



european network against racism

# ENAR Shadow Report 2010-2011

## ENAR SHADOW REPORT

### **Racism and related discriminatory practices in Romania**

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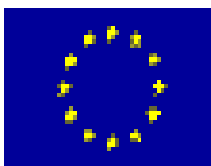
Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

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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## I. Executive summary

Political and economic developments in 2010 have facilitated a growing trend of racism and discrimination. The main findings of the report show that ethnic based discrimination has been growing in Romania. Roma, Hungarians, and Jews remain the **most** discriminated against ethnic groups. High level politicians made discriminatory statements for political advantages during the reporting period. In the case of Roma, discrimination comes with a background of poverty and social exclusion. African and Asian migrants are also vulnerable to discrimination, but Romania is mainly a transit country for them. Homophobia remains an important issue on the agenda of various religious and right-wing organisations.

Persons with disabilities and Roma are the most discriminated against groups in **employment**. Only 22% of companies are willing to hire persons with disabilities and only 30% will hire Roma.<sup>1</sup> Websites still publish job vacancies specifying that Roma applicants will not be accepted.<sup>2</sup> Women's salaries are 10%-15% lower than men's salaries occupying a similar position.<sup>3</sup> The number of work permits for immigrants decreased by over 1 000 in 2010.

- **Main recommendations:** monitor the way employees are informed of their rights, address long-term unemployment and provide legal support for immigrants.

Against the background of poor infrastructure and a high number of house owners, vulnerable groups find it very difficult to enjoy decent **housing**. A shortage of social housing, forced evictions, segregation, and insecurity of tenure affect mainly Roma. The interest of the central government in this topic is very low, while local administrations are not sanctioned for the creation of segregated communities and ghettos.

- **Recommendations** are mainly related to a national policy to encourage the construction of social houses and clearer regulations regarding evictions and their enforcement.

Access to **education** becomes more difficult for poor families, as parents have to spend 1.5 times as much as the state does for the education of a child, although education is free of charge. Segregation is still a problem, while the schools with a high percentage of Roma are poorly equipped and teachers receive less training hours per year. A high percentage of students who drop out are of Roma

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<sup>1</sup> Social Inclusion Barometer (*Barometrul de Incluziune Socială*) 2010, p. 28-31

<sup>2</sup> National Council for Combating Discrimination, *Annual Report 2010*, Annex - Decisions of the Board, p. 6

<sup>3</sup> U.S. Department of State, *2010 Human Rights Report Romania*:

<http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154446.htm>, accessed 2 August 2011

origin. A new law on education<sup>4</sup> clearly states that discrimination of any kind is forbidden.

- **Recommendations:** desegregation should be a priority, as well as developing a system of sanctioning discrimination and promoting intercultural learning.

**Health services** remain problematic for Roma, due to poverty and a lack of information. Those who do not have a family doctor declared that the cause is lack of a medical insurance (38%), financial burden (20%) and lack of a job (9.8%).<sup>5</sup> The work of health mediators in Roma communities is highly appreciated.

- The main **recommendation** is to address difficulties of local authorities in hiring health mediators.

Racism and related discrimination in **criminal justice:** Racially motivated crimes continue to be under-reported in Romania. There is a general lack of trust in police forces and the justice system. The monitoring of racist incidents has become very difficult due to the budget cuts of watch-dog NGOs. There is a high risk of inter-ethnic conflicts if serious measures to curb Anti-Gypsyism are not established.

- The main **recommendation** is to create a comprehensive mechanism for monitoring racial violence.

213 complaints were registered for denial of **access to public services** and 16 complaints for denial of access to public spaces. A significant legal development is linking the social benefits for the family with the children's participation in school.

- **Recommendation:** a better monitoring of discrimination in access to public space and training of public servants related to discrimination are necessary.

Victims of discrimination in **media** are Roma, gays and lesbians, Africans, Jews, persons with disabilities and women. Media continues to play an important role in raising the level of intolerance in Romanian society.

- **Recommendation:** raising awareness on the importance of discriminatory messages sent by media is essential in combating this phenomenon.

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<sup>4</sup>National Education Law, published in Romanian Official Journal, Year 179 (XXIII) - No. 18, Monday, 10 January 2011, accessed 25 August 2011.

<sup>5</sup>Bogdan Păunescu, *Accesul romilor la serviciile de sănătate publică. Raport final*, București, 2010, p.32

### **Political and legal developments in anti-racism and anti-discrimination.**

Several Romanian politicians took advantage of the growing anti-Gypsyism sentiment and promoted radical speeches. An important legislative proposal was made in September 2010.<sup>6</sup> It considered the change of the official terminology from 'Roma' to 'Gypsy', the latter being regarded as a pejorative term by representatives of Roma organisations.

- One important **recommendation** is to stimulate the accountability of public leaders for discriminatory speeches.

**Migration:** In 2010 there was a growing trend regarding an increasing number of foreign citizens legally residing in Romania. The main reasons are family reunification, education and business. There is also a growing number of Romanians working abroad: 2.8 million.<sup>7</sup> The legal framework on immigration is inconsistent and ambiguous.

- Main **recommendations** are to improve the national asylum standards and to implement measures for keeping migrant families together.

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<sup>6</sup>Romanian Chamber of Deputies, [http://www.cdep.ro/pls/proiecte/upl\\_pck.proiect?idp=11279](http://www.cdep.ro/pls/proiecte/upl_pck.proiect?idp=11279), accessed 21 August 2010

<sup>7</sup>World Bank, <http://data.worldbank.org/country/romania>, accessed 14 August 2011. Other statistics, such as mid- 2010 published by the Organisation for Economic Cooperation and Development (OECD), in one of the releases report on immigration in the EU show that there are approximately 2. 5 to 2.7 million Romanian migrants working.

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### III. Introduction

Against the background of economic crisis the government has promoted a series of socio-economic measures that affected, to a disproportionate extent, the poorer categories of people in society, especially Roma. Their access to education or the health system has become more difficult, while their chances to get a job have decreased.

Due to the promotion of predominately negative stories in foreign media, the image of Romanian workers abroad has suffered a lot of damage. A Romanian MP made a legislative proposal<sup>8</sup> to change the name of Roma into Gypsies, based mainly on the phonetic similarity between the words “Roma” and “Romanian”.

The Roma remain the most discriminated against group in many of the fields included in this report. Speeches on their criminality or their reliance on the social welfare system are promoted in the media and political debates, in Romania and abroad. Their migration to Western Europe countries continued in the reporting period, March 2010 - March 2011. There have not been many developments on the legislative side to combat discrimination.

After a short introduction, the report describes the main communities vulnerable to racism in Romania. The next topics are related to discrimination in four social domains: employment, housing, education and health. The situation in criminal justice and access to goods and services are in the next chapters in the report. The media chapter provides the readers with relevant examples of discrimination. Developments in the legal and political field are then analysed. Migration is another important topic both for Roma and Romanians. The report ends with national recommendations and conclusions.

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<sup>8</sup>Romanian Chamber of Deputies, [http://www.cdep.ro/pls/proiecte/upl\\_pck.proiect?idp=11279](http://www.cdep.ro/pls/proiecte/upl_pck.proiect?idp=11279), accessed 21 August 2010

## IV. Communities vulnerable to racism and discrimination

Discrimination and social inequality remain major problems in Romania. Roma communities continue to face strong exclusion, as discrimination by both the public and private sectors is the norm rather than the exception. Roma are the primary target of hate speech across various Romanian websites, alongside ethnic Hungarians and Jews.

According to statistics from the 2010 National Council for Combating Discrimination (NCCD),<sup>9</sup> ethnic-based discrimination is a fast growing trend since 2008. Roma expulsions from France as well as incidents in Italy have led to increased, unjustifiable scrutiny of the criminal activity of Romanian Roma abroad. As most Romanian non-Roma citizens feel offended by the imagined confusion by outsiders between the Roma ethnic group and Romanian populations, hate speech portraying Roma as sub-humans has exploded in its level of intensity since 2008, with a special prevalence on the internet.

In 2010 the NCCD recorded 55 complaints about discrimination against ethnic groups and accepted 25 of them, this being the most accepted type of complaints. The second most accepted type of complaints (nine in total), were related to social-economic criteria. A poll conducted by the same institution illustrates that 25% of those non-Roma Romanians questioned have a bad opinion and 11% have a very bad general opinion about the Roma in general. The second ethnic group targeted by respondents' criticism is ethnic Hungarians, with 9% of Romanians' possessing a bad opinion and 4% a very bad opinion of them.<sup>10</sup>

In 2010, the Romanian President, Traian Basescu, stated, "We have another problem, one that must be stated and makes the integration of Roma nomads very difficult – very few of them want to work. Most of them live, traditionally, from what they steal."<sup>11</sup> These declarations made the front pages of many news journals and increased Basescu's otherwise suffering popularity. A common tactic employed by Romanian politicians is to use racism against Roma or other ethnic minorities (Hungarian or Jews) as a means of creating a rally effect to divert attention away from policy failures and boost their own political and electoral support.

According to a study issued in June of 2011 by the World Bank,<sup>12</sup> two thirds of the Roma in Romania live in poverty, with half of these in severe poverty. The

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<sup>9</sup>National Council for Combating Discrimination, *Annual Report 2010*  
[http://www.cncd.org.ro/files/file/RAPORT%202010\\_web1.pdf](http://www.cncd.org.ro/files/file/RAPORT%202010_web1.pdf), accessed 12 July 2011

<sup>10</sup>idem

<sup>11</sup>This declaration was criticised by the NGOs in Romania <http://www.corectnews.com/politics/ong-urile-cer-sanctionarea-lui-basescu-din-cauzadeclaratiilor-referitoare-la-romi>, accessed 12 July 2011

<sup>12</sup>The World Bank, *Global Economic Prospects. Maintaining progress amid turmoil*, 15 June 2011, <http://siteresources.worldbank.org/INTGEP/Resources/335315>, accessed 16 June 2011.



average Roma is three times poorer than the average non-Roma citizen and only 12% of Roma have legal jobs, while 33% work in the black labour market.

According to existing studies,<sup>13</sup> a special case is represented by Roma women in Romania, of whom 67.9 % are unemployed and only 11% are legally employed. 58.4% of these women blame multiple aspects of discrimination for this situation. Only 3.7% of Roma women aged 15-19 go to high school.

The Jewish community in Romania was offended by the decision of the National Bank of Romania to issue a series of commemorative coins engraved with the image of Miron Cristea (1868-1939), Romanian prime minister (1938-1939) and Patriarch of The Romanian Orthodox Church (ROC) (1925-1939), known for his anti-Semitic views, who issued and applied a series of laws meant to expel the Jewish communities out of Romania. Under his government, 225,222 Jewish Romanians lost their citizenship and were forced into exile. Although historians and NGO's contested the decision, the coins were issued under the argument that Miron Cristea's image is there solely to mark his role as a patriarch of the ROC.

Anti-Hungarian sentiment is also on the rise because of a number of speeches surrounding attempts to obtain autonomy by the majority Hungarian counties of Harghita and Covasna. The Hungarian Party is the party in power for the longest period in Romania, as it has been included in all ruling coalitions since the mid-1990s. A public hanging by a Hungarian individual of a straw replica of a controversial Romanian historical figure led to an almost hysterical reaction among the Romanian mass-media. A direct result was collective blaming which targeted Romanians of Hungarian origin.

Other communities vulnerable to racism are African and Asian migrants. Because of their very small numbers<sup>14</sup> and the fact that Romania remains mainly a transit country for migrants on their way to Western Europe, very little attention is paid to either racism against these groups, or inclusion measures with respect to migrants. Homophobia remains an important problem mainly unaddressed within Romanian society.

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1307471336123/7983902-1307479336019/Main-message.pdf, accessed 12 July 2011

<sup>13</sup> Marcella Corsi, Chiara Crepaldi, Manuela SamekLodovici, Paolo Boccagni, Cristina Vasilescu, *Ethnic Minority and Roma women in Europe: A case for gender equality*, European Commission, November 2008, [ec.europa.eu/social/BlobServlet?docId=4833&langId=en](http://ec.europa.eu/social/BlobServlet?docId=4833&langId=en), accessed 17 July, 2011

<sup>14</sup> Alexe, Iris, Păunescu, Bogdan, coord., 2011, *Study on the Immigration Phenomenon in Romania. Inclusion of Foreigners into to Romanian Society*, 2011, p. 27-28

## V. Racism and related discrimination in employment

### VII.i Manifestations of racism and related discrimination in employment

Available information shows that the most discriminated against groups both in terms of access to employment and discrimination within employment are persons with disabilities and Roma. Discrimination on grounds of sexual orientation remains a very serious issue but continues to be mainly ignored by statistics. In terms of ethnic minorities, the second most vulnerable group after Roma are migrants.

Studies show that only 22% of the companies and institutions from Romania are willing to hire people with disabilities and only 30% are willing to hire Roma. The statistics are the same when it comes to job promotions. Only 63% and 65% of employers would be willing to respect the rights of disabled, respectively Roma employees, as agreed in their work contract.<sup>15</sup>

Moreover, there is a 50% gap between Roma and non-Roma in terms of wages. The educational level of Roma continues to be significantly less than that of the majorities. Roma will continue to face problems in accessing employment in the future, as 20% of the new entrants into the job market are Roma, most of them with significantly lower educational level than the majority population.<sup>16</sup>

The favourable sentences in discrimination cases related to employment by the National Council for Combating Discrimination (NCCD) cover discrimination on grounds of ethnicity (Roma and Hungarians), disability, age, gender (motherhood), sexual orientation and political convictions. Although the number of complaints to the NCCD is, in general, small, the number of complaints related to employment is the second highest and among them discrimination cases on grounds of ethnicity (Roma) and gender (motherhood) are higher.<sup>17</sup>

A relevant case of discrimination in the case of Roma involves job vacancies that restricted Roma from applying published on the on-line website "www.anunturigratuite.ro".<sup>18</sup> Romanian MEP and owner of the best known football team in Romania, Gigi Becali, declared that he would not accept the transfer of a player to his team because he was rumoured to be gay and a

<sup>15</sup> Bucharest University, 2011, *Social Inclusion Barometer 2010*, p. 28-31

<sup>16</sup> The World Bank, *Roma Inclusion in Central and Eastern Europe, Policy Note*, 2010 [http://siteresources.worldbank.org/INTROMA/Resources/Policy\\_Note\\_Fact\\_Sheet.pdf](http://siteresources.worldbank.org/INTROMA/Resources/Policy_Note_Fact_Sheet.pdf), accessed 2 August 2011

<sup>17</sup> National Council for Combating Discrimination, *Annual report 2010, Annex - Hotărâri de constatare ale Colegiului Director*, p. 5

<sup>18</sup> National Council for Combating Discrimination, *Annual report 2010, Annex - Hotărâri de constatare ale Colegiului Director*, p. 6

foreigner. Following a ruling of the NCCD against him, Becali tore the NCCD notification during a press conference.<sup>19</sup>

Women continue to occupy too few influential positions in the private and public sectors. Romanian women are paid approximately 10-15% less than men doing the same work.<sup>20</sup> Future mothers or mothers with small children are especially a target of discrimination: 45% of people polled would not be willing to hire or promote women with small children in care, while 51% of employers would consider ceasing their working contract.<sup>21</sup> The situation of women from other ethnic groups is significantly worse – Roma and migrant women being at a clear disadvantage.

