



## **Discrimination of Roma Communities Romania National Report**

Workstream 1 Report NET KARD Project

Drafted by the national partners:



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*With financial support of Fundamental Rights and Citizenship Programme of the European Union  
Project Code Number: JUST/2012/FRAC/AG/2848*

## **Contents**

**Foreword**

**Chapter 1: Description of the context of the Roma minority in Romania**

**Chapter 2: The Romanian legislation in the field of non-discrimination and its implementation**

- 2.1. Legislation in the field of non-discrimination**
- 2.2. Implementation of the legislation in the courts and in the administrative field**
- 2.3. Jurisprudence on Roma**

**Chapter 3: Data on the situation of discrimination against the Roma minority**

- 3.1. Fields where discrimination occurs**
- 3.2. Obstacles that Roma face in protecting their rights to non-discrimination. Needs and proposals for a better use of the existing legislation and redress mechanisms**
- 3.3. Recommendations for improving the legal assistance services and the education regarding legal issues in the field of human rights in general and non-discrimination of the Roma in particular**

**Chapter 4: Public and private organizations which address discrimination against the Roma minority**

**References**

## Foreword

This report has been drafted within the **NET-KARD project** which is financed in the framework of the Fundamental Rights and Citizenship Programme of the European Union (DG Justice). In an integrated approach, the main aim of NET-KARD project is to provide resources to key professionals in preventing discrimination against the Roma as well as to foster networking mechanisms and working methodologies among these key agents in the fight against discrimination and support for victims, namely: lawyers and jurists, police services, Roma associations and media professionals.

The aim of this national report is to provide an overview about the situation of Roma in Romania, the legislative framework to combat discrimination, the reports and data available on this issue, and the public and private organizations working in the field of the equality of treatment, and more specifically, the fight against the discrimination of Roma.

The Romanian partners of the project are: Fundatia Secretariatul Romilor and Centrul de Resurse Juridice (Center for Legal Resources).

**Fundatia Secretariatul Romilor (FSR)** was established by Fundacion Secretariado Gitano (FSG) in 2009. FSG is the unique founder of the FSR.

The aim of the foundation consists in the integral promotion of the Roma community starting from recognizing and supporting its cultural identity, as well as other people and collectivities in situations of vulnerability and social exclusion.

The objectives of FSR are:

- To promote the full incorporation of the Roma and other persons and collectivities in situations of vulnerability and social exclusion in the Romanian society;
- To encourage the participation and active involvement of Roma and other people and communities in situations of vulnerability or social exclusion in order to develop their living standard;
- To improve the public image of the Roma population and other persons and collectivities in situations of vulnerability and social exclusion, and to disseminate their cultural values in the society;
- To collaborate with persons, associations, NGOs, platforms and organizations both public and private acting to promote the Roma community and other persons and collectivities in situations of vulnerability and social exclusion;
- To develop programs in the area of education, health, housing employment, youth, and in all areas that can contribute to improving the living conditions of Roma communities, and other people who are in situations of vulnerability or social exclusion;
- To provide information, training, guidance and assistance to associations, administrations and all entities that are interested in Roma issues and other persons and collectivities in situations of vulnerability and social exclusion;
- To implement measures and awareness campaigns with the general objective of identifying the structural causes of inequality;
- To defend and support the interests of the Roma population and other persons and collectivities in situations of vulnerability and social exclusion, both at national and international level.

At the end of March 2013, Fundatia Secretariatul Romilor has ended a transnational project: "Roma families get involved". The project was funded by the European Commission and took place in four EU countries: Spain, Hungary, Romania and Bulgaria. Through this project a methodological tool was created in order to help professionals-experts whose work involves Roma families in the educational processes of their children.

**The Centre for Legal Resources (CLR)** is a non-governmental organization which actively advocates for the establishment and operation of a legal and institutional framework that safeguards the observance of human rights and equal opportunities, free access to fair justice and which contributes to the capitalization of its legal expertise for the general public interest.

CLR Programs focus on two strategic areas: promoting the rule of law (public integrity, promotion of strategic litigation) and human rights (anti-discrimination and the promotion of the rights of persons with mental disabilities).

