

# ECRI

European Commission against Racism and Intolerance  
Commission européenne contre le racisme et l'intolérance

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## European Commission against Racism and Intolerance

### Third report on Romania

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## II. SPECIFIC ISSUES

### Situation of the Roma community in Romania

#### - *Strategy for Improving the Situation of the Roma*

116. In its second report, ECRI emphasised that the Roma community in Romania was particularly vulnerable to discrimination and disadvantage in many fields of life. It was therefore pleased to learn that a draft governmental National Strategy for Improving the Situation of the Roma had been drawn up, and it strongly encouraged the Romanian authorities to build upon the momentum and goodwill generated by the adoption of this strategy to ensure that the necessary resources and political support were made available in order to implement the range of measures planned.
117. ECRI notes with concern that the situation of the Roma in Romania remains disturbing. Members of the Roma community are still discriminated against in areas such as employment, education and access to public places, housing and health care services. The Strategy for Improving the Situation of the Roma (the "Strategy"), which was adopted in April 2001, is the first initiative taken by the Romanian Government to remedy this situation in a systematic manner. The Strategy is supposed to improve the situation of the Roma in terms of: 1) government agencies, 2) social security, 3) health care, 4) the economic situation, 5) justice, 6) child welfare, 7) education, 8) culture, 9) communication and 10) citizen participation. This Strategy is designed to span 10 years (the first 4 years being devoted to a general plan for the measures set out in it), and a joint committee comprising ministers of state from the ministries that are involved in this work, Roma experts and members of Roma organisations has been instructed to ensure its application and monitor the process.
118. Order No. 37/01.02.2002 set up the County Offices on the Roma, whose primary task is to assess the situation of Roma communities, identify solutions to their problems and maintain permanent liaison with local authorities. The National Agency for the Roma was set up by Emergency Order No.78/2004; its tasks include implementing the Strategy, framing strategies and managing the funds for the programmes set up for the Roma, and monitoring and assessing the activities carried out by the public authorities at local and national level<sup>23</sup>.
119. ECRI notes that the above-mentioned bodies lack funds and that the authorities do not appear to have the necessary political will to ensure the success of the Strategy. Four years after it was framed, this Strategy is far from having achieved its goals. Until 2003, only the European Union was financing projects under the Strategy. In spite of this, the authorities now consider that many of the measures included in the Strategy have been carried out, although no overall appraisal of the Strategy has yet been carried out. NGOs also point out the lack of consistency in applying the Strategy at local level and the fact that in some areas of activity it has quite simply not been applied. The Strategy is also criticised for its tendency to treat all the Roma communities in the same way, whereas their needs vary according to the problems they face. For example, many Roma communities still live below the poverty level and therefore have more pressing and urgent needs

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<sup>23</sup> For further information on the work of this body, see below the part of the report entitled "National Office for the Roma".

such as access to health centres, to drinking water, to programmes against malnourishment, to decent housing, etc.

***Recommendations:***

120. ECRI urges the Romanian authorities to allocate the necessary funds to the bodies and programmes responsible for implementing the Strategy for Improving the Situation of the Roma. It recommends that they adapt the implementation of the Strategy to the different needs of the Roma communities, assigning priority to the most deprived.
121. ECRI urges the Romanian authorities to conduct an appraisal of the Strategy for Improving the Situation of the Roma as soon as possible in order to establish the results of the Strategy and redefine its parameters where necessary. This appraisal should be made public and transmitted to the NGOs concerned so that they may contribute to any redesigning of this Strategy.
122. ECRI stresses that a clear and consistent policy is vital to ensure the success of the Strategy for Improving the Situation of the Roma. It therefore calls on the Romanian authorities to show the necessary political will for the success of this Strategy.