Immigrants are highly vulnerable to discrimination in the field of employment due to complicated procedures and their associated costs, which gives them little power to prevent or combat abuse from employers. In order to be able to work in Romania, immigrants need a working permit from the Romanian Office for Immigration (ROI). Such a permit is issued if the employer could not hire a Romanian or EU/SEE citizen. In 2010 the number of work permits issued decreased from 4278 to 2970, most of them being issued to Turkish citizens (616), Chinese (530), Filipinos (266) and Moldavians (226).<sup>22</sup>

There is a fear among Romanian citizens that migrants are going to take their jobs, although studies<sup>23</sup> in the field show that the migrant workforce is complementary. At the same time, migrants are confronted with a series of systemic problems such as work-contracts written in Romanian or an inability to properly defend their employee rights, as, in the case of losing their job, they lose their work permit and finally their residence permit. Tolerated migrants do not have the right to work in Romania; this makes their social inclusion almost impossible.<sup>24</sup>

### NGOs Good Practice

**The "Împreună" Agency** developed a programme aimed at the empowerment of 20 Roma and non-Roma women in work unions. The project is relevant as it addresses double discrimination that affects Roma women by enabling women to represent the rights of other women who are discriminated against.<sup>25</sup>

<sup>19</sup>Mediafax, *Becali a rupt atenționările primite de la CNCD legate de homosexuali*, April 2010: <http://www.mediafax.ro/sport/becali-a-rupt-atenționările-primite-de-la-cncd-legate-de-homosexuali-5840972>, accessed 2 August 2011

<sup>20</sup>U.S. Department of State, 2010 *Human Rights Report Romania*: <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154446.htm>, accessed 2 August 2011

<sup>21</sup>Barometrul de Incluziune Socială 2010, p. 28-31

<sup>22</sup>Oficiul Român pentru Imigrări, *Analiză cu privire la eliberarea autorizațiilor de muncă în anul 2010*, p. 5

<sup>23</sup>Country Report- *Romania- Migration, Employment and Labour Market Integration Policies in the European Union*, <https://labourmigration.eu/research>, accessed 4 August 2011

<sup>24</sup>Alexe, Iris, Păunescu, Bogdan, coord., 2011, *Study on the Immigration Phenomenon in Romania. Inclusion of Foreigners into to Romanian Society*, 2011, p. 41-42

<sup>25</sup><http://agentiaimpreuna.ro/Proiecte>, accessed 5 August 2011

**Assoclic** is a programme of Ateliers sans frontières in which periodically refurbished computers are donated to NGOs working for the education and social inclusion of disadvantaged groups. These computers were refurbished by persons that needed training and support to re-enter the job market from discriminated categories such as persons with disabilities or Roma. In total, dozens of people received training and support to re-enter the job market, while over 417 computers were donated to over 50 NGOs.<sup>26</sup>

## VII.ii The political and legal context

The main institution in charge of employment is the Ministry of Labour, Family and Social Welfare. During a period of one and a half years, four ministers were changed. These changes slowed down the pace of reforms, while the focus was on re-organising the structure of Ministry, reform of the pensions system, and cost reductions related to social welfare.

The Labour Code (Law no. 53/ 2003, published in Official Gazette, Part I, no. 72, February 7, 2003) underwent several important changes during 2010/2011<sup>27</sup>, aimed, according to the current government, to make the job market more flexible. Politicians from the opposition and a good number of NGOs were concerned with the negative effects on job security and the rights of the employees.<sup>28</sup>

Although these changes are not directly linked to discrimination, they are expected to mostly affect the disadvantaged groups, as they encourage short-term employment.<sup>29</sup> Another important change, highly criticised by NGOs, saw a reduction in paid maternity leave from two years to one year. Women still have the option to continue their maternity leave without getting paid.<sup>30</sup> A small

<sup>26</sup><http://www.atelierefarafrontiere.ro/index.php/proiecte/assoclic>, accessed 5 August 2011

<sup>27</sup>[http://www.avocatnet.ro/UserFiles/articleFiles/PROIECT%20CM\\_12131721.pdf](http://www.avocatnet.ro/UserFiles/articleFiles/PROIECT%20CM_12131721.pdf), accessed 7 August 2011.

The main changes are: the application of incompatibility clause, the review of the trial period, the right of the employer to establish individual performances objectives, the amendment of the collective vacations criteria, the change of the notice period, the regulation of the work individual contract for a determinate period, the amendment of the work hours, the introduction of the new sanctions, etc

<sup>28</sup>Gandul.info, Florea, Raul, *Băsescu despre „introducerea sclavagismului în Codul Muncii și controalele care ar trebui să înceapă în Vama Constanța*, February 2011:<http://www.gandul.info/news/basescu-despre-introducerea-sclavagismului-in-codul-muncii-si-controalele-care-ar-trebuie-sa-inceapa-in-vama-constanta-8010110>, accessed 6 August 2011

<sup>29</sup>Hotnews.ro, Popa, Dan, *Era nevoie de un nou Cod al Muncii? Cum și-au flexibilizat piața muncii celelalte țări europene?* March 2011: [http://economie.hotnews.ro/stiri-finante\\_banci-8399000-era-nevoie-nou-cod-muncii-cum-flexibilizat-piata-muncii-celelalte-tari-europene.htm](http://economie.hotnews.ro/stiri-finante_banci-8399000-era-nevoie-nou-cod-muncii-cum-flexibilizat-piata-muncii-celelalte-tari-europene.htm), accessed 6 August 2011

<sup>30</sup>Euractiv.ro, Boc: *Din 2011 indemnizația se acordă doar un an*, December 2010: [http://www.euractiv.ro/uniunea-europeana/articles%7CdisplayArticle/articleID\\_21587/Boc-Din-2011-indemnizatia-se-acorda-doar-un-an.html](http://www.euractiv.ro/uniunea-europeana/articles%7CdisplayArticle/articleID_21587/Boc-Din-2011-indemnizatia-se-acorda-doar-un-an.html), accessed 6 August 2011

monthly allowance (approximately 150 euro) is offered to women that have a second child during their maternity leave.<sup>31</sup>

Measures<sup>32</sup> were taken to combat the black labour market and abuses of the social welfare system. The reform of the social welfare system was criticised by NGOs concerned by their effect on those entitled to social welfare but unable to defend their rights.

Employment is one of the main points to be addressed in the Roma Inclusion Strategy of the Roma National Agency. The strategy is a work in progress and most probably will be finalised by the end of the year.

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<sup>31</sup>Hotnews.ro, Pirvoiu, Claudia, *Mamele care nasc un al doilea copil în timpul concediului de maternitate primesc încă 600 de lei*, January 2011:[http://economie.hotnews.ro/stiri-finante\\_banci-8222855-mamele-care-nasc-doilea-copil-timpul-concediului-maternitate-primesc-inca-600-lei.htm](http://economie.hotnews.ro/stiri-finante_banci-8222855-mamele-care-nasc-doilea-copil-timpul-concediului-maternitate-primesc-inca-600-lei.htm), accessed 6 August 2011

<sup>32</sup>See the new regulations of the Law no. 53/2003, published in Official Gazette, Part I, no. 72, [http://www.avocatnet.ro/UserFiles/articleFiles/PROIECT%20CM\\_12131721.pdf](http://www.avocatnet.ro/UserFiles/articleFiles/PROIECT%20CM_12131721.pdf), accessed 7 August 2011

## VI. Racism and related discrimination in housing

### VI.i Manifestations of racism and related discrimination in housing

Despite having the highest rate of house ownership within the EU (96.5%),<sup>33</sup> Romania has not developed a significant social housing sector. The access of vulnerable groups to social housing is very limited, as social houses represent only 2% of the total number of houses throughout the country.<sup>34</sup> The housing conditions of the entire population are among the worst in the EU, as several EUROSTAT indicators reveal; half of the population lives in overcrowded dwellings, more than 40% have no bath or shower or indoor flushing toilet, and there is the highest rate of people with severe housing deprivation (28.6%).<sup>35</sup> Nearly half of all houses are connected to drinking water and 45% to sewage systems.<sup>36</sup> The 2010 Roma Decade Watch Report concludes that housing seems to be the lowest priority of the present government.<sup>37</sup> The social expenses for housing, as a percentage of GDP, are three times lower in Romania than the EU average rate.<sup>38</sup>

The most affected segment of the population is young people, Roma and people living in nationalised houses. Young people still confront various difficulties in obtaining housing despite government-instituted programs developed within the past few years. People living in nationalised houses are vulnerable to eviction. The lack of clear regulations regarding eviction, such as providing alternative shelter, or cancelling evictions during wintertime, leads people to desperate measures like chaining themselves to the building.<sup>39</sup>

The most numerous group that is confronted with housing problems remains the Roma. Their main problems include forced eviction, security of tenure, segregation and poor living conditions.

The eviction of Roma is implemented in a similar fashion: short eviction notices (even two days notice), lack of consultation with the people being evicted, relocating Roma out of a city into segregated areas, and part of them left without housing while the municipal government claims they are providing better conditions for such Roma, many NGOs contest this, asserting that such policies are purely based on discrimination.

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<sup>33</sup>[http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-SF-11-004/EN/KS-SF-11-004-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-11-004/EN/KS-SF-11-004-EN.PDF), accessed 30 July 2011

<sup>34</sup>[http://www.presidency.ro/static/CPARSDR\\_raport\\_extins.pdf](http://www.presidency.ro/static/CPARSDR_raport_extins.pdf), accessed 30 July 2011

<sup>35</sup>[http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-SF-11-004/EN/KS-SF-11-004-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-11-004/EN/KS-SF-11-004-EN.PDF), accessed 1 August 2011

<sup>36</sup>[http://www.presidency.ro/static/CPARSDR\\_raport\\_extins.pdf](http://www.presidency.ro/static/CPARSDR_raport_extins.pdf), accessed 1 August 2011

<sup>37</sup><http://www.romadecade.org/files/downloads/Decade%20Watch%202010/Decade%20Watch%20Romania%20Report%202010%20EN.pdf>, accessed 1 August 2011

<sup>38</sup>[http://www.presidency.ro/static/CPARSDR\\_raport\\_extins.pdf](http://www.presidency.ro/static/CPARSDR_raport_extins.pdf), accessed 7 August 2011

<sup>39</sup><http://www.ziare.com/social/stiri-sociale/s-au-legat-cu-lanturi-de-un-bloc-dupa-ce-au-fost-evacuati-din-case-nationalizate-1062335>, accessed 7 August 2011



In December of 2010, the municipality of Cluj-Napoca evicted 56 Roma families from the city centre (Coastei Street). No previous consultations had been attempted and no alternative locations were ever proposed as a means of ensuring proper access to housing. Forty families were relocated to a hill near the well-known poor Roma community of Pata Rat, while the other families were allowed to build themselves shacks in the same location. The new houses do not meet Romanian or international standards regarding habitability, location or access to essential services (the closest bus stop is three km away).<sup>40</sup> Amnesty International<sup>41</sup> and important Romanian NGOs have expressed their concerns related to this case.

Another cause for alarm in Romania was the death of a small child who was living in dilapidated housing, as a result of an accidental fire. In May of 2010 in Medgidia City, a three year old child died in a fire caused by a candle inside a cardboard shack.<sup>42</sup>

As a result of the economic crises, the number of poor people in Romania has increased. The cost of housing pushes many people into cheaper areas, while the degradation of these areas has become very visible. Policy Center believes that the number of ghettos in Romania will grow significantly in the coming years and that measures to address this issue should be a concern for all of society.

Refugees, stateless persons and asylum seekers live in six special centres belonging to ROI, distributed all over the country. JRS also has a temporary shelter able to accommodate 16 people. In the period April 2010 - March 2011 48 people from 19 countries benefited from this service.<sup>43</sup>

Foreigners with permanent residence rights have the right to access social housing. Migrant students usually live in students' camps. Migrants can rent apartments from the free market and only isolated cases of discrimination based on their status have been reported.<sup>44</sup> Employers may ensure housing for migrant employees. There have been cases where this service has been provided at a higher price than on the free market and migrants had to accept it, even if their freedom of movement was also restricted.<sup>45</sup>

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<sup>40</sup><http://www.amnesty.org/en/library/asset/EUR39/004/2011/en/5f9becde-66e9-4262-bb3a-ff1c3681046d/eur390042011en.pdf>, accessed 8 August 2011

<sup>41</sup><http://www.amnesty.org/en/news-and-updates/romania-urged-provide-accommodation-homeless-families-after-eviction-2010-12-22>, accessed 8 August 2011

<sup>42</sup><http://www.crimetime.ro/eveniment/ecuatia-mortii-unui-copil-casa-de-carton-lumanare-aprinsa-infern.html>, accessed 9 August 2011

<sup>43</sup>Jesuit Refugee Service Romania, [http://www.jrsromania.org/index.php?option=com\\_content&view=article&id=70&Itemid=78](http://www.jrsromania.org/index.php?option=com_content&view=article&id=70&Itemid=78), accessed at 25 August 2011

<sup>44</sup>Alexe, Iris, Păunescu, Bogdan, coord., 2011, *Study on the Immigration Phenomenon in Romania. Inclusion of Foreigners into to Romanian Society*, 2011, p. 40

<sup>45</sup>Idem

### **NGO Good Practice**

**Habitat for Humanity Romania**, in partnership with **Soros Foundation Romania**, has continued their housing program for Roma. In 2010, fifteen new houses were built in two locations, while another thirty were refurbished. The number of beneficiaries exceeds 45 families, as two families live in many refurbished houses.

