crafts (6.4%).

Besides these declared activities, there are a series of marginal activities that contribute to the family incomes, and can be included in the category of labour. We refer here to the picking and selling of medicinal plants and mushrooms, begging, car-windows washing, housekeeping for other households (activity specific for women), small occasional services (such as loading or unloading of merchandise), and the like.

3. Causes which limit Roma access to the labour market

The most important cause, in my opinion, of the limited access of the Roma on the labour market is the lack or low level of education and, in close connection, the lack of professional qualification. The incidence of lack of school education among the Roma population is very high.

A comparison between generations of Roma population shows that the incidence of the lack of school education is the smallest in the case of the mature population and the highest in the case of the elderly. The biggest differences appear between the old and newer generations. The communist school system seems to have reduced significantly the incidence of lack of school education amongst this social segment. This tendency is maintained also today.

Lack of school education, by generations

The transition generation (7-16 years)	The young generation (17-25 years)	The mature generation (26-45 years)	The old generation (over 46 years)
18.3%	17.0%	15.2%	26.7%

Source: *Social Investigation of the Roma*, ICCV, 2002.

In fact, better school performance of the Roma during the communist period was also accompanied by higher access to the labour market. Thus, the period between 1980-1990 is one of a maximal degree of integration into the labour market, the percentage of Roma who worked as employees being at 45% (ICCV, 2002). Later on, during the transition period, along with the degradation of their overall school performance, the percentage of Roma employees out of the total occupied population decreased to 34%.

For all the generations,³ the level of schooling reached by most Roma individuals at elementary and secondary schools are under the level required for achieving a minimal position on the labour market. Thus, in the case of the young, as well as of the mature generations, graduation of only 8 grades (or less) cannot guarantee access to qualified jobs. The same thing happens in the case of the mature population, where graduation from elementary school only can, at best, guarantee access to an unqualified work.

The tendency to increase the level of school education for young and mature generations correlates with a tendency to increase the requirements for school education levels needed to achieve a qualified position in the labour market. Thus, in the case of all generations, school performance of the majority of individuals is much lower than the requirements of the labour market.

Orientation towards graduating from a vocational school is more accentuated in the case of the mature generation. Almost 10% managed to graduate from a vocational school which allowed them to obtain certain qualifications. Also, the highest percentage of high-school graduates is to be found in the case of the mature generation, when compared to other generations. Graduation from higher education institutions is present only in isolated cases.

At the level of the entire Roma population over 16 years of age, there are very important differences in school education by gender. Thus, while the percentage of those who lack school education reaches 14.5% in the case of men, it raises to 23.5% in the case of women. The most important gender difference regarding the lack of education is present in the case of the old generation, where the percentage of women who never attended school is over two times bigger than that of men. In the case of the mature generation, this difference tends to decrease a little, although the percentage of women who never attended school is still almost twice larger than for men. Regarding the young generation, the differences between women and men who never attended school are very small. On the one hand, there is a slight tendency towards emancipation of women (the percentage of uneducated women decreases from 19.5% to 16.4%); on the other hand, the percentage of men who lack school education raises in comparison with the mature generation (from 10.9% to 17.5%). A possible explanation for such behavioural patterns displayed by the young generation could be the tendency towards modernisation of the Roma family—abandonment of the traditional distribution of roles whereby women are usually housewives and men provide incomes for supporting the entire household.

Significant gender differences also appear in the case of vocational schools graduates of all generations, although these are quite slim in the case of the old and mature generations compared to the young generation. If in the case of the old generation, the ratio between men and women graduating from vocational schools was of 5:1, at the mature generation this ratio decreases to 3:1, only to reach less than 2:1 with the young generation. The higher number of men graduating from vocational schools, compared to women, can reflect the persistency of a traditional family model in which the man is oriented towards a profession, while the woman discontinues school education before obtaining a qualification, in order to deal with household duties. This inequality between men and women with respect to the achievement of a profession (by means of graduation from a vocational school) tends to decrease with the young generation.

³ For a more detailed analysis of the school education of Roma, see Mihai Surdu, “Educația școlară a populației de *romi*” [School Education of the Roma Population], 2002, Romii în România, Editura Expert

Associated with the low level or absence of school education, illiteracy represents a major impediment in the integration of Roma into the labour market, especially in obtaining qualified jobs. One of the most important indicators in the comparative analysis of generations is represented by the incidence of illiteracy, for we believe that the assimilation of minimal abilities (such as reading and writing) represents the foremost acquisition for a population with low levels of school education. The lowest incidence of illiteracy is to be found at the level of the mature generation, where approximately 30% of the subjects can be considered illiterate (read with difficulty or not at all), while the highest incidence of illiteracy rests with the older generation. Thus, in the case of the old generation, 45% of the subjects declare that they read with difficulty or not at all, and the increased number of persons who refuse to answer probably represents non-declared cases of illiterates, due to the negative social connotation associated therewith. If we were to also consider the non-respondents, it would mean that over 60% of the older generation are illiterate. In regards to the young and transition generation, it is noted that the illiteracy tendency is increasing, when compared to the mature generation.

In the case of the old generation, women are illiterate in a higher percentage than men, the number of women who cannot read being almost double that of men. Also, a higher percentage of illiteracy among women remains with the mature generation, although there is a slight decreasing tendency in the percentage of illiterate women, comparing to men. Starting with the young generation, we notice an almost equal distribution of the number of illiterates by gender; moreover, the number of illiterate men slightly over-passes that of illiterate women. In the transition generation, these differences are being maintained, with the number of illiterate men being larger than that of illiterate women.

As a result of the low level of school education, a sizeable part of the Roma population has no professional qualification. There is a tendency to revive traditional crafts, on the one hand, due to the economic recession that led to the dismissal of Roma from productive units and their return to traditional crafts, and on the other hand, due to initiatives of Roma NGOs targeted at stimulating traditional crafts.

Professions of the Roma population in Romania 1992-2002 (percentages)

Profession	Roma at national level 1992	Roma at national level 2002
No profession	79.4	52.4
Traditional crafts	3.9	10.3
Modern professions	16.1	37.3

Sources: *Rroma in Romania*, 2002, and Elena Zamfir, Cătălin Zamfir, “*Țiganii între îngrijorare și ignorare*” [Gypsies Between Ignorance and Concern]. Bucharest: Alternative, 1993.

Amongst the modern professions, the most encountered qualifications are constructions (mason, house painter, ironworker), mechanic locksmith, auto mechanic, welder, driver, tailor.

