



European network against racism

ENAR Shadow Report 2007

ENAR SHADOW REPORT 2007

Racism in Romania

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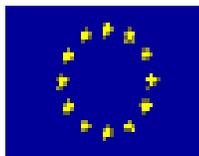
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Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it. Even where there is extensive official data, NGOs offer a vital alternative data source that comes directly from experiences of those individuals and communities experiencing racism on a daily basis.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States. NGO reports are, by their nature, based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by the racism that is the subject of the research. It is this that gives NGO reports their added value, complementing academic and official reporting.

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1. Executive summary

Romania's accession to the EU in 2007 led to a great wave of immigrants from ex – soviet countries, such as Moldova.

Since numerous reports from 2006 had drawn attention to the gaps of Romanian legislation concerning immigrants, 2007 brought important legal amendments, in terms of managing the migration phenomenon in Romania and the harmonisation of national legislation with EU legislation.

The Romanian government adopted normative acts when harmonizing Romanian legislation on immigrants with the European norms in force, and meeting the *acquis communautaire* requirements by signing the treaty of accession. Normative papers were adopted with regard to setting up a new institution responsible for migration and asylum, by reorganizing the Authority for Aliens and the National Office for Refugees - and the legislation in question.

The Roma community remains the most disadvantaged group in Romania, with more than 74% living in poverty and marginalization. Statistics prove once again that the Roma are the community subject to the poorest housing conditions in Romania.

The access to public goods is free and non-discriminatory by law. But as they live mostly at the outskirts of urban or rural areas, Roma have low access to public services (water alimentation and sewerage, public lighting, etc). The access to private services is still restricted on the basis of ethnic origin. In some rural areas, the access to bars, restaurants, or certain stores is restricted also on the basis of ethnic origin.

Roma discrimination in healthcare is based on the person's financial income or whether the person is employed and paying his/her social insurance tax.

Public employment ads do not make reference to ethnic groups because the law forbids it, but most employers refuse to hire Roma individuals. Banks do not offer facilities to credit loans for the Roma population, mostly because they cannot prove their employee status and prove their permanent income. The same thing applies to some ordinary services provided to migrants.

National legislation was considerably developed since 2001, and in 2007 the EU Equality Directives were transposed in order to end school segregation of Roma children, and to approve the methodology for preventing and eliminating school segregation of Roma children¹. Certain existing segregationist methods in the

¹ Ministry of Education, Research and Youth, ORDER no. 1540/ 19.07. 2007 that forbids the school segregation of the Roma children and requests approval of the Methodology for prevention and elimination the school segregation of the Roma children

public education system (primary and middle school levels) still lead to school dropouts.

Qualification courses initiated by National Agency for Employment and oriented towards disadvantaged groups are being either inexistent (e.g. emigrants), either are non-realistic and non-efficient (e.g. Roma).

The implementation of social inclusion measures is still slow and inefficient, despite governmental efforts. As a result, the Roma community continues to emigrate in countries such as Spain and Italy.

In 2007, Romania had to deal with numerous forms of discrimination and xenophobia manifestations from the EU Member States, which culminated with the expulsion and fingerprinting measures taken by the Italian Government against Roma immigrants. Furthermore, the President of Romania, and other members of Government were reported to the National Council for Combating Discrimination for their racist statements.

National Recommendations:

- Employment policies for Roma must take into account the reality of the Roma communities, improving access to qualification courses for those who do not have proof of graduating from the mandatory education system;
- Decreased penalties and more simplified procedures in granting incentives for employers who hire disadvantaged people.
- Diversify the rules for EU eligible applicant programs, in order to enable NGOs to apply for more EU programs intended for building and providing social housing for Roma;
- More sanction measures for local councils and police officers who practice direct and indirect discriminatory actions;
- Introducing in schools a Roma Mentor, in the 2008-2010 period. His or her prerogatives would comprise tutoring, giving support and essential guidelines to Roma students, supporting the Roma Teacher program. Roma Mentors should include professionals from different ethnic groups trained to deal with specific needs of Roma children.
- More national debates and campaigns for promoting diversity, supported by the media and officials.
- Romanian politicians should pay more attention both to the political discourse and EU directives adopted with regards to anti discrimination measures and legal protection for Roma and immigrants.

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3. Introduction

At the beginning of 2007, it was critical for Romanian civil society to know what rights and duties Romanians had after having become an EU Member State. As important and acknowledging as this achievement is, Romanian authorities and NGOs realized there were a lot of things to do and harmonize in order to start integrating effectively and efficiently into the European family of democratic states.

Efforts were made at parliamentary level, at governmental level, at the level of the business community and at the level of civil society, in order to cope with the changes and the challenges that the EU brought here, in terms of human rights and anti discrimination policies and public statements.

Civil society is an important factor in this respect. An active civil society represents a barometer of how people perceive their standards of living and how they can be involved in making it even better.

This report presents racism and discrimination in Romania from an NGO perspective. Romanian NGOs believe that only by having a deep and thorough understanding of the European Union and its institutions, can a difference be made in terms of providing input and the vision of how Europe could further develop in terms of inclusion policies and anti-discrimination measures.

This year's Shadow Report is strongly connected to the consequences of the racist and xenophobic manifestations in Italy and also to the 2008 Berlusconi Government measures of fingerprinting Roma immigrants, which have been included and considered relevant for the Romanian situation.

4. Communities vulnerable to racism

The Roma community remains the most disadvantaged group in Romania, with more than 74% living in poverty and marginalization. The latest census estimated that in 2002 Romania had a 535,140 permanent Roma population, which represents 2.5% of Romania's total population² - however, the real number could be much higher. Great deals of efforts were made by public authorities to improve Roma living conditions and access to public services.

Roma women are still invisible in public life and they face double discrimination: as women and as Roma. More than 50% of the Roma women are facing prejudices from their own communities and, as a result, they remain housewives, and those who work do activities which do not require qualified skills.

In 2007 Roma children continue to be victims of school segregation, "Roma" classes were created in order to respond to other parents' complaints who refuse to allow their children to study with Roma children. Between and after study hours Roma children are verbally abused and sometimes physically abused by their colleagues for racial reasons.

Roma girls younger than 15 years of age, face more prejudices from their own communities, where marriages are settled at a very early age and where school is not seen as a necessity. Thus, many school dropouts are registered among Roma teenage girls.

Although the institutional discrimination and violence against the Roma is decreasing in large urban areas, there are important issues to be addressed in some towns and rural areas of Romania. There are a number of reported and un-reported cases of institutional discrimination on the ground of racism in many regions of Romania.

There are still complaints about police raids against the Roma. In some cases Roma were expelled to be relocated by local administrations, which provided alternative accommodation on city outskirts or giving them low financial aid. The application of legislation aiming at combatting such phenomena is in most cases not ensured. Roma access to identity papers, health care, education, labor market and vocational qualification is increasing, but still an issue of concern.

Ethnic Hungarians were considered to be the largest ethnic minority, comprising 1.4 million persons according to the 2002 census. The Bolyai Initiative Group, a group of young professors from the Cluj-based Babes-Bolyai University (UBB)

² National Institute of Statistics, 2002 National Census, <http://www.insse.ro/cms/files/RPL2002INS/index1.htm>, accessed 15 July 2008

and the Hungarian Civic Union (UCM) pursuit allegations³ of discrimination against ethnic minorities in the teaching of the Romanian language in schools⁴. In January 2007, a senator member of the Democratic Alliance of Hungarians in Romania (UDMR) submitted a motion to the Council of Europe regarding discrimination of ethnic Hungarians in institutions of higher education. In April 2007, the Bolyai Initiative Group sent requests to the establishment of separate Hungarian-language faculties within the UBB to the European Parliament and the OSCE⁵.