## **VI.ii The political and legal context**

The political discourse has not undergone any serious changes in the period covered by this report. There is no significant concern shown by politicians about this issue. The local administrations recognise the need for better social housing for poorer categories of society, but in the case of Roma it became a custom to proclaim racist speeches. Their behaviour, the way they maintain houses, and their sources of income are used as arguments by local authorities to justify fostering segregation or forced evictions.<sup>46</sup> No significant plans and/or strategies have been put in place.

There have been no legislative and/or legal developments. A new housing law is under preparation, but still in the incipient phases - no public consultations were started yet.

The main gap in the protection of the vulnerable groups is related to forced evictions. The human rights NGOs claim that forced evictions are not agreed with the inhabitants, do not respect national and international standards regarding evictions, and that the new houses or locations usually do not meet internationally agreed norms.<sup>47</sup> Concerns are also raised about the security of tenure. The main group affected by these measures is the Roma.

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<sup>46</sup>Most of these actions are not made public and take place in areas where NGOs are weak. These lead to a significant underreporting and lack of official sources.

<sup>47</sup>Amnesty International, *Mind the Legal Gap. Roma and the Right to Housing in Romania*, <http://www.amnesty.ca/files/RomaniaBriefing23June11.pdf>, accessed on 25 August 2011



## VII. Racism and related discrimination in education

### VII.i Manifestations of racism and related discrimination in education

Roma remain the ethnic group who have the most difficulties in accessing the educational services in Romania. The reasons for this are two-fold:

- the Roma population is the ethnic group most severely affected by poverty in Romania;
- the Roma are the most discriminated against ethnic group in Romania.

These translate into: lower quality education, segregation, a high drop-out rate and a poor capacity to support intercultural education.

Although the mandatory public education is free of charge, a recent study shows that parents need to spend one and a half times what the state spends for the education of one child, without taking into consideration the costs related to personnel.<sup>48</sup> The access to education for Roma is hindered by the lack of resources to cover the material costs needed for keeping children in school. Statistically, poor parents prefer to put their children to work in order to ensure the livelihood of the family.<sup>49</sup> This situation is largely present within the Roma communities. Schools with a higher percentage of Roma students are usually worse equipped than average: the schools with a high number of Roma students have proportionally less specialised laboratories for particular classes as well as sports facilities.<sup>50</sup>

Concerning the quality of education, the findings also show that schools with a higher percentage of Roma children have less teachers with tenure. On average teachers receive seven times less training hours than needed to fulfill the requirements as stipulated by the regulations of the Ministry of Education. Support staff such as a school mediators or school counsellors remain a problem - most of the positions are either unstaffed or occupied by people with little formal training. Due to administrative changes, the future of the school mediators programme is uncertain.<sup>51</sup>

There are a number of statistics<sup>52</sup> concerning the drop-out rate of students, many of those showing relevant discrepancies. Reasons for such discrepancies may be related to the regulations regarding a student dropping-out of school, the grace period for a student before being declared 'dropped-out' of school is up to

<sup>48</sup>Save the Children Romania, *Învățământul gratuit costă!*, September 2010, p. 23

<sup>49</sup>TVR2, *Abandonul școlar - un fenomen în creștere în România*, November 2010, <http://www.youtube.com/watch?v=VrzP4dcxOkQ>, accessed 28 August 2011

<sup>50</sup>Duminică, Gelu, Ivasiuc, Ana, *O școală pentru toți? Accesul romilor la o educație de calitate*, 2010, p. 48-54

<sup>51</sup>Idem, p. 63

<sup>52</sup>Idem, p. 70-97

three years.<sup>53</sup> In general, the findings agree that the drop-out rate increased in the past years, the figures of the National Institute of Statistics show an increase from 1,8% during school-year 2000-2001 to 2,4% during school year 2008-2009,<sup>54</sup> while the data from the Ministry of Education show that the drop-out rate was 1,9% in 2008-2009.<sup>55</sup> The latter study also shows that 76% of the drop-out students from the interviewed schools were Roma.

There is no centralised data for school segregation and discrimination but NGO findings prove that the phenomenon is still pervasive.<sup>56</sup> The need for the Ministry of Education to continue active measures to combat school segregation and discrimination is underlined by a number of recent reports.<sup>57</sup> In the last year, the press uncovered a case of segregation in Babadag, where non-Roma parents threatened to move their children to another school in the case that they would be placed in the same class with Roma children.<sup>58</sup> In Bucharest, a second grade teacher at the Goethe German College was reported to have verbally abused a Roma student with ADHD. The student reported to be bullied by his peers with no reaction from the teacher. A group of parents signed a petition to have the Roma student removed from the school due to his Roma ethnicity and unacceptable behaviour, such as spitting.<sup>59</sup>

In terms of intercultural education, this translates to the practice that members of each minority study their mother-tongue and history. However this is implemented when the students declare themselves to belong to a certain ethnicity and for Roma children. Taking into consideration the large difference between the number of those declaring themselves Roma and the estimated number of Roma<sup>60</sup> we can conclude that the number of Roma children that should study their mother-tongue and history is much underestimated. Other aspects of intercultural education, such as intercultural communication or sensitivity are largely ignored by the school curricula and when addressed it is mainly the NGOs that do it. It is relevant that the National Teachers' Training Centre does not offer regular training on this topic and the course "Inclusive Education" refers only to working with children with disabilities.

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<sup>53</sup>Idem, p. 70-74

<sup>54</sup>Fundatia Dinu Patriciu, Media Room, *Rata abandonului școlar a crescut cu o treime în ultimii 9 ani*, [https://www.fundatiadinupatriciu.ro/ro/media\\_room/stiri/406](https://www.fundatiadinupatriciu.ro/ro/media_room/stiri/406), accessed 28 August 2011

<sup>55</sup>Ministerul Educației, Cercetării și Inovării, *Raport asupra stării sistemului național de învățământ*, 2009, p. 7

<sup>56</sup>Duminică, Gelu, Ivasiuc, Ana, *O școală pentru toți? Accesul romilor la o educație de calitate*, 2010, p. 115-131

<sup>57</sup>Idem, p. 115

<sup>58</sup>Evenimentul Zilei, Andreea Dogar, *Segregare: clase după culoarea pielii în Babadag*, October 2010, <http://www.evz.ro/detalii/stiri/segregare-clase-doar-pentru-romi-la-babadag-908463.html>, accessed 26 August 2011

<sup>59</sup>Consiliul Național pentru Combaterea Discriminării, *Raport Anual 2010, Anexa - Hotărâri de constatare ale Colegiului Director*, p. 15

<sup>60</sup>The European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions, p. 16, April 2011, <http://www.statewatch.org/news/2011/apr/eu-com-roma-strategy-com-173-11.pdf>, accessed 27 August 2011

## NGO Good Practice

**The Alternative Education Club** is a project developed by the Policy Center for Roma and Minorities together with the Ministry of Education and the City-hall of District 5 of Bucharest within the School no. 136. During one year, the Club managed to include activities ranging from sports activities (e.g. Football, basketball) to non-formal education (social and financial education), extracurricular courses (e.g. film-making) and after-school tutoring of over 100 children who joined the club out of their own initiative. The majority of children come from a near-by ghetto and the club is an alternative to spending their free-time on the ghetto streets.

During 2007-2011, the Resource Centre for Roma Communities has implemented the programme Study Scholarships for Roma high-school students. 275 students were supported in continuing their studies based on their academic achievements, while also receiving personal guidance from mentors.

## VII.ii The political and legal context

The introduction of the new National Law on Education<sup>61</sup> was the main development for the last year. The Law included a considerable number of changes compared to its previous version. The adoption was met by a number of heated debates both among the political elites and the NGOs. The Romanian Government decided to take responsibility for it, instead of going through the process of adoption by the Parliament and Senate. One of the most debated topics was the chapter on 'Education in the Languages of National Minorities' meant to grant more rights to ethnic and linguistic minorities. According to Marko Bela, the representative of the Hungarian Party, in his statement after the Law was passed by the President, the Law will lead to "more rights and special solutions for minorities, especially for Roma children."<sup>62</sup>

Any kind of discrimination is forbidden under the new Law. Specifically, discrimination in higher education, on grounds of age, social origin, political or religious orientation, sexual orientation or any other type of discrimination, except the affirmative measures developed by law, are forbidden accordingly.<sup>63</sup>

In the case of the Education in the languages of National Minorities, the minorities can organise classes in their mother tongue themselves. The Ministry

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<sup>61</sup>National Education Law, published in Monitorul Oficial al Romaniei, Anul 179 (XXIII) - Nr. 18, Luni, 10 ianuarie 2011, accessed 25 August 2011.

<sup>62</sup>Hotnews, V.M., Marko Bela: *Noua Lege a educației aduce drepturi sporite pentru minorități, inclusiv pentru romi*, April 2010: <http://www.hotnews.ro/stiri-esential-7181636-marko-bela-noua-lege-educatiei-duce-drepturi-sporite-pentru-minoritati-inclusiv-pentru-romi.htm>, accessed 25 August 2011

<sup>63</sup>National Education Law, published in Monitorul Oficial al Romaniei, Anul 179 (XXIII) - Nr. 18, Luni, 10 ianuarie 2011, Art. 2, 3, 118, 202, 294, 297

will provide students with manuals for such classes. The History class needs to include the history and traditions of all minorities.<sup>64</sup>

Another important aspect of the new law is the decentralisation of the educational sector's finances. Schools will receive their funds from the local administration and they need to have a board consisting of approximately 1/3 schools representatives, 1/3 parents and 1/3 representatives of the local authorities. This will supposedly lead to a much higher degree of involvement of the local community in the organisation of the education process.<sup>65</sup>

While many NGOs welcomed the new Law as a needed change, the main criticism was that there was little time for consultation with the civil sector and many of the proposals coming from the NGOs were not included in the final text. Moreover, while the law establishes a general frame and sets some good direction, it does not include a system for sanctioning the educational institutions in case that they do not respect it fully. Such is the case of the article that forbids discrimination – it does not mention penalties in case there are cases of discrimination. The answer of the Ministry was that these aspects would be implemented under the Secondary Legislative Framework, which is currently under development. Although there were several meetings with the NGOs, many of them did not consider the procedure of consultation productive.

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<sup>64</sup>National Education Law, published in Monitorul Oficial al Romaniei, Anul 179 (XXIII) - Nr. 18, luni, 10 ianuarie 2011, SECȚIUNEA a 12-a

<sup>65</sup>National Education Law, published in Monitorul Oficial al Romaniei, Anul 179 (XXIII) - Nr. 18, luni, 10 ianuarie 2011, Art. 96

## VIII. Racism and related discrimination in health

### VIII.i Manifestations of racism and related discrimination in health

The most affected ethnic group in regard to health care continue to be the Roma, who have much poorer health conditions than the majority population. Problems include higher mortality rates and lower life expectancy. Combined factors such as access to medical care, lifestyle, diet, preventative behavior and poor housing (evictions) increase health risks which ultimately affect life expectancy. The estimated life expectancy for Roma is ten years less than other Europeans.<sup>66</sup>

Access to medical care is more difficult due to the conditions many Roma communities live in, such as poor housing, social marginalisation, unemployment, and lack of property or identity documents. These issues are closely related and need to be addressed simultaneously. Living and working conditions, along with the aforementioned factors directly and indirectly affect both the physical and psychological well-being of Roma.

Poor health status is the result of multiple factors, such as segregation, forced evictions, unemployment, lack of access to public services, lack of proper housing or lack of housing at all.

In addition, health is directly affected by individual behaviour in relation to nutrition: low quality nutrition characterises many of the Roma communities. The latest data show that almost 60% of the Roma respondents included in a study carried out in 2007 claim that at least once in the last month, a member of the family went to bed being hungry, while only 12% of non-Roma respondents gave the same answer.<sup>67</sup> According to International Labour Organisation (ILO) data, more than 40% of the children in Roma households are malnourished and hungry. Almost half of them (47,5%) do not receive appropriate vaccinations, even though these are compulsory and are administered for free.<sup>68</sup> The most recent data available shows that child mortality is at least three times higher than the national average.<sup>69</sup> This situation is negatively affected by occurrences of early parenthood as well as gender stereotypes.

The Ministry of Health's programme in 2010 directed at improving the population's health through facilitating access to medical services for vulnerable groups did not particularly address the Roma population. The 2010 Activity

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<sup>66</sup>Commission of the European Communities, *Non-discrimination and equal opportunities: a renewed commitment. Community Instruments and Policies for Roma Inclusion*, Brussels, 2008, p.3

<sup>67</sup>Cosima Rughinis, Gabor Fleck, *Vino mai aproape. Incluziunea și excludiunea romilor în societatea românească de azi, Campania Stop Prejudecăților despre Etnia Romă!*, București, 2008, p. 83.

<sup>68</sup>John Bennett, Raportul Național IRSBTC pentru România 2010, *Proiect: Roma Inclusion in Services for Early Childhood Development*, 2010

<sup>69</sup>Cosima Rughinis, Gabor Fleck, Op. cit.

Report only mentions the participation in working groups organised by other central authorities on social exclusion and poverty eradication, topics also regarding Roma communities.<sup>70</sup> This was the case also with other programmes in the past. A lack of disaggregated health data by ethnic affiliation is a serious impediment to the better assessment of, and to addressing, the existing problems.

In the last year, studies focused on health issues within Roma communities have been scarce. One of the most extensive studies that was carried out was a project meant to assess the Roma's access to the public health care system.<sup>71</sup> SASTIPEN and the Bucharest Institute for Public Health included both secondary and primary data in the study. Data was collected from major actors in three development regions in Romania (45 Roma communities were studied). The data in the study built upon and strengthened the conclusions of previous studies in regard to perceived discrimination. Roma citizens feel discriminated against in public institutions: 46% of the respondents said that they were discriminated against while in medical institutions. Even so, most of the interviewed Roma declared they were confident in their family doctor, 54,1% declared that they have a lot of confidence in their doctors and 5, 1% had little or no trust in theirs.<sup>72</sup>

Although almost 87% of the respondents declared they have a family doctor, access to public medical services remained low due to a lack of information and prioritisation of the issue. Most Roma lack financial resources and this continues to be a significant factor when it comes to discriminatory behavior by medical staff. The services of family doctors are only used in the case of acute diseases by 70% of Roma, according to a Roma Center for Social Intervention and Studies (Romani CRISS) survey.<sup>73</sup>

Most of those who are not on the lists of a family doctor declared that this is because they do not have medical insurance (38%), because of financial burden (20%), and due to a lack of a job (9.8%).<sup>74</sup> Differences in these percentages exist among the regions included in the survey, with Roma in the south part of the country declaring in the highest proportion (76%) that they do not have a family doctor.<sup>75</sup> As shown in the same research, a poor economic situation does negatively affect access to medical health care as well as its quality, as 28% of those who could access, theoretically, public medical health care did not do so. The lack of financial resources (38%), as well as distance between the respondents' house and the medical clinic (12%) and behavior of the medical staff (8%)<sup>76</sup> were also identified as reasons for poorer health among Roma.