The traditional crafts are related to the specific of the Roma groups and are transmitted between generations, without involving the formal educational system, with the exception of programs undertaken by NGOs in partnership with schools, for the revival of traditional crafts. Most often, Roma who exercise traditional crafts are fiddlers, coppersmiths, blacksmiths, brick makers, tinmen, and silversmiths. The percentage of traditional crafts is higher in rural areas, due to higher degrees of

preservation with respect to specific cultural traditions in compact Roma rural communities than in Roma communities of the big cities. As the city Roma adapted faster to modernity, almost 3/5 of the Roma exercising traditional crafts are in the rural area.

Aside from factors related to education and the associated qualifications, which limit the access of the Roma to the labour market, we must not ignore the discriminatory practices of employers who, in many cases, refuse to employ Roma. Advertisements for employment include, in some cases, the specification “no Roma”, and the discussions with Roma individuals from various rural or urban communities confirm the fact that some employers refuse to hire them.

Equally, we encounter a form of discrimination also in the case of banks. Some of the Roma complain about the fact that banks refuse to give them credits for the development of small businesses, sometimes despite the fact that they can offer material guarantees for the loans.

In rural areas, although the Roma were eligible for being given ownership of lands, the local authorities, claiming the insufficiency of the agricultural land, did not give land to the Roma, except in some isolated cases. The lack of agricultural land excludes the Roma from the most frequent occupation in the rural area, that of farmer. Moreover, the closure of the agricultural cooperatives for production (also known as ‘kolhozes’), the main employer of the Roma before 1989, makes the economic situation of Roma families even more difficult.

4. Measures taken with respect to occupation of labour force

As we already stated, the government remained, to date, confined to passive policies with respect to employment. Even these policies (unemployment benefits, support allowance) have targeted or benefited in a small measure the Roma population, since only one third of them have worked as employees.

Social support, as a last form of social protection for families in difficulty, does not represent a source of income for the Roma, this support being offered in a temporary manner, most often during electoral campaigns.

Active measures for the integration of Roma into the labour market have been initiated by NGOs. The most active NGO in this sense has been the Open Society Foundation (OSF), through its special program dedicated to the Roma ethnic group, which also has an economic component. In the objectives of the projects funded by OSF are to be found: vocational training for young people who did not succeed to reach a satisfactory level of school education, orientation towards relevant professions for the Roma, intensive qualification of young Roma in professions that allow their access to the labour market, entrepreneurial education and basic legal training.

One initiative, funded by the OSF, has been launched through the project “Stimulation of employment of Roma civil servants in public administration and public services”. Through this project, a partnership network has been established between local authorities and Roma communities, in 7 counties of the country. The project aimed at providing training for a number of 140 Roma in the practice of public administration, and their employment in the local public

administration, through open competition. In my opinion, this project represents the first attempt to institutionalise positive discrimination, in the favour of Roma, on the labour market.

Projects initiated by Roma NGOs⁴ in the category of economic programs have as objectives income generation, creation of work places and professional formation. Usually, these are projects focused on special issues, meant to improve the situation of employment in some of the Roma communities. In a typology of projects, we can identify the following categories:

- Creation of jobs through the initiation of small businesses;
- Qualification of the Roma for jobs required on the labour market;
- Support for the Roma in the establishment of small businesses;
- Brokerage for the labour force.

The above-mentioned categories are not exclusive, as many projects represent a combination of two, three or all these categories. As an example of best practice for the creation of jobs, we would mention the project “Construction of a Bakery”, implemented by the Agency for Community Development “Together” in partnership with a private commercial company, for the benefit of the Roma community in Traianu village. One of the immediate effects of the project has been the employment of 6 Roma individuals in the new bread factory. Similar projects have been developed by other Roma NGOs, through opening brick-making manufactures, wood processing or textile confections units, producing objects for home improvement, handicraft, etc.

An example of a project whose objectives combined the professional formation with actions taken regarding employment of labour force and support for the Roma in the initiation of small businesses is the project “New Qualifications for Young Roma”, implemented by the Amare Phrala (Our Brothers) Association in Cluj-Napoca. The beneficiaries of the project, 20 young Roma with no qualifications, attended courses in shoe repairing, some of them also being supported for employment in specialised units and the others for obtaining the necessary authorisations in order to open their own shoe-repairing shops.

Another example of a successful project is the project “Qualification of Roma by economic agents in jobs required on the market”, implemented by the General Roma Union of Deva. The project was developed in the localities of Petrosani, Hunedoara, Brad and Calan, with the purpose of supporting young unemployed who were looking for work and were registered with the Offices for Labour Force and Unemployment. Over three years, 120 persons have concluded pre-employment contracts at the beginning of the project, followed by their employment for vacant position at the end of the courses, or have expressed their wish to initiate businesses on their own. The qualification courses have been organised with the approval and cooperation of the Office for Labour Forces and Unemployment and the General Department for Labour and Social Protection of the Hunedoara county.

Beyond these specific projects, the merits of Roma NGOs lay in their collaboration with the Government on drafting a strategy for the improvement of the situation of Roma. This strategy also contains an economic component and, despite the fact that it does not establish specific costs and responsibilities, it stipulates for the first time, officially, the main measures that could improve the situation of the Roma, such as the introduction of positive discrimination on the labour market or the granting of property rights to Roma in the rural area.

⁴ For a more detailed analysis, see Mariea Ionescu and Sorin Cace, *Labour policies for Roma*, Bucharest, 2006

In the economic field, the governmental strategy⁵ stipulates:

- Initiation and implementation of projects for professional formation or re-conversion of the Roma;
- Provision of facilities for the exercise and revival of traditional crafts that meet specific needs of the market;
- Formulation and implementation of specific projects for funding income generating activities and small businesses for Roma families and communities, including Roma women;
- Reduction of the unemployment rate amongst Romanian citizens of Roma origin, through the creation of facilities for employers who hire Roma and through provisions against all forms of discrimination regarding the employment of Roma;
- The formulation of programs meant to provide property rights and to stimulate agricultural activities for Roma communities;
- Support, according to the legislation in force, for small and/or medium size enterprises owned by persons belonging to the Roma ethnic group, through a system of advantageous credits;
- Inclusion of the disadvantaged Roma communities in the provisions of the law on disadvantaged areas, followed by the formulation and implementation of programs to redress such communities;
- Encouragement for the implementation of job creation projects targeted at Roma women.

5. Way to action

Beyond certain measures from the Government Strategy (positive discrimination, affirmative action and granting of property rights on land), which are undoubtedly aimed at eliminating some of the causes of the exclusion of Roma from the labour market, an efficient and sustainable action for the improvement of the situation of Roma, with respect to employment, must consider a correlation of the educational policies with the employment policies.

As we pointed above, the lack of education or insufficient education, associated with the absence of qualifications, turns the majority of the Roma into a marginal community, and makes them vulnerable in the labour market. Thus, educational policies which envisage desegregation of schools, improving the quality of human resources, promoting positive discrimination, or providing material support for families with low incomes, could have positive effects on the improvement of the school situation of the Roma and, implicitly, on their employment situation.