**- *National Office for the Roma***

123. As stated above, the National Office for the Roma (the "Office") is responsible among other things for implementing the Strategy for Improving the Situation of the Roma. The Office has informed ECRI that it tried to revive the various institutions responsible for implementing the Strategy. However, it was not until the end of April 2005 that one of these institutions was to meet in order to adopt a general plan for the measures relating to this Strategy. The Office also said that it had written to the ministries and local authorities to find out about the problems confronting them. It found that although each ministry was supposed to resolve the problems falling within its remit, nothing had been done and it was left to the Office to take over the ministries' responsibilities.
124. ECRI notes that the National Office for the Roma does not have the necessary funds or staff to carry out its tasks efficiently. Although it is supposed to have 52 posts, the Office currently has only five staff members, who provide a basic service in terms of accounting, human resources and legal, administrative and secretarial services. ECRI also notes that the other bodies likewise tasked with applying the Strategy for Improving the Situation of the Roma at all levels and in all areas of life have not yet started work.
125. The National Office for the Roma has informed ECRI that a "Decade for the Inclusion of the Roma" was launched in February 2005 to narrow the gap between the Roma and the rest of the population in the areas of: 1) health care, 2) education, 3) employment and 4) housing. The Office said that the World Bank is supposed to fund the project and visited Romania in February 2005, when it met the ministries concerned and the Ministry of Finance, which will be distributing the funds. ECRI considers that this project must be carried out and must receive the funds it needs in order to achieve its objectives. It also wishes the various institutions responsible for implementing the Strategy for Improving the Situation of the Roma to be involved in the work on the Decade for the Inclusion of the Roma so as to avoid possible overlapping.

**Recommendations:**

126. ECRI recommends that the Romanian authorities provide the National Office for the Roma with the staff and funds it needs in order to implement the Strategy for Improving the Situation of the Roma. It also recommends that they allocate the necessary funds to the other bodies set up to apply this Strategy. ECRI further recommends that they ensure that the ministries responsible for implementing the Strategy fulfil their obligations.
127. ECRI recommends that the Romanian authorities ensure co-ordination of the activities relating to the Strategy for Improving the Situation of the Roma and to the Decade for the Inclusion of the Roma. To this end, it recommends that they set up a committee which would ensure co-ordination and co-operation between the institutions tasked with implementing these two programmes.

**- Situation of the Roma in the area of education**

128. In its second report, ECRI noted that the Roma minority was particularly disadvantaged as regards education, with high levels of absenteeism and dropping out of the school system. It felt that even if such discrimination was not a reflection of institutional discrimination, it was most important to take steps to prevent its occurrence. ECRI therefore hoped that measures would be implemented without delay to change this situation and that their effectiveness in raising levels of educational achievement among disadvantaged Roma children would be closely monitored and evaluated.
129. The Romanian authorities have informed ECRI that a number of measures have been taken in the area of education to resolve the problem of discrimination against Roma children. By Notification No. 29323/20.04.2004, the Ministry of Education and Research has banned all forms of segregation in Romanian schools. In this connection, it is worth noting that Roma school mediators<sup>24</sup> help schools in integrating Roma pupils more fully by explaining, for instance, the difficulties facing these children such as the lack of resources enabling them to participate properly in the school curriculum. They also provide liaison between parents and schools and are responsible for giving teachers a better understanding of the situation of Roma children. ECRI also notes that since its second report, the authorities have provided technical training to Roma children who have left school, and have developed school textbooks for those who have not completed primary school. Steps have also been taken to train Roma teachers. ECRI has moreover been informed that places are reserved for Roma students in Romanian universities.
130. Nevertheless, ECRI notes that many problems remain. For example, in spite of the above-mentioned notification, Roma children are still segregated: they still all too often find themselves in schools of a distinctly lower standard than the others, or are relegated to the back of the classroom or placed in separate classes. As this Notification is not legally binding, few practical steps are taken against schools or teachers who breach its principles. ECRI also notes that despite recognition of the importance of their role, school mediators still do not have a clear and legally defined status. It also notes the Romanian authorities' statement that few Roma

<sup>24</sup> A measure proposed by the Roma NGO Romani Criss.

children assert their identity: during the 2002-2003 school year, only 160,000 Roma pupils identified themselves as such. Although this figure increased to 183,000 the following year, ECRI notes that only 10% of these pupils wished to learn Roma language and history. ECRI therefore notes that Roma children are faced with a problem of self-esteem which the authorities will have to help remedy.