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<sup>70</sup>Ministry of Health, <http://www.ms.gov.ro/?pag=206>, accessed on 25 August

<sup>71</sup>Bogdan Păunescu, *Accesul romilor la serviciile de sănătate publică. Raport final*, București, 2010, p.32

<sup>72</sup>Idem, p. 42

<sup>73</sup>US Department of State, *Human Right Report 2010*, April 2011, <http://www.state.gov/documents/organization/160210.pdf>, accessed 20 August 2011

<sup>74</sup>Bogdan Păunescu, Op. cit., p. 39

<sup>75</sup>Idem, p. 40

<sup>76</sup>Idem, p. 59

A research study carried out by the Association for Development and Social Inclusion, done in March-April 2011, showed interesting results; Roma are the least preferred group on a social preferences scale, even among first and second year undergraduate students from the University of Medicine.<sup>77</sup> One of the factors that may also lead to the limited access of Roma to medical health care is the reticence of medical staff to serve in a community inhabited mainly by Roma.

### **NGOs Good Practice**

The **Association for Development and Social Inclusion**, in partnership with the **Medical School “Gr. T. Popa”**, Iasi, and the **Asociația Medicilor Rezidenți din România**, with the financial support of the **Open Society Foundation** implemented a project which aimed at introducing a course on ethics and discrimination against vulnerable groups in the university curricula, relevant to health and medical services. These institutions, along with the NCCD, also organised courses on the issue of discrimination against Roma when accessing health services and medical care, in order to inform and raise awareness regarding discrimination against Roma, as well as to provide participants with advocacy tools to enhance Roma access to public medical care.

Press Monitoring Agency/Active Watch, in partnership with Asociația Medicilor Rezidenți din România, Roma Education Fund, Roma Center for Health Policies- SASTIPEN develop the project **O generație de specialiști romi în domeniul medical**. The project aims to support the access of young Roma to university level education in the medical field. It includes a component of mentorship for young Roma professionals in the medical field. The project started in January 2011 and it will finish in January 2014.

In December 2010, the **Association of Health Mediators- Zurale Romania** was established- the first of this kind.<sup>78</sup>

### **VIII.ii The political and legal context**

Concerning the legal context, there were no significant developments during the period covered by this report. The process of decentralisation, which began in 2009, continued in 2010 with the decentralisation of hospitals. As a result of this process, Romania has 430 health mediators and an approximate population of Roma that varies between 1.5 and 2.5 million. Comparatively, there are

<sup>77</sup>Asociația pentru Dezvoltare și Incluziune Socială, Sănătate și nediscriminare. *Raport de cercetare. Cunoștințe, experiențe și atitudini față de fenomenul discriminării în rândul studenților de la Universitatea de Medicină și Farmacie “Gr.T.Popa” Iași*, 2011

<sup>78</sup>For more details, see Romani CRISS website:

[http://www.romanicriss.org/index.php?option=com\\_content&task=view&id=333&Itemid=8](http://www.romanicriss.org/index.php?option=com_content&task=view&id=333&Itemid=8), accessed 30 August 2011



approximately 222 physicians per 100,000 inhabitants.<sup>79</sup> Generally, the process of decentralisation has received rather negative feedback, since the local authorities are thought to lack the capacity to take over these responsibilities. The greatest fear is that health mediators will turn more into public clerks in charge of paper work rather than active mediators working in the communities. Before the decentralisation, there were 570 active health mediators across Romania.

The work done by the health mediators remains one of the practices which are constantly evaluated as being positive. Referring to data provided by the Romanian Ministry of Health, the authors of the 'Beyond Rhetoric' integration roadmap summarise the results of the mediator's work: "In the first two years when this program operated, there were 108,632 children helped to register, 40,015 people who obtained health insurance, and 1,180 who were advised in order to obtain identity documents."<sup>80</sup>

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<sup>79</sup>Bernard Rorke, *Beyond Rhetoric: Roma Integration Roadmap for 2020. Priorities for and EU Framework for National Roma Integration Strategies*, 2011

<sup>80</sup>Idem, p. 43.



## IX. Racism and related discrimination in criminal justice

### IX.i Manifestations of racism and related discrimination in criminal justice

According to 2010 Fundamental Rights Agency assessment of Status of official criminal justice data collection mechanisms on racist crime in the EU27,<sup>81</sup> Romania is qualified as performing “limited reporting on a handful of investigations and court cases, and/or focus on general discrimination that can include racist crime.”<sup>82</sup>

Decisions of the European Court of Human Rights regarding violation of human rights by Romanian institutions<sup>83</sup> prove the fact that the judicial system needs to consider the importance of human rights in the enforcement of Romanian and European law. The system is still flawed and discrimination of Roma continues to be a serious problem. The stereotypical association of Roma with criminality generates subjective decisions that create prejudices towards the Romanian citizens of Roma ethnicity.

A study of eleven magistrates released in October 2010 reveals that the Romanian Parliament is accountable for the highest number of the decisions of the European Court for Human Rights against the Romanian state from 1994 to 2009.<sup>84</sup> Considering that the difference between the number of decisions is actually barely visible<sup>85</sup> pertaining to the accountable institutions, the study points out that “the three state powers are equally responsible for the many condemnations of Romania by the ECHR.” The research doesn't dismiss “the fact that judges have their share of blame, but [...] oftentimes Romania was not indicted for violations of fair process, but for actions of the public authorities of the executive power (for instance failure to carry out court decisions) or the legislative power (excessive regulations, failure to systematise, contradictory regulations).”<sup>86</sup>

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<sup>81</sup>Fundamental Rights Agency, *Annual Report 2011*, p. 121, <http://fra.europa.eu/fraWebsite/attachments/annual-report-2011-chapter6.pdf>, accessed 18 August 2011

<sup>82</sup>Idem.

<sup>83</sup>Romania is mentioned in 2010 as ranking in 3<sup>rd</sup> place among the countries with the highest number of judgments after Turkey and Russia (p.14). In 135 cases against the Romanian state, the Court found at least one violation (p.79). European Court for Human Rights, Annual Report 2010, p. 14, [http://www.echr.coe.int/NR/rdonlyres/F2735259-F638-4E83-82DF-AAC7E934A1D6/0/2010\\_Rapport\\_Annuel\\_EN.pdf](http://www.echr.coe.int/NR/rdonlyres/F2735259-F638-4E83-82DF-AAC7E934A1D6/0/2010_Rapport_Annuel_EN.pdf), accessed on 5 August 2011

<sup>84</sup><http://www.financiarul.ro/2010/10/23/study-indicates-parliament-govt-the-judiciary-responsible-for-echr-decisions-against-romania/>, accessed 19 August 2011

<sup>85</sup>491 sentences – Parliament; 362 – judiciary; 343- Government; 98 – Public Prosecution Service; 2 – Constitutional Court.

<sup>86</sup><http://www.financiarul.ro/2010/10/23/study-indicates-parliament-govt-the-judiciary-responsible-for-echr-decisions-against-romania/>, accessed 19 August 2011

Prison conditions<sup>87</sup> continue to be one of the reasons invoked by victims in complaints addressed to the European Court of Human Rights.

### IX.i.i Policing and ethnic profiling<sup>88</sup>

Public ethnic data collection is not allowed by law, except for some specific situations.<sup>89</sup> “In contrast to this strong policy, there is evidence of some local authorities collecting ethnic data, usually to support project grants that target Roma.”<sup>90</sup>

Civil society representatives reported cases of police brutality against Roma during forced evictions.

APADOR-CH documented the situation of detainees and discovered that a Muslim convicted by the Division 13 of the Bucharest Police force was not allowed to eat according to his religious convictions. APADOR-CH emphasised that “religious freedom can be violated in exceptional cases specified in the law. Not respecting the diet of a specific religious cult is tantamount to depriving the individual from the freedom to practice his religion beliefs.”<sup>91</sup>

It is extremely difficult to offer an objective overview on ethnic profiling because there is no mechanism in place (either official or developed by the civil society) able to track and monitor these situations. Non-governmental organisations lack the resources to manage such an instrument but they struggle to make public any situation of ethnic profiling targeting Roma. The magnitude of the phenomenon is rising but it is difficult to assess it quantitatively. According to EU-MEDIS analysis conducted by the Fundamental Rights Agency of the European Union<sup>92</sup>, in 2008 one out of two Roma who were interviewed was stopped by the police in the year previous to the research and they faced an average of four situations of harassment or violence in the previous year. No such research is

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<sup>87</sup><http://www.mediafax.ro/english/romania-ordered-by-echr-to-pay-eur3-6-million-damages-in-2010-7897052>, accessed 19 August 2011

<sup>88</sup>The Open Society Institute defines “ethnic profiling” as the “use of generalisations grounded in ethnicity, race, national origin, or religion - rather than objective evidence or individual behaviour - as the basis for making law enforcement and/or investigative decisions about who has been or may be involved in criminal activity” .

<sup>89</sup>Accepted exceptions: 1. With the consent of the person. 2. If the organisation collecting the data (association, foundation) processes ethnic data on its members without sharing it to third parties. 3. “When the processing refers to data expressly public in a clear way by the data subject” - Open Society Institute (OSI), *No Data—No Progress: Country Findings*, August 2010, p. 62, <http://www.unhcr.org/refworld/docid/4cbc430e2.html>, accessed 20 August 2011

<sup>90</sup>Open Society Institute (OSI), *No Data—No Progress: Country Findings*, August 2010, p. 61, <http://www.unhcr.org/refworld/docid/4cbc430e2.html>, accessed 20 August 2011

<sup>91</sup>Apador-CH, *Raport privind vizita în arestul situat în incinta Secției 13 Poliție din București*, 18.05.2011, [http://www.apador.org/show\\_report\\_nf.php?id=175](http://www.apador.org/show_report_nf.php?id=175), accessed 20 August 2011

<sup>92</sup>Agenția pentru Drepturile Fundamentale a Uniunii Europene (FRA), *Date în obiectiv. Primul raport. Romii în EU-MIDIS. Sondajul Uniunii Europene privind minoritățile și discriminarea*, 2009, [http://fra.europa.eu/fraWebsite/attachments/EU-MIDIS\\_ROMA\\_RO.pdf](http://fra.europa.eu/fraWebsite/attachments/EU-MIDIS_ROMA_RO.pdf), accessed on 25 August 2011

available for 2010, but considering that anti-Gypsyist trend increased during the year we assume that ethnic profiling occurrences rose as well.

The most visible case of ethnic profiling is the French policy of returning Roma immigrants back to Romania in the summer of 2010. This case is further analysed in the chapter about political developments as the implications of this issue are deeply rooted in this dimension.

#### **NGO Good Practice**

Romani mediators were involved in the police activities to facilitate the communication with Roma communities. Roma quotas were introduced in Cluj district police in order to encourage diversity.

#### **IX.i.ii Racist violence and crime**

Racist motivated violence continues to be significantly under-reported in Romania. Strident anti-Gypsyism means that, often racially motivated, violence against Roma is considered to be more the norm than the exception. Roma's lack of trust in police forces and the justice system has led to under-reporting.

Pressure to not report racially motivated incidents against Roma and others continues to be exerted both by society at large and state bodies and agencies as the image of Romania abroad remains a significant concern for the Romanian government. Due to major cuts in funding for watch-dog NGOs, the monitoring of racist incidents became a major problem.

Sources from the Romanian Police reported that incidents of unjustified use of violence continue to be significantly higher when Roma people are involved.<sup>93</sup> There were a significant number of conflicts involving Roma reported in the Romanian mass media<sup>94</sup>. The overwhelming majority of these conflicts are presented from one side only and include no opinion from the Roma involved. The comments around the incidents usually constitute blatant hate speech against Roma.

To underline the number and type of incidents here are two of them from consecutive days in September 2011. Both localities where these incidents took place have no active watch dog NGOs and in both cases the Roma preferred not to make official complaints about what happened.

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<sup>93</sup>Ibidem.

<sup>94</sup>Marinescu Oana, *Roma in the Romanian and Italian Media. Stereotypes, patterns and solutions*, September 2010, Policy Center for Roma and Minorities.

On September 4, 2011 in Coltau, Maramures County - a racially motivated scandal lead to an intervention by the police. Roma involved in the conflict reported racial verbal abuse on both the side of the Romanian group that attacked them and the police forces. The incident was reported also in Stirea de Maramures.<sup>95</sup>

On September 5, 2011 in Calafat, Dolj county -a young Roma was beaten up by a gang of Romanians. Verbal racist abuses were also uttered before and during the incident. The incident was reported in the local newspaper Ziarul de Calafat.<sup>96</sup>

A media search engine<sup>97</sup> during the first ten days of September 2011 found twelve incidents involving Roma.

On April 7, 2011 in Racos, Brasov county- a mob of over 350 Romanians and Hungarians tried to lynch the Roma population from the village. Five Roma were seriously beaten – three of them needed to be hospitalised<sup>98</sup>.

For the last year we witnessed a serious increase in the inter-ethnic tensions in Romania especially concerning Roma and Romanians. Incidents that involved the Hungarian minority were also reported: On June 20 2011 a Hungarian priest was attacked with baseball bats by three young Romanians in Alba-Iulia. The youngsters yelled “Hungarians out of Romania” while beating the Hungarian priest.<sup>99</sup>

### **IX.i.iii Counter terrorism**

The process of clarifying the Romanian authorities’ involvement in secretly supporting CIA detention facilities on Romanian territory continued through 2010 and the first months of 2011. In January 2011, Amnesty International issued an overview<sup>100</sup> on extraordinary rendition and secret detention in the European Union endorsed by the European Commission. This paper builds on previous efforts<sup>101</sup> to call for accountability the European Union states which are believed

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<sup>95</sup><http://www.emaramures.ro/stiri/54528/SCANDAL-Ciocniri-intre-tigani-politisti-si-jandarmi-intr-un-magazin-din-Coltau>, accessed on 9 August 2011

<sup>96</sup><http://www.ziaruldecalfat.ro/2011/10/> accessed on 9 August 2011

<sup>97</sup><http://www.zelist.ro/> accessed on 9 August 2011

<sup>98</sup>[http://www.dri.gov.ro/index.html?page=eveniment\\_214](http://www.dri.gov.ro/index.html?page=eveniment_214) accessed on 9 August 2011

<sup>99</sup><http://www.gandul.info/news/este-acesta-un-conflict-interetnic-cum-au-tulburat-trei-tineri-beti-pacea-de-pe-strada-pacii-din-alba-iulia-declansand-un-nou-razboi-intre-guvernul-roman-si-cel-maghiar-8367354>, accessed on 25 August 2011

<sup>100</sup> Julia Hall, Amnesty International, *Background Paper – Current evidence: European Complicity in the CIA rendition and secret detention programmes*, 25 January 2011, Brussels

<sup>101</sup> European Parliament resolutions on the violation of fundamental rights through rendition operations - European Parliament resolution of 19 February 2009 on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners, <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2009-0073&language=EN&ring=B6-2009-0101>; European Parliament resolution of 15 December 2010 on the

to have violated the fundamental rights of detainees after the 9/11 attacks. Since 2005, statements of former officials involved in these operations were documented in order to prove that from 2003 until 2005 Romania allowed the presence of CIA detention centers<sup>102</sup>. The Romanian government vehemently rejected the accusations. There is no evidence showing that this issue impacted negatively upon the Muslim community in Romania.