As we have already seen, the communist period, when the Roma population reached a maximal school performance, was also a climax period for the employment of their labour force. The mistakes of that period, which led to the assimilation of a big part of the Roma population, including by means of the school education system, can now be avoided through the promotion of an intercultural education.

In the long term, the solution of investing into human capital represents, in the case of the Roma, the only solution for keeping them up to the requirements of modernity and of a competitive economy. Such methods also reduce the social polarisation between the Roma ethnic group and the majority population.

If we would analyze carefully the European instruments aimed for workforce occupation, we can naturally put the following question: which is the link between these instruments and the problems of Roma ethnics? It is believed that, and some people even sustain the idea that Roma ethnics

⁵ Strategy of the Romanian Government for the Improvement of the Situation of Roma, Bucharest, 2001, modified by GD 522/2006.

constitute the group the most exposed to risks, especially when we talk about their access on the labor market.

European policies for workforce occupation are not just some action directions, each member state should propose concrete actions in turn, so that European policy to be put into practice. The occupation policy is closely related to *Strategy from Lisbon*, to creation of a competitive and inclusive Europe, etc., documents that are agreed and assumed by each state member of the European family. Moreover, financial instruments, European and national, generous enough, are aimed to allow to the member states to implement the directions established by documents at national level.

According to the *new Strategy from Lisbon, the European Strategy for Occupation* is part of the reform process. All these strategies should transform Europe into “the most competitive economy of knowledge” and into a market capable to generate “better and more workplaces”. In July 12, 2005, the Council adopted the guiding lines integrated in the field of occupation⁶, based on which the member states elaborated reform national plans, in October 2005⁷.

In the case of Romania, the main documents of the occupational policy for the next period are: *The National Development Plan 2007 – 2013* (which is elaborated taking into account the last changes of the *Strategy from Lisbon* and the *European Occupation Strategy*) and *The National Plan for Workforce Occupation 2004 / 2005* (elaborated based on the guide lines established by the Commission, at the beginning of 2004).

Romania signed in October 2002⁸, *The Joint Document for Assessing the Policy for workforce occupation* (JAP). The role of the document was, and still is, to determine Romania to elaborate an occupation policy that will do the transition from the candidate status to that of full member of The Union, by progressive adjustment of the institutions and policies that would allow our country to participate in the communitarian program for workforce occupation. The cooperation had also as objective to provide financing for the priorities established in JAP, through the existing and the future financial aid programs, especially from The European Social Fund.

Among the objectives assumed by Romania there is the implementation of several durable strategies for ***occupation for ethnic minorities, with focus on Roma ethnics.***

The first *National Action Plan for Workforce Occupation* was elaborated in 2002⁹, based on the guidelines for occupation established in 2001¹⁰. The second NAPO was elaborated based on the changes established in 2003, on the European Strategy for Occupation and the guide lines established by the European Commission in 2004¹¹. The main measures assumed by the Government are related to the horizontal objectives of the European Strategy for Occupation, in 2003: ***full occupation, increase in quality and productivity of the work and reinforcement of cohesion and social inclusion.***

⁶ The guide lines adopted are available on the website of the General Department of Work and Social Affairs of the European Commission: http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/oj/2005/l_205/l_20520050806en00210027.pdf

⁷ A link, with all the reform programs is available at the Internet address:

http://europa.eu.int/growthandjobs/pdf/nrp_2005_en.pdf

⁸ Romanian Government, Ministry of Work, Social Solidarity and Family – Joint Assessment of the Priorities for Workforce Occupation in Romania, Bucharest, October 28, 2002, <http://www.mmssf.ro/prezentari/evaluare.pdf>

⁹ Approved by Romanian Government, through GD no.759/2002, from July 18, 2002. The plan can be found in Official Monitor 637 / August 29, 2002.

¹⁰ Council of Ministers of the European Union – “Council Decision of 19 January 2001 on Guidelines for Member States' employment policies for the year 2001”, 2001/63/EC, Official Journal L 022 , 24/01/2001, pp. 0018 – 0026, Brussels, January 2001, <http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:32001D0063:EN:HTML>

¹¹ <http://www.mmssf.ro/PDF/NAPE.pdf>

Conclusions and recommendations

The main public measures, assumed by Government through NAPO 2004/2005, that have a direct impact on Roma ethnics, are:

- Guideline 4 (promotion of human capital development and learning during the entire life);
- Guideline 7 (promotion of integration and fight against discrimination of the disadvantaged persons on the labor market);
- Guideline 9 (transformation of the undeclared work into appropriate occupation).

For each guide line there have been imagined also possible solutions. Thus, among the guidelines assumed, that have impact on Roma ethnics, we mention:

Guideline 4:

- The increase of the number of persons who are looking for an workplace, which are going to be included in professional training courses, through the agencies for workforce occupation and of the regional centers for adult's professional formation, from the network of National Agency for Employment;
- Establishing a national policy for continuous professional formation;
- Increasing the flexibility and adjustment of the technical and vocational school offer, in relation to the requests of the economic environment and to the evolutions of the labor market and increasing the number of the graduates from technical and vocational schools;
- Elaboration of a procedure to recognize and certificate the competencies acquired in non-formal and informal system.

Guideline 7:

- Promotion of the integration of the persons with access difficulties on the labor market and increasing chances to find an workplace by preventing against all the forms of discrimination;
- Providing access to education for disadvantaged groups and lowering by 15% of the school abandonment rate in the mandatory education;

Guideline 9:

- Continuation of applying measures to stimulate workforce occupation, promoted by Law no. 76/2002 concerning the insurance system for unemployment and stimulation of workforce occupation by according financial aids / fiscal facilities for the persons that get hired, respectively for the employers to hire workers with individual work contract;
- Simplification of the procedures for administrative authorization for physical persons and family associations, through the modification of the Law no. 507/2002 concerning the organization and performance of economic activities by physical persons.

Another landmark document for the implementation of the occupation policies is the National Development Plan 2007-2013. Through NDP, there are identified the key – sectors of the Romanian society and there are stipulated the financial mechanisms of those sectors. In the period 2007-2013, the

priorities of NDP will be co-financed in proportion of 75% from the structural European funds. NDP 2007-2013 identified six national priorities, but what it is of interest in the context is only the priority IV: „Development of human resources, promotion of occupation and social inclusion and reinforcing the administrative capacity”. Within this priority, Roma ethnics constitute a privileged target group, alongside the youth over 18 years old that leave the foster homes and the persons with disabilities.