According to the 2002 census, the Jewish population numbered 5,785. Many acts of anti-Semitism, including vandalism against Jewish sites took place in 2007. In some cases, the Federation of Jewish Communities notified the authorities. The persons responsible for vandalism were often not identified. Throughout the year, anti-Semitic views and attitudes were expressed on talk shows of private television stations, which failed to respond to complaints filed by Jewish organizations regarding these issues. Extremists continued to publicly deny that the Holocaust occurred in the country or that the country's leader during World War II, Marshal Ion Antonescu, participated in Holocaust atrocities in Romanian-administered territory. In January 2007, the Federation of Jewish Communities and a Jewish NGO filed a criminal complaint against a professor who constantly denied the occurrence of the Holocaust in Romania⁶ through media appearance and in his books⁷.

Moreover, Romania joining the EU in January 2007 has led to a wave of immigrants from the ex-soviet block, and from the Moldovan Republic especially. A World Bank study shows that Romania has drawn almost 200.000 immigrants from Moldova and Ukraine⁸.

Almost 60% of immigrants do not have professional training. Professional training programs for immigrants are almost inexistent in Romania; this causes discrimination and lessens their chances to integrate the labor market considerably or forces them to accept unqualified jobs.

Access to services for immigrants is very slow. They do not have access to university education under the same conditions as Romanian citizens. The present legislation allows foreigners to enter the public education system only

³ http://www.divers.ro/actualitate_ro?wid=37455&func=viewSubmission&sid=8137, accessed 20 July 2008

⁴ http://ro.altermedia.info/minoritati/ucm-se-plange-ca-elevii-maghiari-nu-invata-limba-romana-ca-o-limba-straina_7927.html, published 2.11.2007, nd accessed 20 July 2008

⁵ Country Reports on Human Rights Practices - 2007, U.S Department fo State, Released by the Bureau of Democracy, Human Rights, and Labor, March 11, 2008 <http://www.state.gov/g/drl/rls/hrrpt/2007/100580.htm>, accessed on 20 July 2008

⁶ <http://www.romanalibera.ro/articol-Dreapta-radicala-si-contestarea-Holocaustului-86617.htm>, see also http://www.divers.ro/eveniment_ro?func=viewSubmission&sid=1696&wid=37453, both accessed on 20 July 2008

⁷ Country Reports on Human Rights Practices - 2007, U.S Department fo State, Released by the Bureau of Democracy, Human Rights, and Labor, March 11, 2008 <http://www.state.gov/g/drl/rls/hrrpt/2007/100580.htm>, accessed on 20 July 2008

⁸ BAILEY, RONALD "The Secrets of Intangible Wealth", Wall Street Journal, 29 December 2007

with high tuition fees, except for those who benefit from scholarships granted by the Romanian state.

Another negative aspect of current legislation is that foreign citizens do not have political rights not even at local level, so their rights cannot be politically represented.

Although numerous reports from 2006 have drawn attention to the gaps of immigration legislation, 2007 did not bring amendments to the actual law. It is also important to underline the fact that the immigrant active NGOs have denounced the Government's lack of transparency in taking decisions, as well as the inefficient cooperation methods of the authorities and local administrations with the NGOs.

5. Manifestations of racism and religious discrimination

5.1 Employment

According to the 2002 National Census, there are 535,140 people who are from Roma ethnic origin, representing 2.5% of Romania's total population⁹. Around 73% of the Roma population is employed in activities that do not require qualifications or require only very low qualifications, as opposed to 33% of Romanians employed for the same type of activities.

The 2002 Census also points out that only 3.5% of the Roma population has jobs that require high school or/and university diplomas, representing 29% nationally. Only 33.99% of Roma employees receive a salary, and therefore have a permanent income as opposed to 70.52% of Romanians¹⁰.

Employment indicators for the Roma population show that the employment level is much lower compared to national indicators, and the rate of housewives is four times higher for Roma women. 33.5% of the Roma population have no specific professional skills, 14.3% work in agriculture¹¹. In 2007, 19,7% of the total number of people are hired through interim agencies, meaning 10.440 persons, belong to the categories of persons who have real difficulties integrating the labor market, 4.846 of them being Roma.

All Romanian Strategies for Employment underlined that the main reasons for the exclusion of the Roma from the official labour market are their low level of education, their lack of qualifications in general and lack of qualifications in professions most required on the labour market.

As a consequence, the National Agency for Employment had a number of initiatives in promoting qualification courses for disadvantaged groups, including the Roma. 1.613 Roma persons attended these courses, meaning approximately 1,5%. It is also important to mention that no single qualification course for emigrants is mentioned in the report.

The main measure of reducing Roma exclusion from the labour market and reinserting the Roma was through qualification courses. Phare¹² financed a number of programs to reconvert the Roma labour force by helping them to get qualifications. Such programs were warmly welcomed by NGOs, local state administrations or by other private entities/institutions involved in delivering vocational courses for vulnerable groups.

⁹ National Institute of Statistics, 2002 National Census, <http://www.insse.ro/cms/files/RPL2002INS/index1.htm>, accessed 5 July 2008.

¹⁰ Cace, Sorin, and Ionescu, Marica, *Politici de ocupare pentru romi (Labour policies for the Roma)*, (București: Editura Expert, 2006).

¹¹ M.Preda si C.Zamfir, ICCV, „Roma from Romania”, Ed. Expert 2002,

¹² Pologne et Hongrie - Aide à Restructuration Economique Program (PHARE), initiated by EU in 1990, became EU one of the most important financial instrument in assisting South and Central Europe countries that candidates to join EU.

Some NGOs acting as potential applicants to these programs could not pursue the initiative because it was impossible for them to integrate the Roma target group for the grant to be eligible. In a lot of cases, the applicants for these programs revealed to the responsible authorities¹³ that Roma communities were not eligible for the designated programs. As long as the members of the community do not have the necessary papers to register for the courses (IDs, birth certificates) they will be unable to obtain the necessary qualifications to integrate the labour market. For many of these qualifications courses it is assumed that applicants have graduated from primary or comprehensive schools, but many members of the Roma community have never even started primary school. The incentives for Roma participants to attend these courses and apply to potential employers are an identified solution in all National Strategies addressed to the Roma community, but the practical implementation of these measures did not have the estimated results.

While programs supporting the Roma community members in the labour market were adopted at a national scale, implementing these programs did not lead to efficient results, because employers are not involved in the insertion process of Roma people into the labor market. The prejudice, stereotyping and de-facto discrimination from employers mainly affects Roma.

The 137 Ordinance¹⁴ prohibits discrimination on the grounds of ethnic origin. Belonging to an ethnic group is a big disadvantage when entering the Romanian labour market. But the existence of a legal framework that forbids discrimination on the grounds of ethnic origin has no actual bearing on the chances of Roma people benefiting from better treatment in terms of employment.

As a consequence, the Roma community is continuing its high emigration trends to countries such as Spain and Italy. The emigration phenomenon towards other European countries indicates that the Roma community continues to accept hard and inferior jobs which don't need vocational, formal or informal training courses, just in order to have a basic income.

EXAMPLE OF NGO GOOD PRACTICE

Resources Centers for Roma Communities initiated several projects for facilitating and integrating Roma community members in different aspects of social life.

“Certified social services for employment in Roma communities” project had, as its main objective, to increase the capacity of Roma NGOs in offering counseling and professional mediation in the specific communities, for different society aspects.

¹³ Ministry of Labour, the Family and Equal Opportunities as Management Authority of PHARE Programs for qualification of labour force, and its *Intermediary organisms* (IO)

¹⁴ Romanian Government Ordinance no.137/2000 to prevent and sanction all forms of discrimination, with further amendments

Specific objectives of the program were:

- 1) Establishing 20 occupational agents from 10 Roma NGOs, in order to handle all Romanian euro-regions (duration 7 months).
- 2) Accreditation of 10 Roma NGOs for a three month period in offering consultancy and professional mediation social services for 40 Roma communities (urban and rural areas located).
- 3) Improving co-operation between Roma NGOs, participants of the project and public institutions as AJOFM (County Agency for Employment) and non Roma NGOs offering consultancy and mediation social services¹⁵.