## **IX.ii The political and legal context**

There were no changes in legislation regarding racially motivated violence.

Racially motivated violence continues to be a very serious problem in Romania. The significant increase in hate-speech and racist incidents seems to be ignored by authorities. We estimate that Romania is at high risk of a inter-ethnic explosion in the next years if serious measures meant to curb anti-Gypsyism and increase the social inclusion of Roma are not implemented.

The significant decrease in funding watch-dog NGOs remains a very serious reason for concern.

A number of initiatives<sup>103</sup> meant to improve the relationship among police and Roma communities took place for the last year. We estimate the effect to be minimal. The lack of innovative highly efficient and long term initiatives meant to curb the existing inter-ethnic tensions also remains a serious concern.

A lack of European funding targeting such initiatives is strident in Romania compared to huge amounts of money spent on inefficient training sessions and seminars attended by anybody but the needed target group.

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situation of fundamental rights in the European Union (2009) – effective implementation after the entry into force of the Treaty of Lisbon (2009/2161(INI)), Strasbourg, 15 December 2010 <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0483+0+DOC+XML+V0//EN&language=EN>, accessed 19 August 2011

<sup>102</sup>According to official documents, a Boeing 737 flew from Poland to Romania on 22 September 2003. Five passenger were flown to Romania – allegedly prisoners – among which Associated Press specified Khaled Sheik Mohamed (presumed architect of the 9.11 attacks in the U.S.) based on unofficial statements. Furthermore, Associated Press released a news report in October 2010 that Abd al-Rahim al-Nashiri was secretly imprisoned on Romanian territory.

<sup>103</sup>U.S. Department of State, *Human Rights Report Romania*, 2010: <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154446.htm>, accessed on 20 August 2011

## X. Racism and related discrimination in access to goods and services

### X.i Manifestations of racism and related discrimination with access to goods and services in the public and private sector

Direct and indirect discrimination remained problematic during the period this report covers. Roma, once again, continue to be the most discriminated against ethnic minority. In fields such as education, housing, access to public utilities, health care and jobs, discrimination mostly takes the form of structural discrimination, which reproduces over time. There were also cases of direct discrimination. In March 2011, representatives of certain NGOs undertook an action in order to test the accessibility of public places. The action took place in Bucharest, Cluj-Napoca, Craiova and Dorohoi, where a few Roma tried to enter ten nightclubs. Their access was forbidden in nine out of ten clubs.<sup>104</sup>

In a study realised by NCCD and Totem, at the end of 2010, 70% of the respondents declared that Roma are the ethnic minority mostly discriminated against when it comes to employment and access to jobs.<sup>105</sup>

The latest data available show that between 2006-2008, the national poverty rate was 23%, while in the case of Roma, it was 67%.<sup>106</sup> More than 60% of the Roma communities live on less than 4,30 USD a day and 21% live on less than 2,1 USD a day, while 74% of them face serious income burdens, 23% do not have electricity or drinkable water.<sup>107</sup>

Education: A study done by the World Bank in April 2010 shows that only one in eight Roma adults has a secondary education, a fact that reflects negatively on the income of Roma employees - 55% less than the majority.<sup>108</sup>

Another situation in which children face difficulties in accessing medical and educational services is when they are undocumented, as it is the case of children born outside the country whose parents do not declare them later.

Discrimination by teachers and other colleagues against Roma students adds to other disincentives for Roma children to attend and finish school.

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<sup>104</sup><http://romaworld.ro/special/discriminare/noua-din-zece-cluburi-din-romania-nu-permit-accesul-tinerilor-de-etnie-roma/>, accessed 02 August 2011

<sup>105</sup>Bogdan Păunescu (coord.), *Fenomenul discriminării în România. Raport sintetic 2010*, Available at: <http://www.caleaeuropeana.ro/wp-content/uploads/2010/12/Raport-sintetic..pdf>, accessed 28 August 2011

<sup>106</sup>John Bennett, *Raportul național IRS DTC pentru România 2010, Project: Roma Inclusion in Services for Early Childhood Development*, 2010

<sup>107</sup>Idem

<sup>108</sup>World Bank, *Costs of Roma Exclusion*, April 2010

Access to public utilities: Drinking water, gas, electricity and sanitation are, in some cases, either inadequate or do not exist at all for Roma communities. A ratio of 27% from the Roma living in urban areas and 5% in rural areas have running water in their houses,<sup>109</sup> in 2007 in Romania, 73% of Roma had no running water in their house. Data for 2010 is not available, but reports on communities that were disconnected from electricity appeared in the press.<sup>110</sup>

Housing: Most Roma live in crowded and improper housing. Consequences of this are negative and have effects over time, affecting health, development and also causing incidents such as the one in April 9<sup>th</sup>, when a shack in Ferentari caught fire, killing three children and their mother.

Evictions result, not only in an additional financial burden for those evicted, but also in diminished access to services: health care, school, etc (usually the places where Roma are relocated are on the margins, at the periphery of cities).<sup>111</sup>

Employment: The Social Inclusion Barometer developed in 2010 shows that ethnicity constitutes an obstacle in access to employment for 41% of the Roma who seek a job.<sup>112</sup> The same report shows that Roma are ten times more likely to be fired and, in case of job interviews, the main perceived reason for being rejected is that of being Roma.<sup>113114</sup>

After access to employment, the highest number of complaints received by NCCD in 2010 regards access to public services.<sup>115</sup> The total number of complaints related to access to public services was 128, with seven less than the previous year. In addition, eight complaints regarded access to public spaces. Only in 68 cases (out of the total number of complaints) the NCCD decided they were cases of discrimination. Out of these 68 admitted complaints, 20 were related to access to employment, 17 to access to public services and two to access to public space.<sup>116</sup> In the case of public services discrimination acts, 50%

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<sup>109</sup>Cosima Rughinis, Gabor Fleck, *Vino mai aproape. Incluziunea și excluziunea romilor în societatea românească de azi, Stop Prejudcăților despre Etnia Romă!*, București, 2008, p. 113

<sup>110</sup>[http://www.adevarul.ro/locale/brasov/BrasovRomii\\_din\\_Garcini\\_au\\_ramas\\_fara\\_curent\\_electric\\_0\\_22677\\_7650.html](http://www.adevarul.ro/locale/brasov/BrasovRomii_din_Garcini_au_ramas_fara_curent_electric_0_22677_7650.html), accessed 27 August 2011

<sup>111</sup>For more information see: Amnesty International, *Mind the Legal Gap: Roma and the Right to Housing in Romania. Housing is a Human Right.* 2011, available at: <http://www.amnesty.org/en/library/asset/EUR39/004/2011/en/5f9becde-66e9-4262-bb3a-ff1c3681046d/eur390042011en.pdf>, accessed 28 August 2011

<sup>112</sup>Social Inclusion Barometer. 2010. Available at: [http://www.fsenordest.ro/BIBLIOTECA/23.08.2010/Barometrul\\_de\\_Incluziune\\_Sociala\\_Populatie\\_si\\_Grupuri\\_vulnerabile.pdf](http://www.fsenordest.ro/BIBLIOTECA/23.08.2010/Barometrul_de_Incluziune_Sociala_Populatie_si_Grupuri_vulnerabile.pdf), accessed 30 August 2011

<sup>113</sup>Idem. P 2

<sup>114</sup>Nevertheless, in athletics, only Romanian and British Federations adopted anti-racist legislation. For more information see: FRA, *Racism, ethnic discrimination and exclusion of migrants and minorities in sport: the situation in the European Union. Summary Report, 2010.* Available at: [http://fra.europa.eu/fraWebsite/attachments/Report-racism-sport\\_EN.pdf](http://fra.europa.eu/fraWebsite/attachments/Report-racism-sport_EN.pdf), accessed 28 August 2011

<sup>115</sup>National Council for Combating Discrimination, *Annual Report 2010* [http://www.cncd.org.ro/files/file/RAPORT%202010\\_web1.pdf](http://www.cncd.org.ro/files/file/RAPORT%202010_web1.pdf), accessed 12 August 2011, p. 23

<sup>116</sup>National Council for Combating Discrimination, *Annual Report 2010* [http://www.cncd.org.ro/files/file/RAPORT%202010\\_web1.pdf](http://www.cncd.org.ro/files/file/RAPORT%202010_web1.pdf), accessed 12 August 2011, p. 26

are related to administrative services, 18.75% are related to banking services and 25% regard health services.

Examples of discrimination cases<sup>117</sup>:

- A person with disabilities (a blind person) was denied access to banking facilities, more exactly to a credit card. The reason was that this person cannot use this card safely and confidentially. This was considered by NCCD to be discrimination and the bank was sanctioned with a warning.
- Regarding age discrimination and access to public services, NCCD received a complaint about the establishment of priority criteria for financing medical services abroad. The NCCD recommendation was that age should not be a criterion, but rather the health condition, the health risks, diagnosis, benefits, etc. It also recommended that the Health Ministry provisions should be clearer.
- Another example is that of a Romanian citizen of Hungarian ethnic origin who issued several addresses to local authorities in the Hungarian language, but the answers were received in the Romanian language. NCCD considered this to be a discriminatory act, according to the legislation specifying that, in localities where a certain minority represents more than 20% of the population, communication with local authorities should be available in the language of the minority group.

#### **NGO Good Practice**

Six local antidiscrimination centres were opened in May, by the **Centre for Legal Resources, National Council Against Discrimination and Giacomo Brodolini Foundation**. The cities where these centres were opened are part of the Multi-regional network of counselling anti-discrimination services for the social inclusion of people who are discriminated against („Rețea multiregională de servicii de consiliere antidiscriminare pentru incluziune socială a persoanelor discriminate”) <sup>118</sup>.

**Increasing women and Roma access to public institutions:** Police continued the reform during 2010, hiring women and members of minority groups. At the end of 2010, 12% of the police force was women and 1.2 % were members of ethnic minorities (104 of them, Roma). A project to promote equal opportunities for national minorities for a career in the police structures was implemented in Cluj during the year. Police also used Romani mediators to

<sup>117</sup>National Council for Combating Discrimination, *Annual Report 2010*

[http://www.cncd.org.ro/files/file/RAPORT%202010\\_web1.pdf](http://www.cncd.org.ro/files/file/RAPORT%202010_web1.pdf), accessed 12 August 2011, p. 58

<sup>118</sup><http://www.cncd.org.ro/noutati/Proiecte/Retea-multi-regionala-de-servicii-de-consiliere-antidiscriminare-pentru-incluziunea-sociala-a-persoanelor-discriminate-93/>, accessed on 12 August 2011



facilitate communication between Roma and the authorities and to assist in crises.<sup>119</sup>

## **X.ii The political and legal context**

The law sanctioning discrimination is Law no. 48/2002 for the approval of Governmental Ordinance 137/2000 regarding the prevention and punishment of all forms of discrimination. Most important provisions of this law related to access to goods and services are:

- Art. 1 stipulates the equality of citizens in accessing different rights, among which the right to access spaces and services designed for public use.
- Art. 10 stipulates that a breach of this law would be denial (on different grounds like religion, sex, age, ethnicity, race, etc) of access to public services (administrative or juridical), health public services or other services offered by restaurants, pubs, hotels, public transportation or any other public or private institution. The entire second part of the law is focused on access to public services.
- The next parts of the law refer to access to education, free movement and to selection of domicile, right to personal dignity and sanctions.

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<sup>119</sup>US Department of State, *Country Report on Human Rights Practices*, 2010, available at: <http://www.state.gov/documents/organization/160210.pdf>, accessed 28 August 2011

## **XI. Racism and related discrimination in the media**

### **XI.i Manifestations of racism and related discrimination in the media, including the internet**

As in previous years, the Romanian media displayed little concern and no improvement regarding the promotion of racist and discriminatory speech. Discriminatory articles targeted Roma, gays and lesbians, Africans, Jews and persons with disabilities. The situation of all Romanian women (ethnic and non-ethnic) remains rather unchanged, as sexist articles written in newspapers continue to be more the norm than the exception.

Taking into consideration that research shows the majority have a good opinion of refugees and that more than 75% of the interviewed people declared that they received their information from the media,<sup>120</sup> we can say that media is, in general, friendly in regard to refugees.

Positions being publicly taken against racist or discriminatory speech in the media are rare, if not exceptional. The overall level of intolerance and hate speech is on the increase in Romanian society and unfortunately the Romanian mass-media continues to play a role in this trend.

Most newspaper articles that mention Roma were and are on the front or last page of the paper, often with banner headlines. The prominent position of the texts suggests the importance of the issue in current Romanian society. It leads to an almost Pavlovian reflex of readers to identify criminals with Roma even when the news or article does not mention the ethnicity of the criminal.

Presented below are a selection of examples of anti-Gypsyism in the media and public reactions to those articles from the month of March 2011.

March 1, 2011 the Objective of Vaslui publishes an article called, "Teenagers drugged by a gang for video-chat"<sup>121</sup>-the article suggests that the gangsters responsible for the crimes were Roma. Some of the comments:

'A dozen stinky crows manage to rule the city.' 'Offff, if Antonescu would have lived about ten more years to help us get rid of these filthy crows.'