All programs include monitoring and research work, advocacy and lobbying, training, boosting institutional capacity for NGOs, strategic litigation, all of them implemented via various projects. Also, in furtherance of its goals, CLR works together with a large number of experts and partners.

#### Anti-discrimination

The anti-discrimination program has been an active program of the Centre for Legal Resources since 2003. In order to contribute to a Romanian society where equality becomes the norm rather than the exception, CLR pursues the following strategic objectives:

1. - an increased efficacy of the Romanian equality body (National Council for Combating Discrimination-NCCD) in what concerns its role of preventing and combating discrimination in the Romanian society;
2. - equality mainstreaming in Romanian laws and policies, especially those with a direct impact on vulnerable groups;
3. - an increased capacity of civil society organizations and the members of vulnerable groups to combat discrimination, and a Romanian public which is more aware of discrimination and its effects.

The program works for the achievement of these objectives through the following:

- Advocacy;
- Monitoring and reporting;
- Training and capacity building;
- Watchdog activities.

CLR has been national focal point for the EU Agency for Fundamental Rights (FRA) in the area of racism and xenophobia (2006-2010), has managed the Romanian network of legal experts for the FRA (2007-2010), and continues as national focal point in the area of fundamental rights for the FRA since 2011, becoming part of the FRANET research network. In this capacity, CLR has drafted numerous country reports in the area of racism and xenophobia, but also in other fields (homophobia, human rights institutions, asylum, access to justice, data protection, gender equality, child rights, etc.).

CLR has also been part of various European Commission supported networks in the area of anti-discrimination, providing research (from a socio-economic perspective) or training.

Through its various projects, CLR has provided and continues to provide training to NGO members, social partners, staff of local authorities, etc. on the following topics: anti-discrimination and equality of chances; media and human rights (with a focus on anti-discrimination); diversity management; and NGO capacity building.

CLR has consistently condemned discrimination, taking public stand against it, especially when it came from state officials (elected or not) and has legally supported or initiated cases before the equality body or courts of law, thus activating the anti-discrimination legislation.

## Chapter 1. Description of the context of the Roma minority in Romania

### The Roma minority in Romania

The Roma population in Romania is the second minority after the Hungarian minority. At the census conducted in 2011, there were a total of about 620,000 Roma people, an increase by 15.6% from the census results for the Roma population in 2002. Roma represent 3.2% of the total resident population and it is relatively uniformly distributed throughout the country. The Roma population registers relatively high percentages in the following counties: Calarasi (8.1%), Mures (8.8%), Salaj (6.9%), Bihor (6.1%). The Hungarian minority has a majority in the counties of Harghita (84.8%) and Covasna (73,6%)<sup>1</sup>. According to different estimations, the number of Roma in Romania is between 1, 5 – 2, 5 million persons, around 10% of the total population.

The difference between the data registered in the census and the estimates made in various reports is because Roma do not declare their identity as a consequence of the fear accumulated throughout the history (deportations, pogroms, actions that happened during the Second World War), and also because of the process of assimilation in the communist period, when even the use of the Romani language was forbidden <sup>2</sup>.

The map below<sup>3</sup> shows the partition of the Roma and the Hungarian population in Romania's 41 counties and in the capital city. The numbers in green represent the persons who declared they belonged to the Hungarian minority at the 2011 census, while the blue numbers show the persons who declared they belonged to the Roma minority.



<sup>1</sup> Gandul.info, Analysis 'Gandul': How the ethnic Hungarian and Roma population evolved in the last 10 years according to the provisional data of the 2011 census, 02.02.2012, available in Romanian at: <http://www.gandul.info/stiri/analiza-gandul-cum-a-evoluat-populatia-de-etnie-maghiara-si-roma-in-ultimii-zece-ani-conform-datelor-provizorii-ale-recensamantului-9200447>

<sup>2</sup> Soros Foundation Romania, Fundación Secretariado Gitano of Spain, Open Society Institute – Sofia of Bulgaria and Fondazione Casa della Carità Angelo Abriani Italy "Roma Inclusion in Romania: Policies, Institutions and Examples" ("Incluziunea romilor din România: politici, instituții, experiențe") p.22, available in Romanian at: [www.soros.ro/ro/fisier\\_publicatii.php?publicatie=123](http://www.soros.ro/ro/fisier_publicatii.php?publicatie=123)