131. ECRI notes with great concern that all too often the poverty in which many Roma communities still live prevents their children from fully participating in school curricula. For example, even when measures such as the “Bread Roll and Milk” programme are taken by the authorities to allow the poorest children (who are often Roma) to go to school, they do not succeed because the children go to school only to be able to eat and therefore do not attend classes. ECRI consequently considers that more effective measures must be taken in this respect.

#### ***Recommendations:***

132. ECRI urges the Romanian authorities to make Notification No.29323/20.04.2004 legally binding in order to make the application of the measures it proposes compulsory and to enforce its provisions.
133. ECRI recommends that the Romanian authorities continue to train Roma school mediators and give them a clear legal status. It encourages them to continue training Roma and non-Roma teachers in order to prepare them to work with pupils from different ethnic groups.
134. ECRI recommends that the Romanian authorities take steps to improve Roma children’s self-image. It considers that the Romanian authorities should teach about the Roma’s contribution to Romanian society throughout the country’s history, together with their culture and language, at all educational levels.
135. ECRI recommends that the Romanian authorities introduce programmes enabling Roma children to participate fully in classroom tuition. Free meals could be one of the facets of these programs.

#### **- *Situation of the Roma in the area of employment***

136. In its second report, ECRI noted that in the area of employment the Roma community was, once again, the minority group which faced particular disadvantage. It noted that members of the Roma community faced especially high levels of unemployment and were confined to low-level positions and jobs, chiefly on account of the discrimination against them. ECRI therefore stressed the importance of taking steps to eliminate concrete manifestations of discrimination on the labour market.
137. The Labour Code adopted in March 2003 includes a provision against discrimination. ECRI has been informed that the Ministry of Labour and the National Council for Combating Discrimination are working together on this issue. However, it notes with regret that the National Employment Agency has not taken any steps specially intended for Roma, since according to the Romanian authorities the law does not provide for this. ECRI also notes with concern the reports that since Roma do not identify themselves as such, it is difficult to determine their employment needs. Thus, in January 2003, only 4,300 of the persons registered by the National Employment Agency stated that they belonged

to the Roma minority. Although the number increased to 15,700 in January 2004 and to 18,700 in January 2005, it remains very low in view of the fact that 530,000 people identified themselves as being Roma in the 2002 census.

138. ECRI therefore notes that the situation of the Roma on the labour market continues to give cause for concern. This is partly because some of the measures proposed by the government arouse little interest on the part of the private sector. Only a few firms take part in the scheme for employment grants for Roma. For example, in 2004, only 15 firms were involved in these grants as opposed to 400 in the grants for people with disabilities. Furthermore, although Law No. 76/2002 gives young people and the unemployed access to employment and to loans, its provisions are so complicated that it is virtually impossible for Roma to benefit from it. ECRI also deplores the fact that the authorities do not appear to have taken steps to ensure the long-term integration of Roma into the labour market. It has found that a clear policy to that effect is lacking. It also notes that although 30 measures out of 32 are supposed to have been carried out in the area of employment under the Strategy for Improving the Situation of the Roma, it is unclear how the authorities reached this conclusion. Moreover, ECRI notes with concern that many Roma who have completed their university education fail to find jobs as a result of many employers' discriminatory practices. It further notes that although they are disproportionately affected by unemployment, very few members of the Roma community benefit from Law No. 416 on the Minimum Income, mainly because this allowance is allocated only twice a year.