5.2 Housing

Nowadays, a great number of people experience housing problems all over Europe. Some groups of people are particularly affected and often permanently excluded. The Roma are again the most affected by poor housing conditions, they often have to accept the poor sub-standard housing facilities offered by local authorities¹⁶.

Housing is causing the most problems with regard to discrimination against the Roma. Our society today is based on property which every constitution stipulates as being the foundation of democratic societies.

The type of housing available to Roma in Romania includes precarious settlements on city outskirts, or close to towns and villages, as well as colonies for unskilled workers far from villages (e.g. brickworks), apartments that were not rehabilitated after the 1977 earthquake, ghettos in urban areas (e.g. slums, colonies for workers). The buildings in these locations are very poor in comfort and quality, are very small, and access to infrastructure and public services is significantly worse than for any other type of housing. Many Roma communities living on city outskirts have no access to running water, electricity or gas.

The Romanian government built houses and relocated some of the Roma community to environmentally dangerous sites, (land exposed to natural disasters) or moved them from urban areas on the grounds that their temporary houses would be handed back to their owners.

Romani CRISS, one of the strongest Romani NGOs - had a leading role in pointing out a racist policy of local public authorities, to evict and segregate

¹⁵ Source: www.romacenter.ro accessed on 11.07.2008

¹⁶ Housing Rights: The Duty to Ensure Housing for All, Strasbourg, 25 april 2008, Commissioner for Human Rights, Council of Europe, <https://wcd.coe.int/ViewDoc.jsp?id=1292391&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864>, accessed on 13.07.08

Roma from cities to the outskirts or in rural areas. Although government authorities are implementing a strategy¹⁷ for Roma, there are no efficient instruments preventing racist actions conducted by local councils in evicting Roma or pulling down their settlements¹⁸.

EXAMPLE OF NGO GOOD PRACTICE

The Human Association "God is Love" from Curtea de Arges keeps records of two Roma families. One of the cases they were dealing with in 2007 was the case of the Baiasu family who has 2 boys, who are four and nine years old, and two girls, who are six and 10 years old. They live in an 8m² self-made room, an ex-wagon canton from the Romanian national railway company, with no water, no electricity. On the association's initiative, the father got a job with a construction firm, with a minimum legal salary per month, as an unqualified worker. The mother of the children is a housewife. Because of the family's financial problems, the children were taken under foster care by the General Direction for Social Services and Child Protection, on an emergency court order issued in April 2008. Currently, the NGO is launching a campaign of petitions and memoirs to the Local Council, in order to get a piece of land where they can build social apartments for approximately 140 persons that are in need.

5.3 Education

Discrimination against the Roma is also present in education because of their general state of poverty, but also because of the segregation efforts in school. Consequently, this leads to lower enrollment rates and higher drop-out rates among the Roma than among the general population. This stops them from getting proper qualifications¹⁹.

Almost 12% of children aged between 7 and 16 quit school before graduating and 18% of them are illiterate. Overall, over 80% of illiterate children are Roma, meaning that more than a third of the Roma population (38,6%) is practically illiterate.

The education level of the past generations contributes to this low level of participation of the new generation. Also the lack of school education and deficiencies in reading and speaking Romanian affects the school performances of Roma children.

¹⁷ The Romanian Government Strategy for Improving Roma Condition

¹⁸ Legal protection against discrimination and public policies for Roma, Romani CRIS

¹⁹ O.M.E.C.T. no. 1540/19.07.2007 forbidding segregation of Roma children in schools

Statistics show that children living in poor families have 2.3% more chances of quitting school, as opposed to children living in families with a higher life style, the numbers being 3,1% for children living in severely poor families²⁰.

Leaving school at an early age leads to reduced opportunities in attending formal or informal vocational courses and, as a result, a lesser chance of integrating the labour market and society. Despite the fact that segregation at school is expressly forbidden by law²¹, some Roma children are still separated from others, over 13% of Roma children study in separate schools or classes²².

Separating Roma children in special classes leads to isolation, with serious repercussions on their social behavior. Such schools have a reduced number of qualified teachers which also affects the quality of their education.

The teachers and non-roma children's discriminatory behaviour contribute to the Roma children quitting school. The encouragement of prejudices on the parents' behalf or at social policy level, lead to the same result: isolation.

A significant case of authorities denying access to education to Roma children occurred in a town located in Teleorman County. Roma children were not allowed in primary school, because they graduated from a primary school in Ireland, and the local school authorities were not able to give any equivalence to their evaluation grades.

Following also other forms of discrimination, the local Roma community had the initiative to build a nursery school for their children. They contacted the "Institute for Social Policies" (ISP) association and asked for support in applying for European funds, consulting and professional support in representing them before the local administration.

The ISP²³ following their expertise advised that isolating Roma children in their own nursery school would lead to more segregation. The purpose of education is to integrate and develop the ability of socializing. However, in this specific case, ISP agreed to apply for EU funding in order to set up a vocational school in 2008-2009, as well as to organize the local Roma community like an NGO.

To conclude, 2007 highlights a two-way discrimination: by, or towards the Roma community. The difference is that discrimination coming from the Roma community is a consequence of the actions of local state institutions and is caused by the xenophobe behavior of other ethnics.

The Roma's lack of interest in the importance of the vocational courses is caused by the poor communication of the Romanian administration, which did not

²⁰ National Plan for Rural Development 2007-2013, Romania Government, Ministry of Agriculture and Rural Development

²¹ O.M.E.C.T. no. 1540/19.07.2007 forbidding segregation of Roma children in schools

²² Open Society Institute, "Equal access to quality education for Romanian Roma", 2007

²³ Institute for Social Policies

succeed to efficiently promote the advantages of vocational, formal or informal qualifications until now, and does not include an active mediation with the employers.

EXAMPLE OF NGO GOOD PRACTICE

Per Regional Center for Central, East and Southeast Europe considered the fight against institutional preconceptions as being highly important.

The center initiated a campaign for promoting knowledge and accepting diversity in 2007.

The center launched a campaign for promoting diversity, knowledge and acceptance, which contributed to the elaboration and adoption of the Ministry of Education, Research and Youth (MECT) Order, regarding the introduction of promoting diversity in the educational system, as well as studying the history of national minorities.

By elaborating an auxiliary material for history teachers, and subsequently the curricula with the introduction of national minorities' history, this initiative contributed to an improved knowledge of Romanian history, and also to a better understanding of the history of national minorities that live in Romania.

5.4 Health

Although various systems in Romania are in place to supervise and report on the health status of the Romanian population, there is very little data concerning the health of Roma.

Poverty and poor housing conditions, but also Romania's healthcare system which does not offer constant medical services, have led to a great number of Roma people being sick with illnesses such as tuberculosis or hepatitis B and C. Studies show that life expectancy among the Roma is much lower than for the rest of the Romanian population²⁴. The mortality rate among Roma children is also higher compared to the majority of the population²⁵.

The reality is that the majority of Roma do not have access to medical services because they lack identity papers. The majority of Roma are not registered with a family physician, because they do not have proof of employment. Only in emergency cases, for illnesses that are life threatening, do they have assured emergency medical assistance with no restrictions.

²⁴ Health services and Roma, Evaluation of Health Mediator System, Published by Romani Criss, 2007, <http://www.gitanos.org/publichealth/HealthGuide/Rumano.pdf>, accessed 10 July 2008

²⁵ Bădescu, Gabriel, Grigoraș, Vlad, Rughiniș, Cosima, Voicu, Mălina, Voicu, Ovidiu, *Roma Inclusion Barometer*, (Bucharest: Open Society Foundation, 2007), p. 74.

But the solutions to the Roma health problems are not generated from the health system only, but also to external factors such as: education, economic conditions etc.