<sup>3</sup> Gandul.info, Analysis 'Gandul': How the ethnic Hungarian and Roma population evolved in the last 10 years according to the provisional data of the 2011 census, 02.02.2012, available in Romanian at: <http://www.gandul.info/stiri/analiza-gandul-cum-a-evoluat-populatia-de-etnie-maghiara-si-roma-in-ultimii-zece-ani-conform-datelor-provizorii-ale-recensamantului-9200447>

## EDUCATION

The main education policy instruments for the Roma population are the *National Education Law* (Law 1/2011) and the *Strategy of the Government of Romania for Inclusion of the Romanian Citizens Belonging to Roma Minority* for the period 2012-2020, Chapter Education (Government Decision no. 1.221/2011). Regarding the Roma population, over the last 20 years the most important educational public policies implemented by the Ministry of Education are:

- Special seats for Roma in Universities (as affirmative measures to improve access to high education) – the beginning of the programme was in 1992, as an initiative of the University of Bucharest..
- School mediators program (2000)
- Promoting Romani language at university level by setting up the Romani language & history department within the Foreign Languages Faculty part of the University of Bucharest(1998)
- Setting up the position of Inspector for Roma Education within the School General Inspectorate (1999)
- Bilingual kindergarten summer (Romani-Romanian, 2002)
- The Second Chance Program (2005): it is not only for Roma, but the majority of the beneficiaries are Roma
- Forbidding segregation in education<sup>4</sup> (2007)

Despite the fact that both NGOs and various institutions have implemented activities within the remit of the public policies listed above and other programs and projects for Roma, the educational level of the Roma population is still very low. Various studies carried out in the recent years show the following educational problems of the Roma population in Romania:

- Only 37% of Roma children with age between 3-6 years are in pre-school education<sup>5</sup>
- There is a significant discrepancy between national average (93.5%) and the enrolment rate of Roma (70%) in primary school<sup>6</sup>
- 25% of the adults over 16 years old declared that they cannot read and write, and women are more affected by illiteracy; 23% of the Roma population did not graduate from any school<sup>7</sup>.

For many Roma families the last level of education is the completion of eight grades. The lack of financial resources is one of the reasons why Roma students do not continue their studies after they finalize the eight grades. In order to help the students in this situation, the Foundation Resource Center for Roma

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<sup>4</sup> Ghe. Sarau&Elena Radu, *The School Mediator Guideline*, 2011, available in Romanian at [http://www.unicef.ro/wp-content/uploads/ghid\\_mediator\\_scolar.pdf](http://www.unicef.ro/wp-content/uploads/ghid_mediator_scolar.pdf)

<sup>5</sup> UNDP/ World Bank/EC regional Roma survey 2011, Romania (excel), available at <http://europeandcis.undp.org/data/show/D69F01FE-F203-1EE9-B45121B12A557E1B>

<sup>6</sup> RECI - *Overview Report*, A joint initiative of Open Society Foundations, Roma Education Fund and UNICEF, 2012, p. 40, available at <http://www.unicef.org/romania/RECI-Overview.pdf>

<sup>7</sup> Soros Foundation Romania, Fundación Secretariado Gitano of Spain, Open Society Institute – Sofia of Bulgaria and Fondazione Casa della Carità Angelo Abriani Italy “*Roma situation in Romania, 2011 Between social inclusion and migration, Country Report – Romania*”, p. 37-38, available in Romanian at: [http://www.gitanos.org/upload/78/90/RUM\\_Roma\\_situation\\_in\\_Romania\\_between\\_socialinclusion\\_and\\_migration\\_sociological\\_study\\_3.pdf](http://www.gitanos.org/upload/78/90/RUM_Roma_situation_in_Romania_between_socialinclusion_and_migration_sociological_study_3.pdf)

Communities implemented a project that offered, throughout the duration of the project, scholarships for Roma students.<sup>8</sup>

The level of education of the Roma population is closely related to their level of qualification and labour market integration. Only 17% attend high schools or vocational schools<sup>9</sup>.