The general objective of priority IV is: “development of human capital and increase of its competence on the labor market, by providing equal opportunities for learning during the entire life and the development of a market of modern work, flexible and inclusive, which will lead by 2015, to the durable integration on the labor market of 900,000 persons”¹².

The assumed sub – priorities are:

- Development of human capital;
- Promotion of full occupation;
- Promotion of social inclusion;
- Development of the administrative capacity and of a good government.

There are three sub–priorities essential for the integration of Roma ethnics on the labor market and for fighting against any forms of discrimination. Any project that will want to obtain financing from the Social European Fund will have to submit to one of those three sub–priorities. We think that the essential projects will be the ones that will address the following problems (separately or jointly):

- Investments in Roma human resources development (especially professional formation of the adults, courses for continuous professional formation, courses for re – insertion of the young between 18 – 25 years old in programs such as “the second chance”, projects that aim the access of Roma ethnics to qualitative education, to programs for initial and continuous education; projects addressed to Roma communities from the rural environment, etc.);
- Promotion of full occupation (especially projects aiming the improvement of the transition from school to the new work environment; promotion of entrepreneurial culture among Roma ethnics, projects for integration on the labor market of the long term unemployed persons, opening of several centers for professional inclusion for Roma, etc.);
- Fight against social exclusion (especially: projects to fight against all forms of discrimination of Roma ethnics on the labor market; projects addressed to Roma women, with a high level of social exclusion; affirmative measures to hire Roma ethnics, etc.).

The legal frame for the integration of Roma on the labor market does exist (NAPO 2004/2005 and NDP 2007 – 2013), but all the measures assumed by the Government should also be implemented. Several reports of the European Commission ¹³ pulled an alarm signal on the ability of the Romanian authorities to implement the existing public policies and especially to secure funds. The way that the European money will be spent depends on the public and private authorities, at all levels. In particular, it depends on the quality of the local partnerships.

However, where are the Roma ethnics in all these initiatives? Should the Roma problematic be treated preferentially or as an integrant part of the existent policies? I will limit only in launching a challenge: if we accept that in Europe live over 10,000,000 Roma ethnics (from which approximately 20% are Romanian citizens) – a population bigger than that of some member countries – and if we imagine that their activation rate over 10 on the labor market is at least comparable with the majority, we put ourselves a question on which will be the effects on the national and European economies. Somehow, will the activation of Roma ethnics on the labor market lead to all the desiderata expressed by the

¹² National Development Plan 2007-20013, page 288, <http://fonduriue.mfinante.ro/pnd/documente/pnd/pnd2007final.htm>

¹³ See all the observations made by the European Commission, in the anual reports for monitoring Romania’s improvements in its way to adhesion, http://www.europa.eu.int/comm/enlargement/romania/key_documents.htm

SECTION III – HUMAN RIGHTS

Chapter IV. RELATION BETWEEN THE LAW ENFORCEMENT OFFICIALS AND ROMA COMMUNITY

Patterns of violence, discrimination and abuse

1. Use of disproportionate/excessive force in Roma communities and use of firearms

Often, when the Police intervene in the Roma communities or when Police representatives participate in actions deployed by other institutions (e.g. the City Hall), disproportionate force is being used. To this end, the number of policemen and gendarmes is disproportionately larger than the number of community members or, especially, than in the case of similar police actions undertaken in non-Roma communities. Albeit the legal authorized actions target specific people, often, the initial objectives are exceeded; therefore, the action affects the whole or a very large part of the Roma community. In addition, the use of special intervention forces is a constant feature of these police actions.

On 8.11.2005, around 10 a.m., while heading home, a Roma girl was shot by a police officer from the Railway Transportation Police Precinct – Bucharest. The victim, C.M., accompanied by her mother and an aunt were going back home¹⁴. The three women wanted to cut short the distance to their house and crossed the railways. A goods train of the Romanian Railway Company (CFR) was placed on one of the railways, thus the women had to cross one of the train's cars. The first to go into the car was the victim's aunt¹⁵, followed by the mother and the victim. When getting off, on the ladder, a police officer appeared from the opposite direction and shot the girl in the abdominal area from approximately 1.5 m away, without any warning¹⁶; then the policeman run away, heading to the Railway Transportation Police Precinct – Bucharest. The victim was able to move for another 2-3 meters and then fell to the ground shouting: "*mom, they shot me!*" Subsequently, she was taken to the Emergency Hospital in Bucharest with a private car.

The discussions with the community members revealed that they had been afraid of police officers and gendarmes' actions because these actions didn't aim only the people who steal iron, but the entire community. Thus, elder women and men, minors have been beaten, shots have been fired and the people live in a state of fear and insecurity.

¹⁴ As per C.C. and E.C declaration.

¹⁵ Idem.

¹⁶ Idem.

The use of firearms, the severest expressions of these acts of violence that may have deadly consequences, occurs sometimes outside the legal framework. In case of Buhusi¹⁷, after the Romanian courts of law have ruled not to initiate criminal investigation against the police officers involved, a complaint was filed to ECHR – European Court of Human Rights.

To this end, the ECRI Report – European Court against Racism and Intolerance shows their concern that “*during a raid on a Roma community by about 70 police officers and members of the special forces, two people, including a 13 year-old-minor, suffered gunshot wounds*”¹⁸.

2. Acts of torture, violence and abuse

The cases of torture, violence and abuse of law enforcement officials affects disproportionately the Roma, mainly due to the police officers’ prejudice and stereotypes against Roma, on one hand and due to the poor legal knowledge of Roma, on the other.

The Targu Carbonești case¹⁹, regarding a young Roma who died on Police custody, is before the High Court of Cassation and Justice, in order to be established whether the felony of mistreatment and torture have been committed.

In November 2005, in case of Pata Rat –Cluj County²⁰, a criminal complaint has been lodged for the felony of abusive behavior, body harm, threatening and destruction. In 02.08.2006, representatives of the Cluj-Napoca City Hall and community police burnt down 10 Roma shacks. According to the declarations of the Roma, the community police have also physically abused two Roma women, one of them having been slapped and another aggressed with an electrical device. Despite legal and political initiatives assumed at the central level, the local authorities in Cluj-Napoca have relapsed into misbehavior. They are, ignorantly or *mens rea*, failing to identify a legal and pro-active solution to solve the problems the Roma face. Instead, they repeatedly abuse Roma. The case has been documented by Romani CRISS, in partnership with Romano Suno.

¹⁷ On 5 December 2002, the County Police Inspectorates Bacău and Neamț organized an intervention in Orbic neighborhood, Buhusi locality, Bacău County, in order to withhold persons wanted for theft and robbery at local level. The action took place at 11 a.m. with the participation of 45 policemen from the Troop of Protection and Rapid Intervention (TPRI), along with another 40 gendarmes from the Territorial Quarters of Gendarmes Bacău who joined the policemen, as written in the local press (Monitorul de Bacău, December 6th 2002). The police intervention in Roma community from Buhusi had as result 2 injured and 2 dead Roma persons (including a 13-year-old minor) and 4 injured policemen.