There was a case in Galati, where Roma were taken into hospital without identity papers. In Macin, the sanitary mediator also says that she collaborates very well with family physicians and that all Roma were registered and benefit from medical services, even for children without identity papers²⁶.

Public authorities admit that the methods of collecting information on Roma health issues are slow because of the reporting process. For example, data on tuberculosis are administrated by the National Center of Tuberculosis and are not transmitted to the National Center of Statistics²⁷.

The “EU Phare Health Project for the Improvement of NCD Monitoring and Evaluation Capacity in Romania²⁸” from 2005 didn’t have efficient results.

In terms of facilitating access to healthcare services, the most active NGO remains Romani CRISS, which continues to develop efficient projects in improving access to health services for the Roma. The biggest progress was made by implementing a “Roma Health Mediator Program”, which recorded a significant number of success stories in assisting Roma to improve their health conditions. However the program is not used to its full potential. The number of mediators is still small and the financing for the activities must be assured for a longer period of time. Local supervision and coordination of the mediators is not well developed²⁹.

EXAMPLE OF NGO’S GOOD PRACTICE

The prefecture of Tulcea³⁰, with the support of the Romani C.R.I.S.S Foundation, implemented from 1 October - 31 March 2007 the second step of “Fighting against tuberculosis in Roma communities from Romania” Program.

The program improved local community knowledge on general health problems and TBC in particularly. The program was targeted to people infected with TBC and their families, and also to the overall population at risk.

²⁶ Health services and Roma, Evaluation of Health Mediator System, Published by Romani Criss, 2007, <http://www.gitanos.org/publichealth/HealthGuide/Rumano.pdf>, , p 19, accessed 10 July 2008

²⁷ Evaluation of Health and access to medical assistance in Roma communities ,Romania January-june 2006, Ministry of Public Health of Romania, published October 2007, p 49

²⁸ EUROPEAID115208/D/DV/RO

²⁹ Evaluation of Health and access to medical assistance in Roma communities ,Romania January-june 2006, Ministry of Public Health of Romania, published October 2007,

³⁰ According to Romanian Explanatory Dictionary, The institution of Prefecture is the main administrative and police authority from a county

Activities were organized to facilitate access to public health services and to implicate Roma communities, medical staff and local authorities in improving health conditions in Roma communities.

The results led to professional training of 5 health mediators by Romani C.R.I.S.S., assisting 2982 people (Roma and non-Roma), and setting 106 Educational Campaigns.

Immigrants and refugees' access to health services are often difficult and rarely officially reported. Organizations working with refugees and migrants complained several times that assisted refugees were denied access to health services, because doctors did not know the identification documents needed and the rights of refugees.

5.5 Policing and racial profiling

Police reform continued throughout 2007. According to police statistics published in August 2007, there were 5,485 female police officers, representing over 10% of the total Police force, including 30 Roma officers³¹.

Despite some positive legislative amendments and reforms, NGOs continue to receive numerous reports of ill-treatment and excessive use of force by law enforcement officials in Romania. More positively, there are also examples of new initiatives of the Romanian Authorities, in areas such as the investigation of misconduct, the recording of crime, and the recruitment of minorities in the police force.

However, there were numerous credible reports of police mistreatment and abuse of detainees and Roma, primarily through excessive force and beatings by police officers³². Most of them were reported by Romani CRISS, still the most active NGO in monitoring and identifying patterns of violence, discrimination and abuse against Roma communities.

At the local level, xenophobia and prejudices of the police force lead to abusive actions against the Roma. In 2007 a TV station showed how police from Rosiori de Vede, Teleorman County, display segregationist behaviours towards some Roma community members, kicking them out from local bars. Later, an official police investigation revealed that police officers made false statements in their official reports.

On July 27, the ECHR³³ ruled against the government in a 1999 case filed by a Romani man, Belmondo Cobzaru. The court determined that police officers

³¹ Ibid.

³² Country Reports on Human Rights Practices - 2007, U.S Department of State, Released by the Bureau of Democracy, Human Rights, and Labor, March 11, 2008 <http://www.state.gov/drl/rls/hrrpt/2007/100580.htm>

³³ European Court for Human Rights

treated the plaintiff in an inhuman manner and that the investigation was biased and incomplete³⁴.

5.6 Racist violence and crime

Reportedly, many of the victims of ill-treatment and unlawful use of firearms by the police belong to the Roma community³⁵. There were cases where many Roma families from Slatina stated that the police would beat them without a specific reason³⁶.

Cases of illegal evictions continue to be reported in rural areas.

National Council for Combating Discrimination (NCCD) publicly condemned two football teams, Steaua Bucharest and Dinamo, for their fans' racist slogans which they shouted during the games. Steaua Bucharest's players sang "Pissed off on gypsies"³⁷ along with their fans at the end of a game. Dinamo fans shouted to a player from Côte d'Ivoire Republic: "Daouda for us you're just a negro"³⁸! NCCD addressed this specific complaint to the Romanian Football Federation. Another football team "Rapid Club" had an important contribution to building the case against Dinamo. A memoir from Rapid football team was written, accusing Dinamo of racism. Significant sanctions were applied in both cases.

NCCD along with its partners³⁹ continued its campaign for preventing racism in football. The 2007 campaign slogan was "**Racism spoils the game. Violence spoils lives**"⁴⁰.

Activities from the campaign took place in high schools, in order to increase students' awareness about discriminatory manifestations and violence in and out of stadiums.

"Culture of Peace" Association interviewed groups of black Africans living in Bucharest, Pitesti and Arad during the preparatory meetings for an educational project against racism. All of them declared, without exception, that they were often insulted, spit on, called names such as "crows", "negros", "dirty blacks", "stinking monkey", and their wives or fiancées were also insulted and threatened.

³⁴ Ibid.

³⁵ Amnesty International submission to the UN Universal Periodic Review, Second session of the UPR working group, 5-16 May 2008

³⁶ Mihaila, Dana, "War between community police and Roma families", Gazeta de Olt newspaper, 20 July 2007, accessed 9 July 2008

http://www.gdo.ro/Eveniment/2007-07_20/Razboi+intre+Politia+Comunitara+si+mai+multe+familii+de+romi

³⁷ „Boală pe țigani”

³⁸ Moroiu, Elena, "Europe in Era of Tolerance", 30.11.2007, http://www.antena3.ro/DOSARELE-ANTENA3.RO---Europa-in-era-intolerantei_ext_42578_ext.html, accessed on 10 July 2008

³⁹ Romanian Football Federation (FRF), European Roma Grassroot Organization (ERGO), and Association of Amateur and Non-Amateur Football players (AFAN)

⁴⁰ <http://www.cncd.org.ro/programe/Programe-finalizate/Campania-Rasismul-strica-jocul-Violenta-distruge-vieti-3/>, accessed 15 July 2008

When asked why they do not make any complaints or press charges, they reported their lack of trust in Romanian institutions, justice, police and legislation. There are groups of young internet surfers, fans of America's "white pride" forums, who use very aggressive language until moderators delete their comments.

5.7 Access to goods and services in the public and private sector

Access to running water, sanitation services, security, education and information are basic human rights guaranteed by law. But Roma poverty hinders the access to all these services.

The law regulating the minimum wage⁴¹ stipulates that families and/or individuals as Romanian citizens have the right to a minimum wage, as a form of social assistance. This income is assured monthly, through social assistance from the public delegated institutions. The amount of the minimum wage is calculated according to the number of family members.

Individual treatment in the public health system depends on the level of revenues and the social status of the individual, regardless of him/her paying medical insurance or not. It's all about the amount you are ready to pay to the medical staff, often at their request.

The access to education is not restricted, but taking into account the discriminatory treatment of the Roma minority from parents, children, educational or administrative staff, it is not accessed accordingly.

With regard to the access to utilities (water, sewerage), because of the low standards of living and considering the locations (towns or villages suburbs, near trash dumps) these utilities are not extended enough or are too expensive to have nearby.