'These people are scum, some filthy rude gypsies'

March 2, 2011 the newspaper Bistriteanu published the article, "Blackmail, harassment and deprivation of liberty for 80 Euros"<sup>122</sup> The article does not

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<sup>120</sup>[http://www.migrant.ro/file/pagesleft/3\\_migrantinromanianr1ptweb.pdf](http://www.migrant.ro/file/pagesleft/3_migrantinromanianr1ptweb.pdf), accessed on 25 August 2011

<sup>121</sup>

<http://www.obiectivdevaslui.ro/node/12317>, accessed 27 July 2011

specify the ethnic identity of the aggressor but the comments to the article clearly target Roma. Comments included:

'I would send you filthy, stinky gypsies back to India were you came from...to dungeons with all you gypsies.' 'Stinky crows, you deserve it!'

March 04, 2011 – the TV channel Antena 3 (the second most popular news channel in Romania) publishes on its website the news –“International King of Gypsies indicted for stealing electricity.”<sup>123</sup> Comments on their website included: 'Filthy gypsies (gypsy means thief, stinky, lazy, rude, criminal, scum).’ ‘They [Gypsies] cannot be integrated. They should be killed!’ ‘Why not bring a smart cop to shoot them in the head!’ ‘Repulsive gypsies, pure crows. The worst of scum, stinky Gypsies with foam at their mouths.’

### Examples of NGO Good Practice

In April 2010 **Active Watch - Press Monitoring Agency** launched an on-line tool to help disabled people to access information about employment.<sup>124</sup> This initiative is part of a national campaign aimed at informing stakeholders on the law on protection and promotion of the rights of the people with disabilities

## XI.ii The political and legal context

No legislative changes were made in 2010.

In May 2011 the Senate rejected a legislative proposal regarding journalism. The law had many flaws, among which:<sup>125</sup>

- journalism could be practiced only if one had a “book of journalism” and underwent periodical psychiatric examinations.
- the law was in contradiction with the Constitution, with the legislation of most EU countries and with the right to freedom of speech
- there was no consultation with representatives of mass media on this proposal
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Law no. 202/2002 regarding the equal treatment between men and women stipulates that information presented by media will respect equal chances and equal treatment between men and women.

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<sup>122</sup>[http://www.bistriteanul.ro/Santaj\\_agresiuni\\_si\\_lipsire\\_de\\_libertate\\_pentru\\_350\\_de\\_lei-1299053897535.html](http://www.bistriteanul.ro/Santaj_agresiuni_si_lipsire_de_libertate_pentru_350_de_lei-1299053897535.html), accessed 27 July 2011

<sup>123</sup><http://ziarero.antena3.ro/1299182839->

Regele international al tiganilor are dosar penal pentru furt de curent, accessed 28 July 2011

<sup>124</sup><http://www.activewatch.ro/stiri/Antidiscriminare/www-incluziune-activewatch-ro-noul-site-pentru-angajarea-persoanelor-cu-dizabilitati-247.html>, accessed on 25 August 2011

<sup>125</sup><http://www.activewatch.ro/stiri/FreeEx/Punct-de-vedere-asupra-proiectului-de-Lege-a-profesiei-de-jurnalist-301.html>, accessed on 25 August 2011

## XII. Political and legal developments in anti-racism and anti-discrimination

Post-March 2010 political developments in anti-racism reveal a gap between two contrasting policy approaches regarding Roma. On the one hand, strengthening the anti-discrimination trend through public sanctions given to politicians by official institutions such as the National Council for Combating Discrimination engaged politicians in a process of becoming more accountable for their racist deviations. On the other hand, the development of a strong anti-Gypsyism current was translated in the general support for the expatriation measures of the French government against Roma and in national legislative proposals with a strong racist content. The discourse articulated by politicians continued to be blatantly racist in 2010 and in early 2011 and managed to gain ground against civil society's efforts to curb anti-Gypsyism. Roma are portrayed as the scape-goat for the economic crisis, for the alleged alteration of the Romanian identity abroad and for the failure of Romania to become member of the Schengen area. Furthermore, the politicians' mobilised racist rhetoric in an opportunistic manner based on the general anti-Gypsyist sentiment throughout Romania aiming to gain popular support for the upcoming parliamentary elections in 2012.

Visible manifestations of the far right movement with an anti-Semitic character took place during the period covered by the report. The Great Romanian Party's<sup>126</sup> Secretary General, Gheorghe Funar, stated on June 15 2010 that the nationally recognised poet Mihai Eminescu was murdered by Jews. This baseless anti-Semitic statement triggered a strong reaction from the Ellie Wiesel Institute for the Study of Holocaust in Romania whose president shed light on the increase of anti-Semitism in the far right speech in Romania. No condemnation under the law that sanctions the public denial of Holocaust was made despite the fact that such statements occurred (ex. - professor Ion Coja's publications that deny the Holocaust).<sup>127</sup>

The most visible events of 2010 were the "voluntary"<sup>128</sup> mass expulsions of the Roma of Romanian and Bulgarian nationality settled in France. Official sources indicate that approximately 412 Roma were sent to Bucharest by the end of September 2010. According to Article 19(1) of the European Union Charter of Fundamental Rights,<sup>129</sup> collective expulsions are strictly forbidden. However, the official position of the European Commission condemning the violation of the freedom of movement of EU citizens did not stop French government from taking

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<sup>126</sup> Right wing party in Romania.

<sup>127</sup> <http://www.antisemitism.ro/ro/monitorizare-si-combatere/negationism/negationisti-romani.htm> , accessed on 9 August 2011

<sup>128</sup> Presumably all the Roma sent back to Romania and Bulgaria gave their consent while receiving a stipend for their departure.

<sup>129</sup> Charter of the Fundamental Rights of the European Union (2000/C 364/01), [http://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](http://www.europarl.europa.eu/charter/pdf/text_en.pdf), accessed 21 August 2011

rather short-term and inefficient<sup>130</sup> actions to dissipate Roma camps. But what actually raises concerns is that the mass expulsions of Romanian citizens of Roma origin from France did not generate the support of the Romanian population for the Roma forced to return but rather nurtured the general dissent towards the members of this minority. Romanian politicians refused to take responsibility for the failure of the Romanian integration policies which led partially to the migration of Roma towards west in search of better living conditions. The statements of the French president Nicolas Sarkozy denominating Roma camps as “sources of criminality”<sup>131</sup> are consonant with the position of many Romanian politicians such as the President, Traian Băsescu, Minister of Foreign Affairs, Teodor Baconschi, and MP Iulian Urban.

The political class took advantage of the anti-Gypsyism wave to promote radical racist speech and to propose legislative measures meant to separate the Roma from the general society. For instance, Silviu Prigoană – member of the Chamber of Deputies - submitted a legislative proposal<sup>132</sup> in September 2010 requiring a change in the terminology in official documents from Roma to Gypsy in order to overcome alleged confusions between Roma and Romanians Europe wide<sup>133</sup>. Such an approach builds on a generalised public hate towards Roma and reflects the inability of both politicians and general public to grasp the authentic meaning of citizenship. According to the supporters of this proposal, Roma are deprived of the Romanian citizenship, placed outside the society and reduced to a pejorative connotation. The proposal was rejected by the Ministry of Foreign Affairs, the National Roma Agency, the Inter-ethnic Relations Department, the Government's Secretariat General and the NCCD. A manifestation by NGOs against this initiative took place in late November and a formal complaint<sup>134</sup> against this proposal was addressed by the Roma civic organisations in Romania to the OSCE Summit in December in Kazakhstan. The motion was rejected in the Senate in early April 2011 but its effect proved to be rather long-term as it deepened the public negative attitudes towards Roma.

The Racial Directive (2000/43/CE) was transposed in the Romanian legislation through Ordinance no. 137/2000 regarding the prevention and sanctioning of all forms of discrimination enforced on August 31, 2000. This law was modified since

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<sup>130</sup>It was very difficult for the French authorities to keep track of the Roma who were sent back to Romania and Bulgaria. Most of them returned to other Western countries.

131 Amnesty International, *France must end stigmatization of Roma and Travellers*, 27 August 2010, <http://www.amnesty.org/en/news-and-updates/france-must-end-stigmatization-roma-and-travellers-2010-08-27>, accessed 21 August 2011

<sup>132</sup>Camera Deputatilor, Pl-x nr. 37/2011, *Propunere legislativă privind terminologia oficială utilizată pentru etnia țiganilor*, [http://www.cdep.ro/pls/proiecte/upl\\_pck.proiect?idp=11279](http://www.cdep.ro/pls/proiecte/upl_pck.proiect?idp=11279)

<sup>133</sup>Romanian Chamber of Deputies, [http://www.cdep.ro/pls/proiecte/upl\\_pck.proiect?idp=11279](http://www.cdep.ro/pls/proiecte/upl_pck.proiect?idp=11279), accessed 21 August 2010

<sup>134</sup><http://www.romanicriss.org/statement%20osce%20summit%20rom-tigan.pdf>, accessed on 9 August 2011

than though several documents,<sup>135</sup> the latest change was in 2009 in the form of Law no. 76/1 April 2009<sup>136</sup>. Romania is mentioned along with Belgium, Bulgaria, Cyprus, Hungary, Poland, Spain, and Sweden among the Member States that “chose not to restrict new anti-discrimination laws to the grounds found within the two Directives and have opted for a broader list of prohibited grounds (such as nationality which is explicitly not included in the scope of the Directives, health condition, colour, language, marital status).”<sup>137</sup> Furthermore, “in Romanian legislation it is considered an aggravating circumstance if a person is discriminated against on more than one ground”<sup>138</sup> and is among the few countries that “allow associations to engage in proceedings „on behalf of” victims.”<sup>139</sup>

Impact-wise the implementation raises concerns on the acknowledgement of discrimination by both public institutions<sup>140</sup> and average citizens. Denial of discrimination comes across as a symptom of the fact that the Equality Directives did not have a real impact at grass-roots levels. Such an effect could have been also enforced by the lack of efforts by the Romanian central authorities to develop information campaigns for the general public regarding these directives.<sup>141</sup>

The equality body did not prove to be very effective in contrast to the very powerful rising anti-Gypsyism trend. However, NCCD<sup>142</sup> made efforts publicly to condemn racist deviations of well known public figures and mostly politicians (in spite of a political blockage which forced the institution to work without a board

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<sup>135</sup>Law no 48/2002, Government Ordinance no 77/2003, Law no 324/2006 - ASTALOSZ, CsabaFerenc (coord.), *Raport privind implementarea Directivei rasiale în România*, Consiliul Național pentru Combaterea Discriminării, [www.cncd.org.ro/Files/?FileID=370](http://www.cncd.org.ro/Files/?FileID=370), accessed 23 August 2011

<sup>136</sup> Legea 76 din 1 aprilie 2009 (Legea 76/2009) pentru aprobarea Ordonanței de urgență a Guvernului nr. 75/2008 privind stabilirea de măsuri pentru soluționarea unor aspecte financiare în sistemul justiției, publicat în Monitorul Oficial 231 din 8 aprilie 2009 (M. Of. 231/2009), [http://www.legestart.ro/Lege-nr-76-din-2009-\(Mz14Nzk2\).htm](http://www.legestart.ro/Lege-nr-76-din-2009-(Mz14Nzk2).htm), accessed on 9 August 2011

<sup>137</sup>Implementation of EU anti-discrimination law in the Member States: a comparative approach, [http://www.era-comm.eu/oldoku/Adiskri/01\\_Overview/2011\\_04%20Chopin\\_EN.pdf](http://www.era-comm.eu/oldoku/Adiskri/01_Overview/2011_04%20Chopin_EN.pdf), p. 1, accessed 22 August 2011

<sup>138</sup>Ibidem, p. 5.

<sup>139</sup>Ibidem, p. 7.

<sup>140</sup>The Romanian National Employers representative denied in an interview taken by FRA that discrimination raises issues when it comes to employment. - Fundamental Rights Agency, The impact of the Racial Equality Directive. Views of trade unions and employers in the European Union, November 2010, <http://fra.europa.eu/fraWebsite/attachments/FRA-report-racial-equality-directive-EN.pdf>, p. 38, accessed 23 August 2011

<sup>141</sup>Ibidem, p. 68.

<sup>142</sup>The National Council for Combating Discrimination is an independent governmental agency under parliamentary control. The NCCD guarantees the application of the non-discrimination principle according to the current national legislation (the founding document is Government Ordinance no 137/2000) and sanctions any form of discrimination on the basis of official complaints and the self-referral mechanism. Victims of discrimination can file complaints to both the equality body and to civil courts simultaneously..This possibility generates difficulties to both institutions - Isabelle Chopin, ThienUyen Do, Developing Antidiscrimination Law in Europe. The 27 EU Member States, the Former Yugoslav Republic of Macedonia and Turkey compared, European Network of Legal Experts in the non-discrimination field, November 2010, <http://www.non-discrimination.net/content/media/Comparative%20EN%2017052011.pdf>, p. 67, accessed 22 August 2011

for eight months). The liberal MP Iulian Urban was admonished by the National Council for Combating Discrimination in June 2010 for his anti-Gypsyist declarations on his blog. The Foreign Affairs Minister, Teodor Baconschi, received an official notice regarding his anti-Romani statements in early 2010. Still, NCCD did not sanction him based on the justification that his racist intentions could not be proven. In comparison to the Office of Ombudsman – which was qualified by Roma NGOs as completely unable to address the issues raised in this area – the NCCD received 478<sup>143</sup> petitions (less than in 2009 when the total number of complaints was 528). However, compared to 2009, the cases where discrimination was found in 2010 doubled reaching 14%.<sup>144</sup> Because of constitutional restrictions, the NCCD cannot tackle discrimination induced by legislative acts.<sup>145</sup>

Romania is specified, in a study released by the European Network of Legal Experts in the non-discrimination field, among the countries that included positive measures in their anti-discrimination legislation.<sup>146</sup> Such measures mainly have an educational component and refer to quotas in universities (for further details on this issue see the chapter on education).

As specified above, civil society was very active in denouncing the instances of racist deviations in political discourse and took strong positions against them through public demonstrations, official petitions and letters to the European Commission, the OSCE, and the UN. Romani Criss expressed its concern towards the shallow process undertaken by the Romanian government in developing a National Roma Strategy through an official letter to the European Commission.<sup>147</sup> In this letter the NGO denounced an unprofessional approach and the lack of a genuine commitment of the National Agency for Roma to develop a strategy based on authentic consultation with civil society. Reactions from civil society were also triggered by the Roma expulsions, by MP Silviu Prigoană's legislative proposal, as well as by the Romanian president's statements in Slovenia in November 2010 qualifying Roma as “delinquents.”<sup>148</sup>

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<sup>143</sup>Number of petitions pertaining to racial discrimination: 6 - religious grounds, 42 - nationality, 55- ethnicity.