After exhausting all domestic legal means of intervention, the case has been submitted to the European Court of Human Rights.

¹⁸ The ECRI Third Report on Romania - 2006, para.105.

¹⁹ On 5 April 2002, N.B. is arrested for the felony of theft and he is detained in the arrest of Police Tg. Carbonești, Gorj County until 15 May, while reclamations have been filed as the detainee was tortured. On 15 May he is transferred to the Penitentiary Tg. Carbonești and, on 4th of June he is urgently taken to the Penitentiary Hospital Jilava. Colonel Dan Marcusan, commandant of Jilava hospital, said: “*he was in a pretty severe state when he came and the treatment was performed in the Intensive Care Unit. The evolution was unfavorable and, the next day, at 10.20, he died despite all resuscitation manuevers...*”

The forensic certificate issued by the Forensic Service within the City Hospital “Dr. Maria Burghel”, Ilfov County, states as direct cause of death the heart failure on background of atypical severe pneumonia.

²⁰ In November 2005, approximately 80 police officers and special intervention forces organized two raids in the Pata Rat community. These actions resulted in the injuring of at least 5 Roma people and the burning down of 15 Roma houses. The Pata Rat community is placed on the garbage dump of Cluj Napoca municipality, where the Roma are building themselves houses, with the tacit agreement of the City Hall.

The very next day, 03.08.2006, the police and gendarmerie have conducted an action in Bontida village, Cluj County. According to the Roma, 5 Roma individuals have been physically abused by the gendarmerie. Two of the five were minor of age. The 5 individuals have been conducted to the local police station; three of them claim having been beaten in the gendarmerie van, and the other two in the police station. So far, three of them have obtained medical certificates. They also claim that for the 30 minutes the two individuals were abused in the police station, the parents have not been permitted access to their minor children, despite legal obligation for the law enforcement officials to do so. Only afterwards, have the parents been granted access. Police head of Bontida village claims that the gendarmerie has stated that there has been no abuse. The case has been documented by Romani CRISS, in partnership with Romano Suno.

On 07.08.2006, in the midst of an evacuation process in Piatra Neamt²¹ undertaken by the Piatra Neamt municipality with the support of the community police, a Roma woman claims to have been physically abused by a representative of the community police. The woman, seconded by eye-witnesses claims the community police officer has grabbed her neck with his hand and he has pushed her against the wall, thus hitting the wall with her head.

Other cases of violence and abuse against Roma have been reported in counties such as: Tulcea, Salaj, Bacau, Neamt, Maramures, Cluj, and Brasov²².

Note also that in the last Country Report on the Progress towards Accession to the European Union, the European Commission draws attention that “*The Romanian authorities should demonstrate, at all levels, that the country applies a zero-tolerance policy on racism against Roma or against any other minority or group and that this policy is effectively implemented.*”²³.

3. Mechanisms to ensure impunity for the perpetrators

In many situations, the illegalities are not investigated adequately and remained, in fact, unsanctioned, despite the fact that non-governmental organizations report and well document these cases²⁴. In addition, the people involved (victims and/ or witnesses), experts (such as coroners) and human rights activities are being intimidated.

Therefore, a physician has admitted before the court of law that he had been threatened with death by a police officer in order to falsify the medical papers regarding the death of a person while in police custody²⁵.

The mechanisms of ensuring impunity include, on one hand, exertion of pressure upon the people involved so they would not testify in court or they would not carry out all necessary actions and, on the other hand, the criminal investigation led to the decision of not prosecuting the cases. All these aspects are actually related to the administration of justice which is the essential element of the state of law.

²¹ See Chapter VI – Housing Rights and Annex no 1 – case no. 7 – Piatra Neamt, for details on forced evictions in general of respectively for this specific case of forced eviction.

²² See Country Report of the US State Department on Romania – 2004 and “*Respecting Human Rights in Romania*” Roma – *Citizens of the State of Law*”, Romani CRISS, ECA Publishing House, Bucharest, 2004.

²³ European Commission Monitoring Report on Romania – October 2005, page 19.

²⁴ ECRI Second Report on Romania - 2001, par. 46.

²⁵ For details see the case report: N.B. vs. Tg. Carbunesti Police.

4. Intimidation and harassment of the human rights activists

One of the human rights local monitors contracted by Romani CRISS has been harassed by the Police²⁶.

In Salaj, the local police have started a series of harassment and threatening actions against the local monitor contracted by Romani CRISS, using various methods (threatening telephone calls, investigation at the Police precinct, house calls, etc). Such actions, ordered by the local authorities (City Hall and local Police) affect the human dignity and security.

The fact that the human rights local monitor is systematically harassed by using Stalinist methods has the purpose of intimidating the monitor in his activities of documenting possible abuses or human rights violations. This practice used by different law enforcement officials represents a severe violation of minimal standards on human rights and fundamental freedoms.

²⁶ See Open Letter of Romani CRISS sent to the Romanian Government regarding the case C3-C4, Salaj County.

Conclusions and Recommendations

The measures of preventing and combating such abuses may be, in general, classified in three categories:

- *Raising-awareness measures* – that should aim both potential aggressors, as well as potential victims. These include raising-awareness activities for the police officers in terms of illegality and consequences of the actions, and, for potential victims, actions of promoting available remedies (legal education);
- *Legal action* – legal actions should mainly aim at actions before the courts of law and disciplinary actions
- *Advocacy at national and international level* – for such type of law violation is absolutely necessary to use advocacy at national and international level. This may include press releases, open letters, and letters of protest, statements, and reports to various national and international institutions.

There is a clear need of adding more coherency to the present distribution of tasks for the police, community police and gendarmerie.

One of the most necessary actions is the public condemnation by the Romanian police leaders and State officials in regard to acts of abuse, discrimination and violence committed by law enforcement officials. The public condemnation should be doubled by prompt and adequate investigation of these illegalities and by presenting to the public opinion the sanctions applied in these cases by the Public Ministry representatives. This would highly contribute to further the progress made in terms of transparency and accountability.

In terms of procedure, the Government should take into consideration the establishment of an independent special commission to investigate and sanction the abuses committed by the Police representatives.

Denial at top level of abuses committed by some of Police representatives constitutes an important barrier in acknowledging the illegality of such behaviors and, in the same time, a signal of tolerance raised to racist actions against Roma minority²⁷. Therefore, the representatives of the Ministry of Administration and Interior should make efforts to raise awareness at all levels about the illegality of such behaviors, from criminal and administrative point of view. A primary step is that the Minister of Administration and Interior deliver a public condemnation in regard to acts of abuse, discrimination and violence committed by public officers.