Access to bank loans and goods for Roma in Romania is very difficult due to the fact that they do not have identity papers or are incapable of proving their revenue through a labour contract.

Access to restaurants and clubs or other public places is still restricted because of the owner's right to select customers.

Discrimination on the basis of colour in the area of goods and services in general primarily consists of degrading or insulting treatment by salespersons or service providers. Despite the lack of official data, most black people living in Romania complain about racist attitudes. For example, a young black woman was denied access to a promotional campaign in a grocery shop in Pitesti, a Romanian city, at 100 km from the capital city.

⁴¹ Law no. 416/2001

5.8 Media, including the internet

The independent media were more active in 2007 and expressed a wide variety of views on racism and discrimination, mostly concerning abuses on Roma emigrants both in Romania and in Italy.

On January 18, the Constitutional Court ruled that an August 2006 law decriminalizing "insult and defamation" was unconstitutional. The Constitutional Court declared that previously existing provisions in the penal code criminalizing insult and defamation should reenter into effect. Domestic media organizations criticized the decision⁴².

The Media in Romania do not publish xenophobic articles, but newspapers and TV forums are often full of extremist messages concerning the Roma and immigrants.

The Media Monitoring Agency⁴³ released a report on the "Mailat Case"⁴⁴. Three newspapers were part of the study. They identified and analyzed 78 articles on the Mailat case or content related to illegal acts associated with Roma ethnics. Out of all the articles, 61 of them should have respected the presumption of innocence. The presumption of innocence was violated in 44 articles.

Most actions and characteristics associated with the Roma pointed to undesirable behaviour like criminality, illegal acts and violence.

Only three articles from the National Journal criticized the approach of the Italian and Romanian media on supposed actions of Romanian citizen Romulus Mailat. (Theme "media's lack of professionalism", three articles)

Members and partisans of the New Right organization organized via Internet a campaign aimed to end the confusion on Roma and Romanian criminals, confusion often made by mistaking Roma with Romanians, especially in Italy. The main purpose of the campaign was to promote the right image of Romania in Europe, by dissociating Romanian people from the Roma⁴⁵.

The autonomous public authority that monitors services of audio-video transmissions is called the National Council of Audio-Video, whose attributions' are under the direct control of Parliament. In 2007, in accordance with the law of audio-video and the regulatory code⁴⁶ of audio-video content, this institution gave one fine and one summon for discrimination.

⁴² Country Reports on Human Rights Practices - 2007 Released by the Bureau of Democracy, Human Rights, and Labor March 11, 2008, U.S. Department of State, <http://www.state.gov/g/drl/rls/hrrpt/2007/100580.htm>, accessed on 30 June 2008

⁴³ <http://www.mma.ro/>

⁴⁴ "Mailat case in media" Content Analysis, published by Media Monitoring Agency, February 2008

⁴⁵ (http://www.nouadreapta.org/actiuni_prezentare.php?idx=171) accessed on 17.07.2008

⁴⁶ Decizia nr. 187/2006

The National Council of Audio-Video received the National Council for Combating Discrimination Award for its contribution in promoting human rights and implementing non-discrimination principles⁴⁷.

⁴⁷ National Council of Audio Video, Activity Report 2007, <http://www.cna.ro/Raport-anual-2007.html>, accessed 20 July 2008

6. Political and legal context

On January 1st, 2007 Romania joined the European Union. The period that followed revealed the Romanian authorities' lack of vision with regard to the steps concerning the line to be followed by Romanian society in the future. Optimistic statements started to be replaced by more reticent attitudes dominated by realism and by the idea that 2007 is only the beginning in terms of the efforts made for harmonizing Romanian standards with EU standards. On the political scene, 2007 was from the start dominated by controversies, especially between the President and the Prime Minister.

An important moment in the political dispute was President Basescu's adjournment which was followed by a referendum for his relegation. The re-confirmation of the relegated President as head of state was shaded by the scandal that broke when he addressed a lady-journalist with racist and sexual connotations.

The scrutiny of November 25 for the Euro-Parliamentary poll showed by the low voter turnout both a lack of credibility of the Romanian political class which was dominated by scandal, and a lack of information regarding the meaning of the elections, as well as a low interest of the Romanian population concerning "European issues".

The permanent conflict during 2007 between the two main parties was substituted by a general crisis that involved all the aspects of political life. The debates on racism and discrimination started to be of major concern to Romanian politicians, not only because of the harmonization with EU legislation in combating discrimination, but because of the racist manifestations and xenophobic behaviour in Italy with regard to Romanian immigrants of Roma ethnicity.

Civil society claimed victory with its involvement in the selection process of two members of the National Council for Combating Discrimination, contesting the nominees who were both inexperienced in the field of discrimination but with political recommendations.

6.1 Anti discrimination

Before 2007, Romanian law prohibited discrimination in employment and professional training on the grounds of ethnicity, sexual orientation, religion or personal beliefs, age or disabilities. The regulation concerning gender

discrimination⁴⁸ and race also refers to other domains such as education, social security, medical assistance, the access to goods and dwellings⁴⁹.

An important transposition of the EU Equality Directives that took place in 2007 can be found in the order⁵⁰ by prohibiting school segregation of Roma children and approving the Methodology for prevention and elimination of school segregation of the Roma children⁵¹. The order that supports the steps of the Ministry of Education, Research and Youth with regard to forbidding segregation, prevention and elimination, joins the process of implementation of the „Government Strategy on Roma’s situation improvement”⁵².

A project of the Ethnic Relations Center Association, represented by its Regional Centre contributed to the processing and adaptation of the order forbidding school segregation. The simple endorsement of this order and of the desegregation methodology, still far from perfect, does not produce the expected results and there are still many cases of different forms of school segregation in Romanian schools as well as a very high rate of school drop-outs and non-attendance to education within the Roma community.

The methodology of the order implementation brings important explanations to the definition of segregation and confirms the European norms that have to be respected concerning minorities and children’s rights. However, the law is insufficient, as it does not ensure permanent survey modalities and correction of its implementation in schools, with the press pointing out many cases of school segregation⁵³. In fact reporting follows a difficult bureaucracy, included in a separate section of the yearly report of progress concerning education status and quality⁵⁴.

It is stipulated that the yearly report of progress with regard to the fight against segregation in Romanian education will be presented to the public on the Ministry of Education, Research and Youth website. At the end of every calendar year, the desegregation strategy would be readapted for the following year if required. The law stipulated that reports would be drafted on the basis of data collected by school inspectors and would not promote any dialogue with NGOs’ representatives, restraining their possibility to contribute to the strategy re-adaptation with their own case studies and data gathered by their own methods and programs as the EU Directives recommend⁵⁵.

⁴⁸ L 202/2002 law on equal chances for women and men

⁴⁹ OG no.137/2000, published in Oficial Monitor on 2.09.2000, with further modifications L.nr.324/2006

⁵⁰ Order 1540 from 19 July 2007 of Ministry of Education, Research and Youth

⁵¹ Order 1540 from 19 July 2007 of Ministry of Education, Research and Youth

⁵² Order 1540 from 19 July 2007 of Ministry of Education, Research and Youth, art 2

⁵³ O.M.E.C.T. no. 1540/19.07.2007

⁵⁴ O.M.E.C.T. no. 1540/2007, Annex 1

⁵⁵ Directive 2000/43/CE, (23)

The restraints applied to the liberty of religion became a major preoccupation after adopting the Cult law in December 2006, a discriminatory and restrictive measure⁵⁶.

Although the Government engaged in taking measures of transposing the European Directives on discrimination⁵⁷ into national law, the representatives of the Presidential Institution, the Prime Minister as well as the governants refer to the Roma minority in a racist and discriminatory language.

Management of the National Council for Discrimination Combat informed by Romani CRISS, decided on 23 May 23 2007 that President Traian Basescu using the term "stinking gypsy" when referring to a lady-journalist is discrimination, and the usage of sexist expressions such as "little bird" addressed to a woman touches upon human dignity.