#### ***Recommendations:***

139. ECRI urges the Romanian authorities to introduce programmes to ensure the long-term integration of Roma into the labour market. It recommends that they set up programmes granting preferential loans to Roma and positive recruitment measures.
140. ECRI calls on the Romanian authorities to ensure that state agencies, civil society and industry co-operate in order to integrate Roma more fully into the labour market. It also recommends that they ensure that the Strategy for Improving the Situation of the Roma continues to emphasize the need to integrate members of the Roma community into the labour market.
141. ECRI recommends that the Romanian authorities conduct information campaigns in the private and public sectors in order to publicise the legislation on discrimination. It reminds them of the importance of helping victims of discrimination in asserting their rights either before the National Council for Combating Discrimination or the courts.

#### ***- Persons without identity documents***

142. In its second report, ECRI was of the opinion that measures taken, in conjunction with representatives of civil society, should be widened and accelerated to regularize the situation of people who did not have identity papers. These measures should include awareness-raising campaigns about the advantages of obtaining identity documents and about the procedure for doing so, special training for the people responsible for assisting them in obtaining the right documentation, and measures to ensure that the administrative procedures involved are accessible and facilitated.

143. In Bucharest alone, there are at present 20,000 Roma without identity papers. A survey of 8,000 people carried out in this city in 2004 showed that 25% of the Roma population did not have identity cards and that 45.6% did not have birth certificates. Moreover, as children whose parents do not have identity cards do not receive birth certificates, members of the Roma community are disproportionately affected by this problem. The fact that many Roma do not have identity papers precludes them from buying property. As a result, they very often find themselves homeless; this constitutes a new hurdle for them in obtaining identity papers. This situation generates a vicious circle which is hard to break.
144. ECRI notes that the Romanian authorities have taken virtually no steps to alter this situation because they do not regard it as a priority. NGOs also deplore the fact that many Roma were unable to vote in the elections held at the end of November 2004 because they had no identity papers. Furthermore, ECRI notes that projects to help Roma register their children at birth and obtain identity papers have been set up by NGOs, although the Strategy for Improving the Situation of the Roma provides for measures to that effect in its programmes.

***Recommendations:***

145. ECRI urges the Romanian authorities to carry out campaigns without delay to provide identity papers to members of the Roma community who do not have them. It reminds them that the measures provided for in this respect in the Strategy for Improving the Situation of the Roma must be fully applied and therefore recommends that they make sufficient funds available to the National Office for the Roma for that purpose.

- ***Other forms of discrimination against the Roma***

146. ECRI notes that some members of the Roma minority continue to live in insalubrious housing, often as a result of discriminatory measures by local authorities. Furthermore, some local authorities still evict Roma from their housing without observing the legal procedure for the purpose. ECRI has also received reports of Roma being expelled from municipal sites in the middle of winter, in the presence of the media.

***Recommendations:***

147. ECRI strongly urges the Romanian authorities to take steps to ensure that members of the Roma community have access to decent housing. It also calls on them to impose penalties on local government officials who engage in discriminatory practices against Roma in, amongst others, the area of housing.
148. In its second report, ECRI noted that underestimating the size of the Roma community in Romania was a major shortcoming in terms of the data collected. It therefore hoped that the 2002 census would produce a more accurate figure, since the changing situation in Romania and the building up of a Roma consciousness might encourage more Roma to identify themselves as such.
149. As indicated above, according to the results of the 2002 census, about 530,000 people stated that they were members of the Roma minority. However, this figure is disputed by NGOs and international organisations, who estimate that there are between 1 and 2 million Roma in Romania. There are several reasons for these

results, one of them being the above-mentioned reluctance on the part of some Roma to state their ethnic origin. The discrimination which Roma continue to face prevents them from feeling comfortable with the idea of identifying themselves as such. On this point, ECRI hopes that projects to boost their self-image will be included in the Strategy for Improving the Situation of the Roma.

***Recommendations:***

150. ECRI recommends that the Romanian authorities take steps that will contribute to giving members of the Roma minority a more positive self-image, notably by devising school syllabuses to that end.