De lege ferenda,

- the criminal code must include racist motivation as a legal aggravating circumstance and
- the Criminal Procedure Code should include provisions granting legal standing for human rights NGOs in terms of criminal offences when related to abuse by law enforcement officials, namely articles 166, 166¹, 192, 193, 217, 218, 246, 247, 248¹, 249, 250, 266, 267, 267¹, 302¹, 317 and 357 of the Criminal Code.

V. RIGHT TO EDUCATION

1. Background

²⁷ During the meeting for the presentation of the Romanian Police 2005 annual report, the Ministry of Administration and Interior stated that there had been only one case of abusive behavior (in Constanta county) by the Ministry's representatives.

The right to education, as fundamental human right, is guaranteed by the law. Given the main objectives of the educational process – to provide information and resources in order to facilitate the subsequent access to the labor market, as well as to prepare the student for socialization and value internalization²⁸ – the right to education is relevant in terms of: quality of education, segregation, affirmative actions and multicultural education.

An official problem acknowledged by the Ministry of Education and Research is segregation of students in ethnic criteria within the educational system. On 20.04.2004, as result of the civil society and other actors' lobby, the Public Ministry issued Notification no. 29323 that bans segregation of Roma children in the educational system.

The Notification condemns segregation as a “severe form of discrimination”²⁹ and shows that its consequence is unequal access to quality education.³⁰ In addition, the Ministry implements projects and programs, such as the PHARE program “*Equal access to education of disadvantage groups, with focus on Roma*”.

2. Situations of segregation in education

Despite the Ministry's official acknowledgment and addressing of this issue, cases of segregation in education are still encountered, at level of school or classes, in different regions of the country.

Thus, in Jilava village, Ilfov County, there are two middle schools, Middle school no.1 and middle school no.2.

The ethnic structure of Middle School no.2 is of approximately 80% Roma students and 20% Romanian students, at a total of 168 students. In return, Middle School no.1 is attended by approximately 10% Roma students, at a total of 460 students.

The distance between the two schools is of 800-1000 meters. The Roma community in the commune is placed at approximately 500 m from Middle School no.2, respectively 1500 m from Middle School no.1. The Middle School no.1 has obvious superior conditions as it has been renovated.

The Roma students' parents declared themselves not satisfied with the quality of education in School no.2, with the material conditions and with the fact that the principles of the two schools did not allow Roma children' enrolment in School no.1.

In Middle School no.1 from Glina village, Ilfov County, in school year 2004-2005, the ethnic structure presented as follows:

- 1st grade A – 22 students of which 5 Roma (23 % Roma – 77% Romanians)
- 1st grade B – 23 Roma students (100% Roma – 0% Romanians)

²⁸ See Iulius Rostas – *Separated, but Equal? Roma within the Educational Systems in Central and Eastern Europe*.

²⁹ Concretely, the Notification stipulates that „**Segregation is a very serious form of discrimination. Except for schools / classes where al subject matters are taught in Romani Language**, segregation in education involves the intentional or unintentional physical separation of Roma from the other children in schools, classes, buildings and other facilities, such that the number of Roma children is disproportionately higher than that of non-Roma compared to the ratio of Roma school-aged children in the total school-aged population in the particular area”

³⁰ Segregation has as consequence the unequal access of children to quality education. Separation in kindergartens and schools leads invariably to a lower quality of education in the groups, classes or schools with other ethnic majority of school population.

- 2nd grade A -18 students, none of them Roma (0% Roma – 100% Romanians)
- 2nd grade B -21 students, all Roma (100% Roma – 0% Romanians)
- 3rd grade A 18 students of which 5 Roma (23 % Roma – 77% Romanians)
- 3rd grade B 14 students, all Roma (100% Roma – 0% Romanians)
- 4th grade A 19 students of which 3 Roma (16% Roma – 84% Romanians)
- 4th grade B 15 students of which 4 Roma (27% Roma – 73% Romanians)

The secretary motivated the separated classes based on ethnic criteria by the fact that Roma enrolled to school later than the other students, and they school has already formed one class.

Similar situations have been identified and documented in Catelu village – Ilfov County, Bobesti village – Ilfov County, Piteasca village – Ilfov County, Targu Frumos – Iasi County, Roman – Neamt County, Ungheni – Mures County, Constanta – Constanta County.

Conclusions and recommendations

Given the complex nature of the different forms of segregation in education, the implication of different actors (Roma and non-Roma parents, teachers, County School Inspectorate, Public Ministry, civil society) and the existence of a number of cases, it is necessary to have a comprehensive approach and a sustained intervention. In parallel, intervention measures should be developed through projects and programs (governmental or non-governmental), as well as legal actions before the courts of law or specialized institutions.

- One of the necessary measures is the development of a strategy to eradicate segregation in education and initiation of public campaign against segregation in education (the campaign may be part of this strategy). The public campaign should focus primarily on MER representatives (teachers and school principles, school inspectors, etc), but also on Roma and non-Roma parents. The secondary target group could be State representatives, civil society and general public;
- The 29323 /2004 notification for desegregation must be granted greater legal force, by adopting a Ministerial Order or a Governmental Decision;
- In the same time it's necessary that the court of law sanctions the cases of segregation so that a message could be sent: segregation is, in fact, illegal and may be repercussions as result of law violation.

VI. HOUSING RIGHTS

INSTITUTIONAL RACISM AT LEVEL OF LOCAL PUBLIC AUTHORITIES

*= A reflection upon abusive use of local power
and public function in Romania =*

1. Development of non-governmental mechanisms of monitoring violation of human rights in Roma communities

In the last years, Romani CRISS has developed a mechanism of documenting situations on violation of human rights and fundamental freedoms, through a network of monitors at local level, which functions in 10 counties of the country. The local monitors of Romani CRISS have been trained to document cases of discrimination, abuse or violence against persons of Roma ethnicity or local Roma communities in Romania. Their role is of link in mediating the tensional situations at local level between the majority population and the Roma population; they document cases of human rights violation and ensure provision of legal assistance to victims who request Romani CRISS support for repair of the violated right, within the Romanian juridical system and the European Court of Human Rights in Strasbourg.

After three years of functioning and development of monitors' capacity to use the domestic and international legal system, Romani CRISS has focused on documenting cases of discrimination, abuse or violence in specific areas of action, such as education, housing and health.

2. Patterns of discrimination and abuse on housing and living conditions of Roma population

Romani CRISS expresses its concern regarding the existence of certain patterns of discrimination or abuse on housing and living conditions of Roma population in Romania.