The National Council for Combating Discrimination (NCCD) condemned President Traian Basescu's attitude and chose public warning from all the applicable verdicts. A big part of the press as well as NGOs considered that NCCD gave the easiest sanction disposed by the law that regulates the domain of discrimination combat.

Later on, Basescu demanded the court to annul NCCD's decision and in 2008 the Magistrates of The High Court of Causation and Justice admitted the recourse done and the head of state was accused of discrimination. The Magistrates took NCCD's decision into consideration by looking at the different issues and maintained that the expression "stinking gypsy" was discriminatory. The case is now final⁵⁸.

The Armenians' Union in Romania had also notified NCCD of the racist statements of President Basescu. NCCD ascertains that the facts do not amount to the constitutive elements of discrimination⁵⁹. However NCCD told the press that the entire political class and all opinion leaders must promote non-discriminatory behaviour and language.

Throughout the year, NCCD received 787 public complaints of discrimination, out of which 264 were resolved. Approximately 110 of the cases involved alleged discrimination based on nationality and ethnicity; 15 complaints reported discrimination on religious grounds. The NCCD received 70 complaints regarding discrimination against Roma in the areas of the right to personal dignity (32

⁵⁶ Drepturile omului in Romania - progrese si deficiente

http://www.divers.ro/focus_ro?wid=37452&func=viewSubmission&sid=8401, accessed 10 July 2008

⁵⁷ Directive 2000/43/CE

⁵⁸ Dordea, Alexandra-Livia, Evenimentul zilei, Justiție <http://www.evz.ro/articole/detalii-articol/803631/Basescu-castig-de-cauza-in-dosarul-quotTiganca-imputitaquot-/>, accessed 14 July 2008 see also Cezar, Iulius, Gandul newspaper, < <http://www.gandul.info/actualitatea/sentinta-parfumata-in-cazul-basescu-tiganca-imputita> video.html?3927;2637244, accessed 14 July 2008

⁵⁹ <http://www.cncd.org.ro/presa/Comunicat-de-presa-11/>, accessed 18 July 2008

complaints), education (10 complaints), equal access to employment (9 complaints), and access to public places (4 complaints)⁶⁰.

6.2 Migration and integration

Although the immigration phenomenon in Romania increased in 2007 due to EU membership, media debates are not focusing on migration to Romania but on migration from Romania to other EU countries.

The Romanian Office for Immigration⁶¹ was set up in 2007. After the creation of the new institution, they began working on an integration system; but no other details were given to the relevant NGOs.

The National Office for Refugees, which is part of the Administration and Internal Affairs Ministry, is creating new policies on asylum and refugees in Romania, as a component of its immigration policy and because of its obligation on the international scene.

After Romanian EU integration, the number of immigrants reached 200.000 in 2007 compared to 65.000 in 2006. The largest number of immigrants with temporary permits, among the top five in 2007, are from Moldova (14,8%), followed by Turkey (10,7%). The number of foreigners with permanent stay increased with 36,5% in the first quarter of 2007 compared to the same period of the previous year. In 2007 the top five included the highest increase from China (79,8%) and Turkey (59,8%).

The number of illegal immigrants registered by the Authority for Aliens increased by 8, 2% in the first quarter of 2007 compared to the same period in 2006. The greatest increase was for Moldova (16,0%), followed by Turkey (14,5%) and China (16,5%). According to the Romanian Office for Immigration, in late July 2007 there were 810 foreigners registered (549 adults and 261 children) most of them from Iraq (43,2%) followed by Iran (12%) and Palestine (8%). Concerning Africa, most refugees come from the Congo (7,1%)⁶².

Asylum Romanian law (122/2006) was completed and modified⁶³ by the communitarian *acquis* regulations.

In the legislation regarding immigrants⁶⁴, the indiscrimination principle was introduced, as well as the family unit principle, the data confidentiality principle, all of them in order to avoid the prejudices and abuses in asylum procedures. Despite all these measures, 15,8% of the interviewed foreigners declared that

⁶⁰ Country Reports on Human Rights Practices - 2007 Released by the Bureau of Democracy, Human Rights, and Labor March 11, 2008, U.S. Department of State, <http://www.state.gov/g/drl/rls/hrrpt/2007/100580.htm>, accessed on 30 June 2008

⁶¹ Ordinance of the Government nr. 55/2007 and the Decision of the Government nr.639/2007

⁶² http://aps.mai.gov.ro/pagini/informatii/RAPORT_ANUAL_2007.pdf, accessed 10 July 2008

⁶³ O.U.G. nr.55/2007, L. nr.347/2007

⁶⁴ Og no. 194/2002 on the legal status of the aliens, modified and completed by Law no. 56 from 13/03/2007

they are feeling discriminated against on the grounds of race (6,9%) and refutable for employment and house renting (4%). Still 86,7% out of them declared that they have Romanian friends⁶⁵.

According to the Administration and Internal Affairs Ministry data and the research centre which heads the Foreign Authority with visa requests, the first trimester of 2007 issued 25,6% compared to the same period in 2006 (4057 to 5095 visas). Out of all the visas, 1775 visas were short term and 2552 visas long term were approved⁶⁶.

In October 2007 Romania adopted the National Strategy for Immigration for 2007 to 2010, the objective of this strategy is to improve the perception of migration in order to maximize the positive effects of the phenomenon. According to the strategy, its actions will be concentrated to prevent and combat illegal migration, to improve social integration of foreigners and the procedures and conditions of asylum. The strategy includes informing foreign citizens of the legal aspects of admission /accommodation /employment in Romania.

The strategy also includes partnerships developed with other countries according to EU recommendations⁶⁷, and also measures for implementing policies on social integration of foreigners. It also includes increasing the quality of services and the qualifications of the personnel in contact with foreign citizens⁶⁸.

Romanian legislation on immigration has improved after harmonizing EU legislation and national measures, which contain guidelines to actively involve NGOs. However, in reality it does not successfully involve social partners in elaborating and implementing integration measures. For example, there are no specific vocational courses offered by ANOFM⁶⁹ for immigrants. There are no courses that take into account the different educational backgrounds and previous knowledge, and there are no results on improving the participation of young migrants in higher education.

Considering the aspects mentioned above, we can conclude that many improvements are yet to be made in order to implement the Common Agenda for Integration Framework for the Integration of Third-Country Nationals in the European Union⁷⁰.

6.3 Criminal justice

6.3.1 Racism as a crime

⁶⁵ http://aps.mai.gov.ro/pagini/informatii/RAPORT_ANUAL_2007.pdf, accessed 10 July 2008

⁶⁶ http://aps.mai.gov.ro/pagini/inf_publice/Analiza_06_07.pdf, accessed 10 July 2008

⁶⁷ A Common Agenda for Integration Framework for the Integration of Third-Country Nationals in the European Union, http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005_0389en01.pdf, accessed 15 July 2008

⁶⁸ <http://www.mai.gov.ro/Documente/Transparenta%20decizionala/Nota%20fundamentare.pdf>, accesse 15 July 2008

⁶⁹ National Agency for Imployment

⁷⁰ http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005_0389en01.pdf

In July 2006, as a result of hard lobbying from two Romanian NGOs in partnership with the NCCD, the Romanian Parliament adopted new amendments to the *Penal Code*, introducing a legal aggravating circumstance for any criminal offence conducted with discriminatory motivation on any ground prescribed in the anti-discrimination legislation, including race, ethnical origin or nationality⁷¹. But in terms of practicability, the new Penal Code was postponed until 1st September 2008, which was then postponed again throughout an urgent ordinance (UO) up to September 1st, 2009⁷².

Both the Government and the law enforcement agencies, from a number of other countries, offered police training workshops on topics such as human rights and proper treatment of criminal suspects. However, there were numerous reports of police mistreatment and abuse of detainees and Roma, primarily through excessive force and beatings by the police.