<sup>144</sup>Consiliul Național pentru Combaterea Discriminării, *Raport anual* 2010, [http://www.cncd.org.ro/files/file/RAPORT%202010\\_web1.pdf](http://www.cncd.org.ro/files/file/RAPORT%202010_web1.pdf), p. 25, accessed 24 August 2011

<sup>145</sup>Isabelle Chopin, Thien Uyen Do, Op. cit., p. 94 – Decision 997 of the Romanian Constitutional Court, 8 October 2008

<sup>146</sup>Isabelle Chopin, Thien Uyen Do, Op. cit., p. 60.

<sup>147</sup>Romani Criss, *EU Framework for National Roma Integration Strategies and the Romanian context*, Bucharest, March 31<sup>st</sup> 2011, <http://www.romanicriss.org/Letter%20EC%20National%20Strategies%20for%20Roma.pdf>, accessed 24 August 2011

<sup>148</sup><http://www.ziare.com/basescu/presedinte/declaratiile-lui-traian-basescu-cu-privire-la-rromi-sunt-rasiste-sustine-activewatch-1053515>, accessed on 9 August 2011

### XIII. Migration and integration

Migration is a phenomenon that will continue to exist as long as there are discrepancies in terms of wealth and development between different regions.

In Romania, the legal framework dealing with immigration is inconsistent and full of ambiguities. In the absence of a clear government policy to establish basic principles in this area both in terms of emergencies and harmonisation of standards as requested by the European Union, the legislative process is plagued by paradoxes and confusion. During 2010/ 2011, the Aliens Regime in Romania did not suffer major changes. There is little interest showed in this area by the government and as a result, the integration is, at best, a slow process.

#### Statistics

Romania is a country characterised by both migration and immigration. According to the World Bank,<sup>149</sup> in 2010, the number of Romanian migrants working abroad was approximately 2.8 million- migrant category of active population (aged 15 to 64). Considering the whole population of Romania, the above figures suggest that approximately 10% of Romanians are migrants, especially in Italy and Spain. The common profile of Romanian migrant workers is construction worker for men and domestic service worker for women.

Due to the economic crisis and bad policies since 2009, the Romanian migrant typology has changed (professional, highly skilled in areas such as IT, health, technical) and new destinations (like Canada, Britain, America, France, USA) have emerged.<sup>150</sup> According to the National Commission for Prognosis, at the end of 2010, although the Romanian migration was 10% of the total population, legal migration stood at 0.3%. There are many reasons for this and one of them experts think is linked to the significant reductions<sup>151</sup> in Romanians salaries introduced by the new legislation.<sup>152</sup>

However, in recent years, although Romania has maintained, to large extent, the character of a state in transition without fully developed institutions, it began to become increasingly a country of destination. Compared to the end of 2009<sup>153</sup> in

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<sup>149</sup>World Bank, <http://data.worldbank.org/country/romania>. Other statistics, such as mid- 2010 published by the Organisation for Economic Cooperation and Development (OECD), in one of the releases report on immigration in the EU show that there are approximately 2. 5 to 2.7 million Romanian migrants working, accessed 14 August 2011.

<sup>150</sup>Sandu Dumitru, *Lumile sociale ale migrației românești în străinătate*, 2010, Polirom, Iași

<sup>151</sup>Low no. 118/ 2010 concerning certain measures in order to restore budgetary balance, published in the Official Gazette, part I, no. 441, June 30, 2010. The law aims to reduce by 25% of the salaries of budgetary employees and recalculation of pension categories.

<sup>152</sup>[http://www.cnp.ro/user/repository/prognoza\\_2010-2014\\_varianta\\_de\\_toamna\\_2010.pdf](http://www.cnp.ro/user/repository/prognoza_2010-2014_varianta_de_toamna_2010.pdf), accessed 14 August 2011

<sup>153</sup>According to ROI report, in 2009 there was a number of 59062 foreigners with legal residence, which 49406 had a tooth as a temporary residence and 9656 had permanent residence, [http://ori.mai.gov.ro/api/media/userfiles/InfoStat\\_Octombrie\\_2009\\_text.pdf](http://ori.mai.gov.ro/api/media/userfiles/InfoStat_Octombrie_2009_text.pdf), accessed 14 August 2011



September 2010<sup>154</sup> there was a growing trend (35%) regarding foreign citizens legally residing on the territory of Romania. According to the Romanian Office for Immigration report (ROI), the main purposes for which foreigners have established temporary residence in Romania are linked to family reunification,<sup>155</sup> education<sup>156</sup> (students that are coming in Romania for studies) and business<sup>157</sup>.

Romanians also emigrate to work, and this time, Romania's economic situation reflected by the economic and financial crisis, shows a drastic decrease in immigration for work and the number of work permits issued to third country nationals.<sup>158</sup> Therefore, in early 2011 over half of immigrants were family members of a Romanian citizen<sup>159</sup> and approximately 10% of them arrived in Romania to be with their family, one-third came to study and lastly there are immigrants who chose Romania looking for a job (below 15%), less than 5% of the immigrants in Romania are business owners.<sup>160</sup>

Another category of migrants that should be considered is that of asylum seekers and those who obtained a form of protection in Romania. The number (around 1000 persons) and profile of these people according to the UNHCR has remained largely unchanged in 2011, as compared with 2009.<sup>161</sup>

As of January 2011<sup>162</sup> there were some 1,021 refugees residing in Romania, 388 asylum seekers, 321 stateless persons and 1,730 total population of concern; they come from countries such as Iraq, Iran, Palestine, the Congo or Turkey.

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<sup>154</sup>According to ROI report, in 2010 there was a number of 58424 foreign citizens with legal residence, which 48300 with temporary seating and 10124 with permanent residency, [http://migrant.ro/news.php?idd=296&cat\\_id=1&lang\\_id=3](http://migrant.ro/news.php?idd=296&cat_id=1&lang_id=3), accessed 16 August 2011

<sup>155</sup>In 2009 the number of foreigners connected to family reunification was 21239 versus september 2010 when the number of them was 25057.

<sup>156</sup>In 2009 the number of foreigners connected to Romanian studies was 11616 versus september 2010 when the number of them was 6951.

<sup>157</sup>In 2009 the number of foreigners connected to Romanian business was 2164 versus september 2010 when the number of them was 1727.

<sup>158</sup>According to the RIO and the Ministry of Labour, Family and Social Protection, in November 2010 there were 2528 issued work permits compared with 2009 (3959 work permits) and during January- April 2011 there were a total of 834 work permits, with 5.01% less than the same period last year. Of the 834 licenses, most were issued to citizens of China 167 (20.02%), Turkey 132 (15.83%) and the Philippines 112 (13.43%). In early 2011, although the number of work permits issued to women is only 25.90%, the evolution of their number to the same period of 2010 is upward, marking a growth of 45.95%. This development is closely linked to the increasing number of governance for which work permits were issued (98.97% of governments are women).

<sup>159</sup>Most immigrants with family reunification are women from countries in the Middle East, Turkey, China or citizens of Moldova and a very small percentage of the category first-degree relatives, the elderly or minor children of aliens.

<sup>160</sup><http://ori.mai.gov.ro/detalii/pagina/ro/Fondul-Europeean-pentru-Integrare/182>, accessed 16 August 2011

<sup>161</sup>According to UNHCR Statistical YearBook 2009, at the end of 2009, in Romania there were 1069 refugees, 398 asylum seekers and 306 stateless persons; Source: <http://www.unhcr.org/4ce5327f9.html>, accessed 20 August 2011

<sup>162</sup><http://www.unhcr.org/pages/49e48df96.html>, accessed 16 August 2011

## Integration framework

In an attempt to give foreigners equal rights within the host country, during 2010/2011, the Law no. 122/2006 on Asylum in Romania underwent some changes, but without a major impact on the integration process. Legislation remains cumbersome and rigid, leading to limited integration of foreigners in Romanian society.<sup>163</sup> Most times, the level of integration remains only at the level of rhetoric. Law no. 122/2006 on asylum in Romania has been amended and changes introduced.<sup>164</sup> The new regulation refers to asylum seekers obligations and rights and also to family reunification<sup>165</sup> without a major influence on the practicalities of integration.

Following these legislative changes, several NGOs in Romania<sup>166</sup> proposed to publish a discussion document with proposals and suggestions for improving the legislation focused on foreigners.<sup>167</sup> As a result of the proposals which amended and supplemented the EGO no. 194/2002 on the regime of foreigners in Romania, published on the website of the Ministry of Administration and Interior (March 2011)<sup>168</sup>, NGOs called for a public debate on the draft legislation (according to Art. No. 6 (7) of Law no. 52/ 2003 on decisional transparency in public administration<sup>169</sup>) in order to ensure the transposition of the EU *acquis communautaire* in the field (in particular Directive no. 115/2008).

Problems remain in terms of the legislation regulating asylum seekers and refugees and its implementation. For example, although the definition of a refugee is consistent with the Geneva Convention, that of the refugee family is

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<sup>163</sup>[http://www.dreptonline.ro/legislatie/legea\\_280\\_2010\\_modificarea\\_legii\\_122\\_2006\\_azilul\\_romania.php](http://www.dreptonline.ro/legislatie/legea_280_2010_modificarea_legii_122_2006_azilul_romania.php), accessed 16 August 2011.

According to the new regulations, if the applicant does not have the material resources required for the payment of a fee for issuance or extension of a temporary identity document, they are exempt from payment of such fee. In addition, the new regulations include that in order to receive free medical assistance, access to the labour market or access to compulsory school education (for asylum seekers minors), the Romanian Immigration Office may assign the asylum seeker applicant a personal code number inscribed on a temporary identity document. Also, if the refugees or the beneficiaries of a subsidiary protection are abroad and their documents for travel are no longer valid, these kind of documents will be issued by diplomatic missions and consular posts (30 days validity) only for return to a country.

<sup>164</sup>In the Official Gazette, Part I, no. 888 of 30 December 2010 was published Law. 280/2010 amending and supplementing Law no. 122/2006 on asylum in Romania; [http://www.dreptonline.ro/legislatie/legea\\_280\\_2010\\_modificarea\\_legii\\_122\\_2006\\_azilul\\_romania.php](http://www.dreptonline.ro/legislatie/legea_280_2010_modificarea_legii_122_2006_azilul_romania.php), accessed 16 August 2011

<sup>165</sup><http://www.juridice.ro/139040/modificarea-legii-privind-azilul-in-romania.html>, accessed 14 August 2011

<sup>166</sup>Association of Romanian Forum for Refugees and Migrants (ARCA), The Romanian National Council for Refugees Foundation (CNRR), Save the Children Romania Association, Association of Romania Jesuit Refugee Service (JRS Romania), Soros Foundation.

<sup>167</sup><http://www.jrsromania.org/docs/Propuneri%20si%20sugestii%20regimul%20strainilor%20in%20Romania.pdf>, accessed 17 August 2011

As general problems were mentioned: the proposal to establish a single competent to judge on appeals (with the proposal to establish the material competence of the courts, which are instances of substantive administrative court)- thus, you can create preconditions that in future cases concerning foreigners (asylum and migration) to be tried by special courts to complete these materials; the need for transposition and adaptation of concepts / concepts / procedures provided by the European legislation, especially the common standards and procedures in immigration; terminological linking national provisions on aliens in Romania.

<sup>168</sup><http://ori.mai.gov.ro/api/media/userfiles/ORDONANTA%20DE%20URGENTA%20nr194%20din%202002%20actualizata.pdf>, accessed 18 August 2011

<sup>169</sup>[http://www.cdep.ro/pls/legis/legis\\_pck.act\\_text?id=40022](http://www.cdep.ro/pls/legis/legis_pck.act_text?id=40022), accessed 20 August 2011

very restrictive. Only legally married spouses and single minor children are regarded as members of a family for the purposes of family reunification. In 2010, the European Commission against Racism and Intolerance (ECRI) reported that persons who have received 'humanitarian' status are not entitled to family reunification.<sup>170</sup> Moreover, the legislation contains a few contradictory provisions, since a parent who has received refugee status is entitled to be joined by his or her children, while his or her family can not join an unaccompanied minor.<sup>171</sup>

The ECRI report explains that, the asylum application procedure is very short: although the law on foreigners entitles asylum seekers to lodge an appeal with suspense effect, they are required to leave Romania within 15 days of their application being rejected. Yet, although the law entitles asylum seekers to legal aid, the Romanian authorities have not set up any system to that end. Moreover, as interpreters are required to register with the Ministry of Justice, it is hard to find people who are able to speak languages of some of those seeking refuge in Romania.<sup>172</sup>

There are other items that are not compatible with the respect for the principles of liberty, democracy and human rights and fundamental freedoms. The Asylum Law does not contain provisions on the detention of asylum seekers and refugees.<sup>173</sup> According to the Jesuit Refugee Service Europe Report (JRS Europe) from March 2010, Romanian asylum legislation has inconsistencies and there are flaws in the State's law, policies and practice resulting in destitution (example: access to health care free of charge is limited to emergency health care, this often results in a weak mental and physical health condition for third-country nationals and finally to social exclusion). Romania shows zero tolerance towards non-citizens declared to be 'undesirable'.<sup>174</sup> The ECRI report states that last year, an increased number of people without a solution for the future requested the assistance of NGOs. This strained the organisation's resources as they provided temporary accommodation and support. The state has no possibility to accommodate these people due to the lack of legislative regulations and the necessary infrastructure.<sup>175</sup>

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<sup>170</sup>Ireland Refugee Documentation Center, July 2010, *Romania: Information on the asylum system in Romania; entitlements and rights of asylum seekers and refugees; societal attitudes towards asylum seekers and refugees; conditions of reception centres; whether there is administrative detention; access to counselling and advice; integration of refugees into society*, <http://www.unhcr.org/refworld/docid/4c4d2cc72.html>, accessed 17 August 2011

<sup>171</sup>*Alternatives to detention. Amicus curiae: Call for action accessory*, JRS Romania, April 2010, [http://www.jrsromania.org/docs/Amicus\\_Curiae.pdf](http://www.jrsromania.org/docs/Amicus_Curiae.pdf), accessed 17 August 2011

<sup>172</sup>On this point, the UNHCR is co-operating with NGOs to provide asylum seekers with legal aid and access to interpreters.

<sup>173</sup>However, article 17, paragraph 6, of the Asylum Law provides that for reasons of public interest, national security, public order, health, public morals or the protection of the rights and freedoms of other persons, the Romanian Immigration Office can designate a place of residency for the entire duration of the refugee status determination procedure.