Through the network of monitoring and combating discrimination against Roma, Romani CRISS focused on the legal and administrative situation of the areas inhabited by Roma. Since 2000, Romani CRISS has been indignant with the racist policy of local public authorities to evict and segregate Roma from the cities to the "margins of society". This concern is manifested in the context of more cases and situations documented at local level in several areas of the country, which might denote an extremely dangerous phenomenon. Until the present, the governmental authorities do not have any action instrument that would "correct" the decisions adopted by Local Councils regarding the demolition of Roma's peripheral houses or the Roma's eviction from the neighborhoods of the cities they live in.

3. The lack of efficiency of governmental initiatives at local level and exclusion policies against Roma in Romania

Through a Governmental Decision, the Government of Romania adopted a strategy aiming at improving the living conditions for Roma. This strategy is also the subject of European Union's periodical evaluations regarding the progresses made by Romania in the process of adhesion, on different chapter of negotiation, among which the "political criterion" and the improvement of Roma situation in Romania. In the present, there is a major discrepancy between the political will at governmental level and what happens at local level.

The herein document tries to emphasize in fact the local public authorities' practice regarding Roma communities, in relation to the above mentioned Governmental Strategy. We want to express publicly an alarm signal that, at local level, Roma in Romania confront new forms of marginalization and exclusion that implicitly determine a policy that might be assimilated to "mass extermination". This statement does not refer to the classical method of extermination, but to more subtle and apparently neuter methods developed in the last years. Such practices may be identified and acknowledged when quantifying various actions conducted by different public actors on forced eviction of Roma communities.

4. Violation of right to property, forced evictions and environmental racism

Lately, cases of violation of Roma's right to property in Romania and abusive demolition of their homes have been reported. Although local authorities prevailed over Law 50/1991, their actions were illegal and didn't respect the provisions of the law mentioned before. In what regards forced evictions, the local authorities didn't respect exactly the legal procedure. In the last years it grew subtly an **environmental racism** against Roma, by evicting and placing them near the garbage dumps, the purification stations or industrial areas at the outskirts of the city, in inhuman conditions. The uncertain juridical situation on this topic allows the local public authorities, the City halls or Local Councils to adopt initiatives leading to such forced evictions, followed by placement of Roma in a situation much more difficult than the previous one. In all these cases, the most affected categories of population are the children (hundreds of children end up living in inhuman conditions, although they are the ones supposed to enjoy a special attention and protection from the State), women and older people, without any defense tools against such situations.

5. Specific situations on eviction, exclusion or marginalization of Roma in regard to housing rights in Romania

In view of initiating a dialogue with central and local public authorities on this area, Romani CRISS exemplifies a part of the cases that have been documented through the network of monitoring and combating discrimination against Roma, through the human rights local monitors. These specific situations confirm the similarities shown by different local authorities in evicting, excluding or marginalizing Roma.

For further details on housing rights abuse see Annex 1: Cases: Eviction, Exclusion or Marginalization of Roma in regard to Housing Rights in Romania

Conclusions and recommendations

As international human rights bodies (ECRI) also recommended Romanian authorities, it is necessary to take steps to ensure that members of the Roma community have access to decent housing. On the other hand, it is of utmost importance to impose penalties on local government officials who engage in discriminatory practices against Roma, amongst others, the area of housing.

Peculiarly, Romani CRISS retains the following recommendations:

- in-depth analysis of the law, policy and practice concerning forced evictions, in the view of making sure that the legal procedure is followed and that no individual or group, of Roma or Non-Roma origin, disproportionately suffers the consequences;
- in elaborating and implementing future programs and strategies, due attention must be paid to human rights law and standards, including ICESCR General Comments no. 4 and 7 and CERD General Recommendation no. XXVII concerning the discrimination against Roma, particularly paragraphs 30 and 31 in the field of housing;
- Monitoring the situation of the Roma and taking firm action against any discriminatory practice, including local authorities and private owners that negatively impact the access of Roma to adequate living conditions, including housing, in accordance with relevant provisions of CERD General Recommendation no. XXVII;
- Implementing programs and policies aimed at facilitating nondiscriminatory access of low income Roma families to housing and services, in accordance with G.D. 430/2001 and the CERD General Recommendation no. XXVII;
- Developing adequate system for monitoring the implementation of the housing rights, such as a inter-ministerial commission, with the active participation of the Ministries involved, the local authorities and civil society;
- Adopting legal measures in order to legalize Roma settlements. Elaborating new plans that include Roma settlements. Registering Roma as persons with stable domicile in the places they actually live in;
- Ensuring effective legal protection against racial segregation and ending the separation of Roma communities from non-Roma communities through walls, other physical barriers
- Ensuring dissuasive action against environmental racism against Roma by various local authorities;
- Setting up monitoring systems for the identification, documentation and reporting of the housing rights abuse and discrimination at national and local level.

VII: Situation of Women Rights in Romania

Women belonging to the Roma minority face multiple discrimination, particularly in fields like education, health, employment or participation to public and political life. There is a strong concern regarding the lack of efficient solutions addressing the situation of Roma women and children. In the same time, the fact that gender equality is far from being addressed by mainstream women groups or Roma women activists should constitute a matter of concern.

The employment rate among Roma population in Romania is much lower than in case of majority population at national level (47% in comparison to 61,7%). There are four times more Roma housewives than in the case of majority women, which indicate the low participation on labor market of the Roma Women.

The Roma men are professionally qualified in a higher percentage than the women as there are 37,1% Roma women without a professional occupation and 15,3% men.³¹

Another recently published study of the UNDP, "Faces of Poverty, Faces of Hope", shows that 35% of the Roma women in Romania, aged between 25-54, are unemployed, therefore a four times higher percentage than the majority women.

These differences are the result of low level of education, lack or poor professional training and discrimination by the employers.

On the other hand, Roma women have not been yet explicitly put on the agenda of national and even international institutions, mainstream political parties, although Social Democrat Party referred to the improvement of health status of Roma population and "Dreptate si Adevar" ("Justice and Truth") Alliance included in their electoral offer programs on health, education, employment.

In the present government, there are only three female ministers and just 13.3% of the secretaries and deputy secretaries of state are women; there are no Roma ministers in the Romanian government and only one male Roma Member of the Parliament³². In 2005, a Roma woman has been appointed Secretary of State as the President of the new established National Agency for Roma.

There are 12 Roma women out of 41 local experts, appointed by the Roma Party in year 2003 in the Prefectures within the Roma County Offices.

The Romani women representation seems to mainstream other fields of actions such as: health, education, and local administrations.

There are approximately 250 Roma health mediators, all of which are Romani women who mainly assist the Roma population in obtaining the status of medical insurance.

Representatives of Roma political parties hold 189 seats as local councilors. Romani women's political participation as voters, party members, candidates and elected candidates is much poorer than among the majority. They tend not to vote, and if they do they are often caught in the so called "family voting".