President Basescu's racist statements triggered the first big media debate of national importance concerning Roma discrimination. The scandal set off alarm bells throughout Romania. The press and NGOs then started to point out cases of racial hate crimes especially against the Roma communities.

Public authorities do not have an efficient method of collecting statistics on criminal offences. In most cases they are brought to the attention of the public by the press. Furthermore, they do not collect data on ethnic origin, nationality or religion of victims. The National Institute of Statistics has not yet published a report for 2007⁷³. According to its website the last report published goes back to 2005 and does not include data about racial crimes⁷⁴.

The National Council for Combating Discrimination (NCCD) centralized the statistics on racial complaints for 2007. Following the request of the "Culture of Peace" Association, NCCD stated they solved 558 complaints and in late 2007 there were 442 cases debated. NCCD couldn't give a statistic on cases of discrimination on the grounds of nationality, because they are included in the "any other criteria" category. The number of complaints from Roma individuals came up to 82. The report of the U.S. Department of State quoting the NCCD statistics, specifies that in 2007 complaints were relating to the right to personal dignity (32 complaints), education (10 complaints), equal access to employment (9 complaints), and access to public places (4 complaints)⁷⁵.

Police reforms are still underway but at the local level police abuses are still reported by NGOs and Roma communities. Although the Romanian police adopted measures for increasing the number of policemen attending training

⁷¹ Shadow Report 2006, pg. 29

⁷² OU 73/ 2008 published in Official Monitor no. 440 din 12.06.2008

⁷³ <http://www.insse.ro/cms/rw/pages/index.ro.do>, accessed on July 10 2008

⁷⁴ National Institute of Statistics, <http://www.insse.ro/cms/rw/pages/index.ro.do>, accessed on July 10 2008

⁷⁵ Country Reports on Human Rights Practices - 2007 Released by the Bureau of Democracy, Human Rights, and Labor March 11, 2008, U.S. Department of State, <http://www.state.gov/g/drl/rls/hrrpt/2007/100580.htm>, accessed on 4 July 2008

courses on human rights, these mainly take effect in urban areas. Roma in rural areas faced in 2007 illegal evictions from the authorities and aggressive treatment from police officers.

In many cases of police violence against Roma, the police claimed they used force in self-defense, and respond to alleged hostility by Roma communities during police raids in search of criminal offenders. Romani CRISS and other NGOs continued to claim that police used excessive force against Roma and subjected them to brutal treatment and harassment.

The Parliament has human rights committees, but since these committees are comprised with political party representatives, their recommendations mostly reflect the parties' views.

6.3.2 Counter terrorism

This topic is not yet developed in Romania.

6.3.3 Racial profiling

Racial profiling became an important problem in 2007 for NGOs, for the press and for the Government of Romania, as a consequence of discrimination events, violence and abuse against the Roma in Italy who mainly came from Romania. The conflict burst out after the killing of an Italian woman by a Romanian Roma. Romanian politicians declared that specific methods for racial profiling and specific actions like transportation led to a strong tendency to racial profiling.

In the context of the Italian events and xenophobic behaviour directed towards the Roma population in Romania, the media mobilized and started off numerous public debates upon racial discrimination. Against the wave of racist reactions from Italy some of the Romanian politicians including the External Affairs Minister made alarming declarations with racist content and discriminating the Roma population which led to an amplification of media debates on that specific topic. In November the Council⁷⁶ publicly blamed Minister of External Affairs, Mr. Adrian Cioroianu, who during an interview recommended the Romanian State to buy land in the Egyptian desert to place those who would commit offences⁷⁷. Although the Minister was referring to those who harm the image of Romania, the declaration was made when a Roma citizen committed a crime in Italy which meant that the Roma community felt directly hinted at, Romani CRISS noticing NCCD.

NCCD appreciated that this produced a degrading, humiliating and offensive environment at some communities' expense. NCCD publicly blamed the

⁷⁶ National Council for Combating Discrimination (NCCD)

⁷⁷ <http://www.gandul.info/puterea-gandului/cioroianu-extrema-stramba.html?4237;1026516>, accessed on 10 June 2008

statements and urged all politicians and opinion leaders to promote non-discriminatory behaviour and language in public debates as well as taking attitude against the eventual violations of the equality of chances principle⁷⁸. NGOs and the media drew attention to racial profiling and to the legislative steps taken in Italy.

Actions of the Romanian authorities towards Berlusconi's Government were not prompt and therefore not convincing, mostly because prior to the adoption of official positions they had already made discriminatory statements addressing Roma communities in different interviews or official and unofficial occasions. Following the xenophobic statements from Italy against Roma citizens, NCCD addressed the similar institution in Italy (UNAR - Ufficio Nazionale Antidiscriminazioni Razziali) in November 2007 in order to take measures of annealing the social relationship between Italian citizens and immigrants⁷⁹.

6.4 Social inclusion

2007 is a special year with regard to social inclusion. As a new member of the EU, Romania took advantage of the financial aid for inclusion, especially through the European Social Fund (ESF).

All the national and regional strategies embrace inclusion promotion based on the support of ESF⁸⁰ finance. In this respect, they elaborated the Sectoral Operational Programme Human Resources Development 2007-2013 (SOP HRD), according to the Community Strategic Guidelines concerning Cohesion, with Lisbon Strategy with regard to occupation and jobs⁸¹.

The elaboration of SOP HRD 2007-2013 took account of the National Development Plan between 2007-2013 and the National Strategic Reference Framework between 2007-2013. These documents' objectives were integrated in all relevant documents in the field of human resources development.

Priority Axis 6 'Promoting Social Inclusion' envisages operations aiming to increase social inclusion, preventing exclusion from the labour market and supporting disadvantaged vulnerable groups regarding access to education and the labour market. SOP HRD finance projects set on promoting the social economy, as a measure for social inclusion of those who have difficulties in finding a job (Roma population, persons with disabilities, young people over 18 years old who leave the state childcare system, ex-offenders, s.o.). The development of integrated social services and training staff on the social assistance system will also be supported. Measures aiming to ensure equal

⁷⁸ <http://www.cncd.org.ro/presa/Comunicat-de-presa-9/>, accessed 14 July 2008

⁷⁹ <http://www.cncd.org.ro/presa/Comunicat-de-presa-10/>, accessed 14 July 2008

⁸⁰ European Social Fund

⁸¹ The Sectoral Operational Programme Human Resources Development 2007-2013

opportunities between women and men will be promoted and trans-national initiatives in all areas will be encouraged⁸².

Integrated projects that require a great number of participants amongst vulnerable groups, such as the Roma, are the most promoted.

SOP HRD supports Social inclusion of Roma by promoting Social Economy development. In this context the strategy is oriented to create innovative and flexible occupation forms for vulnerable groups, they will promote local development of policies including active citizenship, co-operation and social solidarity.

According to Council Regulation no. 1083/2006 and Parliament and Council Regulation no. 1081/2006, SOP HRD ensures the observance of the following horizontal tasks: equality of chances and lasting development.

The Principles of equality of chances and gender indiscrimination are integrated in SOP HRD in view of social inclusion facilitating both vulnerable groups and women on the labour market.

These strategies and financing methods were promoted throughout the equality of chances and gender promotional campaigns, training programs addressed to all relevant actors in the national economy.

Children's rights and protection are guaranteed by law⁸³, regardless of race, colour, gender, language, religion, political or any other opinion, nationality, ethnical or social origin membership, circumstance, grade or type of a certain deficiency, birth or acquired statute, formation and development or any other kind of difficulties of the child, his parents or legal representatives or any other distinction⁸⁴. The law protects children against any economic exploitation, therefore forbids parents or legal representatives to engage children in work activities in exchange for a reward or retribution.