<sup>174</sup>*Living in Limbo, Forced Migrant Destitution in Europe*, March 2010, Brussels, JRS Europe

<sup>175</sup><http://www.unhcr.org/refworld/docid/4c4d2cc72.html>, accessed 14 August 2011

In another report of European Union Agency for Fundamental Rights (FRA) in 2010, irregularities are reported in regard to the Romanian legal practice of transposing the European Directive on Asylum.<sup>176</sup> Issues such as: how asylum seekers learn about the decision,<sup>177</sup> translation of the decision,<sup>178</sup> practical obstacles to submit an appeal,<sup>179</sup> legal assistance,<sup>180</sup> remain problematic.

The Migrant Integration Policy Index (MIPEX) also covers the integration of foreigners also. Romania was included for the first time in the third edition.<sup>181</sup> Results released in early 2011 show that: legislation includes an almost equal number of opportunities and hindrances for the migrants that wish to become members with equal rights in the host society. In general, migrant workers,<sup>182</sup> reunited families and long-term residents are entitled to security, fundamental rights and protection against discrimination.<sup>183</sup> In regard to the access to citizenship, Romania ranks low. While in terms of long term residence, Romania comes close to the European average, as far as the access to citizenship,<sup>184</sup> education, political and civic participation is concerned, the rankings are among the lowest. For instance, there is no clear procedure for obtaining citizenship. Furthermore, the so-called 'law of blood' is effective in Romania: being born on Romanian territory is not enough for foreign children to be given Romanian citizenship.

In Romania's efforts to align with EU requirements on foreigners' integration policy a National Strategy on Immigration for the period 2011/2014 was adopted named "Migration is a process that must be managed and not a problem to be solved."<sup>185</sup> The document sets guidelines and objectives to be attained at the national level in respect to regulated immigration, prevention and combating illegal immigration, asylum, and integration of foreigners in Romanian society.<sup>186</sup>

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<sup>176</sup>FRA Thematic Report- *Access to effective remedies: The asylum-seeker perspective*, September 2010

<sup>177</sup>Irregularities of Asylum Procedures Directive Article 91- Asylum seekers raised the fact that they were asked to sign the receipt of written documents without understanding that it was a negative asylum decision (FRA 2010 report).

<sup>178</sup>Irregularities of Asylum Procedures Directive Article 10.1(e)- Applicants had to pay a professional interpreter for the translation of the negative decision as they did not have any other option (FRA 2010 report).

<sup>179</sup>Irregularities of Asylum Procedures Directive Article 39.1- Applicants shared their difficulties in obtaining documents they were requested to submit in order to support their claim (FRA 2010 report).

<sup>180</sup>Irregularities of Asylum Procedures Directive Article 10.1(a) 1- The applicants information provision is part of broader projects in the field of legal or social counseling (FRA 2010 report).

<sup>181</sup><http://www.mipex.eu/Romania>, accessed 14 August 2011

<sup>182</sup>According to MIPEX III, migrant workers coming to Romania have fairly generous legal opportunities to make an economic contribution and benefit from employment conditions that are equal to those of Romanian citizens.

<sup>183</sup>According to MIPEX III, all residents in Romania, irrespective of their ethnic origin, religion, race or nationality, are protected by better laws than in most of the countries in the region.

<sup>184</sup>According to The National Authority for Citizenship, in September 2010, a number of 443 foreigners have become new Romanian citizens, [http://www.just.ro/Sections/PrimaPagina\\_MeniuDreapta/TotuldespreCet%C4%83%C5%A3enie/Cet%C4%83%C5%A3enie/Depunerejuramant/tabid/589/Default.aspx](http://www.just.ro/Sections/PrimaPagina_MeniuDreapta/TotuldespreCet%C4%83%C5%A3enie/Cet%C4%83%C5%A3enie/Depunerejuramant/tabid/589/Default.aspx), accessed 16 August

<sup>185</sup>Government Approved no. 498/2011, published in: Official Gazette no. 501 of July 14, 2011, <http://ori.mai.gov.ro/detalii/pagina/ro/Legislatie-nationala>

<sup>186</sup>Social integration of foreigners with legal residence is strategic objective no. 5 of the National Immigration Strategy 2011-2014 and is operationalised in three specific objectives as follows: 5.1. Incorporating aspects

In theory, general and specific objectives to implement the National Strategy on Immigration 2011/ 2014, reflect the 11 Common Basic Principles on Integration.

In 2010/2011 the Romanian Office of Emigration (ROI) started a series of projects for the integration of foreigners in Romania financed by the European Refugee Fund and the European Integration of Third Country Nationals on issues such as: improvements in regional ROI centers, and providing recreational and sporting facilities in reception centers.<sup>187</sup> Romanian authorities still depend largely on the UNHCR, NGOs, the European Union and other governments to finance programmes for asylum seekers and refugees. NGOs worry about the possible departure of these organisations or governments' financial aid and the possibility that the Romanian authorities will not take over their work. This is the case, for example, with language course programmes and programmes that were designed to help refugees enter the labour market.

Other changes of legislation regarding migration in Romania during 2010/ 2011 occurred in regard to the educational policy that encourages foreigners to come and study in Romania<sup>188</sup> and regulations on the regime of foreigners in Romania (the introduction of a specific sanction on small border traffic regime)<sup>189</sup>. The cooperation in the migration and asylum sector between ministry's such as: the cooperation protocol between the Ministry of Education, Youth and Sport of Romania and the Ministry of Republic of Moldavia (on scholarship for students from Republic of Moldavia), partnership between Romanian Government, UNHCR and Romanian Immigration Office (on humanitarian aid and protection and assistance for refugees) and a convention between Ministry of Administration and Interior of Romania and the Ministry of Internal Affairs of the Republic of Bulgaria (on practical ways to apply the EC Regulation no. 343/ 2003 in order to determinate the member state responsible for examining an asylum application)<sup>190</sup> were also introduced.

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of integration in all other relevant policy areas; 5.2. Increasing the participation of foreigners with legal residence in Romania in the activities specific facilitation of their integration into Romanian society; 5.3. Creating an environment to facilitate the integration of oreigners. [http://www.mai.gov.ro/Documente/Transparenta%20decizionala/Anexa\\_Strategie%20imigratie.pdf](http://www.mai.gov.ro/Documente/Transparenta%20decizionala/Anexa_Strategie%20imigratie.pdf), accessed 18 August 2011

<sup>187</sup><http://ori.mai.gov.ro/detalii/pagina/ro/Fondul-European-pentru-Refugiai/181>

<sup>188</sup>Cooperation Protocol between the Romanian Ministry of Education, Youth and Sports and the Ministry of Republic of Moldova for academic 2010-2011 year. Approximately 14,000 students from Moldova are studying in Romania and the number continues to grow. For 2010- 2011 Romania offered initially 2150 scholarship with an additional 2850 scholarships. It should be noted that the total grants awarded this year (5000) is the largest number of scholarships offered. [http://www.crpe.ro/library/files/crpe\\_pm\\_19\\_ro\\_md\\_cum\\_am\\_folosit\\_fereastra\\_de\\_opportunitate.pdf](http://www.crpe.ro/library/files/crpe_pm_19_ro_md_cum_am_folosit_fereastra_de_opportunitate.pdf), accessed 18 August 2011

<sup>189</sup>OUG no. 12/2010 for completing Government Emergency Ordinance no. 194/2002 on the regime of foreigners in Romania, published in the Official Gazette, Part I no. 136 of March 1, 2010, [http://www.dreptonline.ro/legislatie/oug\\_12\\_2010\\_completare\\_oug\\_194\\_2002\\_regimul\\_strainilor\\_Romania.p hp](http://www.dreptonline.ro/legislatie/oug_12_2010_completare_oug_194_2002_regimul_strainilor_Romania.p hp), accessed 14 August 2011

<sup>190</sup>[www.legestart.ro](http://www.legestart.ro), accessed 19 August 2011; 1. Resolution no. 91 of February 2, 2011 approving the Protocol of cooperation on migration and asylum between the Romanian Ministry of Interior and the Ministry of Internal Affairs, signed on Chisinau on 15 October 2010, published in Official Gazette no. 107, 10 February 2011;

## NGO Good Practice

**JRS Romania**, a non-profit organisation, has created accommodation (**PedroArrpupe Center**) for refugees who are in vulnerable situations and ensures that they can enjoy basic rights. The Accommodation Center has 16 places, and is generally overcrowded, reflecting the lack of alternatives provided by the State for this group. During 2010, 70 people were housed there (68 were men) for a period between one month and six months.<sup>191</sup> Also, JRS offered Romanian language courses, geography and history, computer courses, informal education and cultural orientation sessions, health assistance, social assistance (on labor market), juridical assistance for the foreigners that have difficulty in relationships with both authorities and local population because of language barriers, and because of cultural differences.

During March to July 2010, JRS Romania supported the Council of Europe campaign in Romania '**Say No to Discrimination**'.<sup>192</sup> JRS Romania produced 50 posters in an anti-discrimination campaign focused on foreigners coming to Romania.

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2. Resolution no. 147 of 23 February 2011 for administrative approval of the Convention between the Ministry of Interior of Romania and the Ministry of Internal Affairs of the Republic of Bulgaria on practical ways to apply simplified Regulation (EC) no. 343/2003 of 18 February 2003, signed at Sofia on September 23, 2010, published in Official Gazette no. 155 of March 3, 2011;

3. Agreement of March 2, 2011 framework for cooperation between the Romanian Government and the Office of the United Nations High Commissioner for Refugees, published in Official Gazette no. 543 of August 1, 2011- the purpose of this Agreement is strengthen and establish long term partnership between the Government and UNHCR, humanitarian aid and protection and assistance to refugees.

<sup>191</sup><http://www.jrsromania.org/>, accessed 16 August 2011

<sup>192</sup> European campaign, which took place in the other 46 member states of the Council of Europe, warned that the fight against discrimination and promoting intercultural dialogue is the responsibility both collective and individual.



## **XIV. National recommendations**

### **Employment**

- Link educational programmes for children and youth with employment programmes for adult parents and families.
- Include an employability component in educational programmes targeting Roma youth.
- Monitor the way employees are informed of their rights as well as the way institutions report discrimination, and centralise information regarding the employers that do not respect employee rights.
- Address long-term employment with new policies, such as the creation of jobs by means of socially responsible economic policies.
- Allocate resources to provide legal support for immigrant workers in order to complete all the needed procedures to work legally in Romania.

### **Housing**

- A national policy for building social houses should be in place, together with annual budgetary allocations. Structural funds, especially ERDF, can ensure a large portion of necessary resources.
- Clear regulations regarding forced evictions should be in place. Development should be achieved based on a respect for basic human rights. Enforcement mechanisms and bodies should also be established.
- The issues of Roma ghettos should be higher on the public and political agenda. Serious debates, consultations and studies on these communities should be the basis of future action.

### **Education**

- Increase cooperation between institutions and NGOs to monitor education for the categories at risk.
- Continuing the implementation of the school mediators programme as well as ensuring that each school has a school-counsellor.
- Promotion of partnerships between schools and NGOs to implement extra-curricular activities and non-formal education programmes in order to make education more attractive and develop children's pro-social skills and attitudes.
- Mandatory training on intercultural communication, anti-discrimination, equal opportunity and social inclusion for teachers both during their initial training stage and during their continuous training.
- Develop a clear system for sanctioning discrimination in schools.

## **Health**

- Close monitoring of the decentralisation process, in order to prevent and address difficulties encountered by the local administration in receiving and integrating health mediators within their structures.
- Ministry of Health should collect data disaggregated by ethnicity, age, and sex, in order to better address and tailor policies.

## **Criminal justice**

- Creation of a comprehensive mechanism to monitor racial violence.
- Encourage pilot projects and initiatives to prevent and combat racial violence.

## **Access to goods and services**

- A better monitoring of the discrimination in access to public spaces and several other services.
- Address discrimination in access to housing, employment and health.
- Training of public servants related to discrimination in access to services.

## **Media**

- Raising awareness on the influence of discriminatory messages in media.
- Stimulate a stronger reaction of civil society and legislative bodies against discrimination in media.

## **Anti-racism and anti-discrimination**

- Thorough application of the legislation in force and the development of a system of control for the proper enforcement coordinated by watch dog NGOs.
- Stimulate the accountability of politicians and public leaders through visible sanctions for racist speeches.
- Improve the consultation process in developing the national Roma strategy and other relevant papers for minorities and limit the monopoly of public institutions in taking over the process in a shallow manner.

## **Migration and integration**

- Encourage migrants to speak for themselves.
- Improve national asylum standards.
- Create policies that help to keep migrant families together.
- Change migration statuses that prevent social inclusion, such as “toleration statuses” in Romania, getting governments to recognise the basic rights of migrants.



## **XV. Conclusion**

The economic crisis in Europe and Romania has led to an increase of anti-Gypsyism, especially in political discourse and the media. Against the background of budget cuts that directly affect jobs and the social welfare system, the discrimination against Roma in employment continues to be a very serious issue in Romania. The percentage of Romanian companies that are willing to hire Roma is very worrying, as well as the wage gap between Roma and non-Roma. Romanian politicians need to be held accountable for their discriminatory speeches. The Roma are scapegoats for the economic crisis and for the bad image of the country. Jews and Hungarians also should be mentioned as victims of discriminatory speech by the politicians. This is a hot issue not only in Romania, but also in countries like France or Italy, where politicians make discriminatory statements related to Romanian migrants. Discriminatory news media related to Roma is usually on the front page. anti-Gypsyism is strongly promoted, while reactions against it are sporadic.

The National Council Against discrimination, together with important human rights NGOs, played an active role in combating discrimination during the reporting period. Although discriminatory articles were sanctioned, the impact of these actions was not enough to stop this phenomenon. Civil society was also active in condemning discriminatory statements made by public figures, but again this was not enough.

Stronger action by civil society, along with the NGOs, in an effort to combat discrimination and enforce national and European legislation, is strongly needed in Romania in order to achieve long term results.

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## **Annex 1: List of abbreviations and terminology**

CIA - Central Intelligence Agency

ECHR - European Court for Human Rights

ECRI - European Commission against Racism and Intolerance

EU - European Union

FRA - Fundamental Rights Agency

JRS - Jesuit Refugee Service

MIPEX - Migrant Integration Policy Index

MP - Member of the Parliament

NCCD - National Council for Combating Discrimination

NGO - Non-governmental Organisation

ROC - Romanian Orthodox Church

ROI - Romanian Office of Emigration

UNHCR - United Nations Refugee Agency