The electoral law still doesn't include any quota system for women participation on candidates' lists although 2004 municipal elections few mainstream parties have included a greater number of women on

³¹ Indicators on Roma community in Romania 0 ICCV 2002.

³² For further details, see www.gov.ro.

their lists. The Conservative Party (Former Romanian Humanist Party) included 40% women on their candidates' lists. Compared with the previous elections, there has been more public debate on women's participation to politics.

Recommendations for Government Action

- To integrate the Romani women issues in the national policies of the Government and on the agenda of the Gender Equality bodies, Commissions in Romania

Health

- To initiate and implement programmes and projects in the field of health for Roma, mainly women and children, bearing in mind their status of disadvantage due the extreme poverty and low level of education, as well as the inadaptability of the formal public health system to the cultural differences;
- To involve Roma associations and communities and their representatives, mainly women, in designing and implementing health programmes and projects concerning Roma groups.
- To design programs in order to increase the degree of tolerance and acceptance of the doctors, the suppliers of medical services in general.
- The decade for Roma Inclusion gave a particular emphasis on the need for governments to create Health Action Plans. To include the gender component in the process of implementation of the Decade Health Action Plans at local level.

Participation to Political and Public life

- To consider the possibility of amended the actual electoral legislation by including a quota system for women and minorities
- To include on the political agenda of the Government, political parties the issue of Romani women
- To include in Romanian regular reports, in an appropriate form, data about the Roma communities, including statistical data about Roma participation in political life and about their economic, social and cultural situation, including from a gender perspective

Labor and employment

- To create programs that would provide employment opportunities and increase the quality of life for Romani women

VIII: Racial Administration of Justice

According to international organizations³³, there is a need to assess the extent of discrimination of Roma in the process of administration of justice. In combating such discrimination, specialized training in the field of anti-discrimination for present and future judges is a must.

The Romanian authorities have organized training for law faculty students and for magistrates and law enforcement officials, in the field of international legislation, and peculiarly with regard to ECHR – European Convention of Human Rights and the jurisprudence of the European Court of Human Rights.

While appreciating the progress made so far by the Romanian authorities, CRISS considers necessary to step up the efforts in providing specialized training for magistrates, law enforcement officials and law students, peculiarly in the field of anti-discrimination, for the following reasons:

- International reports³⁴ show the level of knowledge in the field of anti-racism among the magistrates is low. Also, the jurisprudence is limited and the magistrates prosecutors and lawyers have a poor knowledge of antidiscrimination legislation;
- Some Courts apply the law in a non-unitary manner, namely, in similar cases, they render different decisions. For Example, in two cases in which Roma individuals have been denied access to public places, the same court pronounced two different decisions. Hence, on 08.07.2004, in the first case, the Court has *“partially admitted the civil action, it has obliged the respondent to permit in the future the access of the plaintiff and it has awarded moral damages.”* Nevertheless, on 02.03.2005, the same Court, in a similar case, has ruled entirely against the civil action;
- There are signs showing a poor knowledge of antidiscrimination legislation, which is leading to a distorted implementation of the legislation. Thus, in a public session, deliberating, the Court has maintained, inter alia: *“as the complaint is motivated in fact, it is incident the art. 22, par. 1 of the Governmental Ordinance no. 137/2000 which provides active legal standing for NGOs that have as a goal the protection of human rights in the situation in which the discrimination is present in their field of activity and it affects a community or a group of persons. Under no circumstances can the court maintain that the claimed discrimination act would affect a whole community. Indeed, on the evening of 07.07.2001, the claimed act of*

³³ See Third Report on Romania by ECRI – European Commission against Racism and Intolerance – 2006, par. 49.

³⁴ ECRI Third Report on Romania clearly states: *“Despite the Romanian authorities’ efforts to train members of the judiciary, the latter are still largely unaware of anti-racism issues. ECRI thus notes that Romania still has no case-law on discrimination issues. As indicated above, this is partly because victims of discrimination are unaware of both the legislation and the procedure in force. However, judges, prosecutors and lawyers have not included the issue of discrimination in their modus operandi, since they are not aware of the legislation. ECRI therefore hopes that the Strategy for Judicial Reform 2005-2007 will include a clear and continuous policy for training members of the judiciary regarding the legislation on discrimination and its implementation.”* (Para. 51).

In a general manner, the May 2006 EC Report on Romania asserts: *“Training needs remain high particularly for judges, prosecutors and clerks already employed. A consistent interpretation of the law of the law at all levels of court is not fully ensured yet throughout the country.”* (page 7).

discrimination encompassed a group of persons, but the court considers that the use in the content of the same phrase of the words "community" and "group of persons" shows the intention of the lawmaker that it would not represent merely a gathering of persons but an entity. Thus, as regards the active legal standing, the court retains that there are incident the provisions of article 22, par 2 of the G.O. no. 137/2000 that impose in cases that discrimination acts affect individuals (the court considers it cannot hold just a grammatical interpretation of the text) the existence of a mandate to and NGO, which was not present case. In this context, the court admits the existence of the lack of active legal standing of the plaintiff and it rejects the action".

- Some courts show anti-Roma prejudice and stereotypes. Thus, the Court of appeal retains that the sum of 2.000.000 lei (about 55 euros), and not the claimed 8.000.000 lei (about 220 euros), does suffice for "covering the prejudice the respondent's behavior, and under no circumstances the certainly condemnable attitude of the respondent may constitute a source of enrichment for the plaintiff. Furthermore, in 2005, the High Court of Cassation and Justice retains the ethnic appurtenance of the accused in motivating some criminal actions.
- There have also been instances in which a court of appeal tried to justify anti-Roma pogroms. Thus the court, generalizing in a stereotypical manner, stated "Roma have an aggressive behavior and they deliberately infringe accepted legal norms. ... Due to their life style and the rejection of moral values accepted by the rest of the population, the Roma community has marginalized itself, having an aggressive behavior and deliberately infringing legal norms accepted by society".

Recommendations for Government Action

At the moment, Romani CRISS is documenting, monitoring or initiating legal action in front of courts of justice or cvasi-jurisdictional bodies in a number of 150 cases of human rights violations and discrimination of Roma. Also, CRISS published the first book in Romania on jurisprudence on discrimination on ethnic grounds.

- The Government should include a clear policy of addressing antidiscrimination law and practice by including such a policy in Strategy of Reform of the judiciary system 2007-2007;
- Training courses must be offered to all magistrates and prosecutors. Present and future judges must be granted opportunity to further develop their knowledge in antidiscrimination law.
- Better knowledge of NGO work, particularly human rights NGO work, is a must and it may be achieved by training or organizing common actions.