However, the National Statistics Institute estimated in 2004 that approximately 70,000 children were working, 8.8% of them involved in hard labour and in 96.6% of the cases ignoring the regulations on minimum age and work duration⁸⁵. A much-discussed problem at national level is the one of children whose parents work abroad. The risks occurred from this situation are very high taking into account that these children are often taken care of by relatives that do not offer them any kind of protection, children being perceived as an additional problem, or are institutionalized. The risk of dropping out from school, trying drugs,

⁸² SOP HRD 2007-2013, <http://www.fseromania.ro>, accessed 25 June 2008

⁸³ L 272 from 21 July 2004

⁸⁴ L 272/2004, art 7

⁸⁵ http://www.salvaticopiii.ro/romania/ce_facem/programe/copiii_strazii.html, accessed 10 July 2008

exploitation through work and even being sold to human traffickers is very much increasing amongst these children⁸⁶.

Although the Government committed itself to children's rights and welfare, poorly allocated resources and excessive bureaucracy led to inefficient results. An independent deputy of Cluj conceived a legal project for the protection of minors whose parents go to work abroad. The two proposed articles provide that parents who leave Romania for a period exceeding six months should be obliged "to notify social services in writing".

These services would check on the minor children staying in the country weekly. Where they "find out that there are not ensured decent conditions for minors", the law provides placements for children until the parents return in the country. The project was handed to the Parliament but at the end of the year it was still unclear as to what was going to happen with this initiative.

The national interest programs in the children's protection domain approved by the National Authority for the Protection of Child's Rights benefited of 16,800,000 lei⁸⁷ in 2007. The amount was not completely spent. PIN 1 and PIN 4⁸⁸, were the programs that benefited of the largest financing from the state – 5.8 million RON for establishing placement centers and 6.4 million RON for children and family social services development and prevention of children separation of family – were not attributed because of procedure abeyance⁸⁹.

SERA România Foundation handed in appeals, invoking the provisions of the Law 350/2005, stating that county directions would not join applicants' category⁹⁰. ANPDC⁹¹ noticed recently that the two appeals handed in at the National Council for Appeals Solving were repelled in January⁹².

While the Government did not maintain official estimations on the number of children living on the streets, a UNICEF report that was published in September estimated that there were approximately 2,000 children living on the streets of Romania, of whom 500 permanently lived on the streets of Bucharest. NGOs working with homeless children estimated that there were two or three times more than that number. NGOs noted that the number has slightly decreased recently but only because the children had grown up. They remain on the streets, often sniffing bags containing paint solvent to suppress hunger⁹³.

⁸⁶ <http://www.copii.ro/afisareComunicat.aspx?id=123> , accessed 12 July 2008

⁸⁷ http://www.copii.ro/Files/Raport%20Geneva_200710164458906.pdf, accessed 12 July 2008

⁸⁸ In euros aprox 4.800.000

⁸⁸ Programele de Interes National în domeniul protecției drepturilor copilului pentru anul 2007 ale The National Authority for the Protection of Child's Rights (NAPCR)

⁸⁹ <http://www.copii.ro/content.aspx?id=153>, accessed July 10 2008

⁹⁰ http://www.copii.ro/Files/contestatie%20%20SERA_20071012537609.pdf, accessed 12 July 2008

⁹¹ National Authority for the Protection of Children's Rights

⁹² http://www.copii.ro/Files/raspuns%20contestatie%20pin%204_200827175462.pdf, accessed 12 July 2008

⁹³ Country Reports on Human Rights Practices - 2007 Released by the Bureau of Democracy, Human Rights, and Labor March 11, 2008, U.S. Department of State, <http://www.state.gov/g/drl/rls/hrrpt/2007/100580.htm>, accessed on 4 July 2008

7. National recommendations

7.1 General

The Romanian government should initiate more national debates and campaigns for promoting diversity. The media and NGOs should be more efficiently involved. Rules for EU programs for eligible applicants must be adapted, in order to enable NGOs to apply for more programs intended for building and providing social housing for Roma.

One important recommendation for Romanian authorities is that more help for capacity building and institutional development of NGOs working with migrants, whether short term migrants, immigrants, refugees, asylum seekers, or irregular immigrants, is needed.

Becoming an EU member state opened doors for the immigration phenomena which will obviously increase in the future.

Our responsibility to reflect Romanian realities can be fulfilled by strengthening civil society, developing programs to encourage and facilitate data collection, and developing awareness raising campaigns on discrimination .

7.2 Anti discrimination

Efficient measures should be adopted to sanction local councils and police officers who practice direct and indirect discriminatory actions.

The requests and proposals submitted by NGOs to local councils must be centralised and analysed by an authority empowered by the State, in order to be established the local councils did everything in their power to support anti-discrimination measures and actions.

The adoption of the new Penal Code should not be postponed again, under any circumstance.

7.3 Migration and integration

Romanian authorities should develop efficient social policies to support integration of refugees and immigrants. All social areas should be included: housing, vocational courses, employment etc.

Anti-racial trainings and trainings for promoting multi-culturalism for the public servants of the Romanian Office for Immigration should be encouraged.

Cooperation with local NGOs should be encouraged and services delegated.

A consultation platform for immigrants should be developed with NGOs experienced in the discrimination and diversity field.

7.4 Criminal justice

7.4.1 Racism as a crime

A public authority must be commissioned to centralize statistics in this area. New penal code must not be further postponed.

7.4.2 Racial profiling

Romanian politicians should pay more attention both to the political discourse and the EU directives adopted regarding anti-discrimination measures and legal protection for Roma and immigrants.

7.5 Social inclusion

Social politics must include efficient measures for their implementation. There are still social policies that can not be put in practice due to their lack of consistency and applicability with regard to social realities.

8. Conclusion

The legislative and administrative framework of Romania has continued with its harmonization with the EU acquis. One important transposition of the EU Equality Directives that took place in 2007 is the order that forbids school segregation of Roma children and requests the approval of the Methodology for prevention and elimination of school segregation of the Roma children. The order joins the process of implementation of the „Government Strategy on Roma’s situation improvement”.

The National Council for Combating Discrimination (NCCD) proved its independence and publicly condemned racial and discriminatory statements made by official representatives like President Basescu and Minister of External Affairs, Adrian Cioroianu. More anti-discriminatory campaigns were initiated by NCCD and they were efficient.

Preparations for managing the European Social Fund and social inclusion of vulnerable groups in society, including the Roma minority, were made by all responsible authorities. In this respect, SOP HRD 2007-2013 was elaborated, according to the Community Strategic Guidelines concerning Cohesion, with Lisbon Strategy with regard to occupation and jobs.

Civil society was the first to notice NCCD on many racist statements made by Romanian officials regarding Roma persons. The recommendations made by NGOs regarding the lack of reaction of Romanian authorities with regard to the events in Italy have contributed to an increase of measures taken by Romanian authorities in order to protect its citizens living outside the country. Their advocacy contributed to the processing and adaptation of the Order forbidding school segregation of Roma children.

Migrants and Roma, as the most vulnerable groups to racism, should take responsibility and make sure that initiatives promoting equal opportunities are taking place and taken seriously. They should be intensely involved in the struggle against racism and not let professionals from large NGOs use them as a good target group for getting funds, as was the case for many European projects.

Fighting racism is a two-way process. Cooperation with authorities should become understood as a mutual need for mutual expertise and authority.

An educational program developed by ACP in Romania has a very significant title in this respect: ” Racism is a crime, not an opinion! ”

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10. Annex 1: List of abbreviations and terminology

ACP	The “Culture of peace” Association
ECRI	European Commission against Racism and Intolerance
IPS	Association “Institute for Social Policies”
NCCD	National Council for Combating Discrimination
PER	Project on Ethnic Relations Center
PHARE	Pologne et Hongrie - Aide á Restructuration Economique - Program initiated by EU in 1990, became EU one of the most important financial instrument in assisting South and Central Europe countries that candidates to join EU.
SOP HRD 2007-2013	Sectorial Operational Program Human Resources Development



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