## HEALTH

Romanian citizens benefit of free medical services in the public health system if they have a health insurance. Employees with a labour contract receive a mandatory medical insurance. People who are not employed may benefit from health insurance if they pay a certain contribution for the medical insurance. Also, all the children up to 18 years or up to 26 years if they are students receive free medical services in the public health system. People who do not have health insurance receive only emergency medical services in a minimum package of health services<sup>10</sup>.

In the study conducted in the frame of the project "EU - Inclusive", the data collected shows that only half of the people included in the research had health insurance compared to 97% of the Romanian population. Also as a consequence of this situation, Roma access to health services is limited, morbidity among the Roma population is higher than the majority of the population<sup>11</sup> and the life expectancy in some areas is up to 10 years lower<sup>12</sup>.

The program of health of mediators initiated by Romani Criss in 1996, is a good practice for the facilitation of Roma access to health services. This program was taken over by the Ministry of Health that trained and hired health mediators.

## HOUSING

More than a half of the Roma population lives in rural areas. A large part of the Roma live in the peripheral areas of localities. Relevant differences are observed between the neighbourhoods in which the majority of population and the Roma population live. The endowment of the houses of the Roma with goods for long-term is deficient, for example, only 37% of Roma own a refrigerator. Also, Roma houses are made by materials with a poor quality and they are overcrowded<sup>13</sup>.

Regarding this, 23% of the Roma persons share the same room with at least two more persons. Regarding utilities in Roma houses in 2011, 36% of the Roma houses were connected to the drinking water network and 91% from the houses of the Roma were connected to the electricity network compared to 84% in 2008<sup>14</sup>.

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<sup>8</sup> "Scholarships for the Roma high-school students" project description available in Romanian at:

[http://www.romacenter.ro/burse\\_liceeni/](http://www.romacenter.ro/burse_liceeni/)

<sup>9</sup> Soros Foundation Romania, Fundación Secretariado Gitano of Spain, Open Society Institute – Sofia of Bulgaria and Fondazione Casa della Carità Angelo Abriani Italy "Roma situation in Romania, 2011 Between social inclusion and migration, Country Report – Romania", p. 38., available in Romanian at:

[http://www.gitanos.org/upload/78/90/RUM\\_Roma\\_situation\\_in\\_Romania\\_between\\_socialinclusion\\_and\\_migration\\_sociological\\_study\\_3.pdf](http://www.gitanos.org/upload/78/90/RUM_Roma_situation_in_Romania_between_socialinclusion_and_migration_sociological_study_3.pdf)

<sup>10</sup> Romani Criss, *Serviciile de sanatate si romii, Evaluarea sistemului de mediere sanitara (Healthcare seives and the Roma, Evaluation of the health mediation system)*, 2007, p. 17, available at

<http://www.gitanos.org/publichealth/HealthGuide/Rumano.pdf>

<sup>11</sup> Soros Foundation Romania, Fundación Secretariado Gitano of Spain, Open Society Institute – Sofia of Bulgaria and Fondazione Casa della Carità Angelo Abriani Italy "Roma situation in Romania, 2011 Between social inclusion and migration, Country Report – Romania", p. 48, available in Romanian at

[http://www.gitanos.org/upload/78/90/RUM\\_Roma\\_situation\\_in\\_Romania\\_between\\_socialinclusion\\_and\\_migration\\_sociological\\_study\\_3.pdf](http://www.gitanos.org/upload/78/90/RUM_Roma_situation_in_Romania_between_socialinclusion_and_migration_sociological_study_3.pdf)

<sup>12</sup> Soros Foundation Romania, Fundación Secretariado Gitano of Spain, Open Society Institute – Sofia of Bulgaria and Fondazione Casa della Carità Angelo Abriani Italy "Roma situation in Romania, 2011 Between social inclusion and migration, Country Report – Romania", p. 40, available in Romanian at

[http://www.gitanos.org/upload/78/90/RUM\\_Roma\\_situation\\_in\\_Romania\\_between\\_socialinclusion\\_and\\_migration\\_sociological\\_study\\_3.pdf](http://www.gitanos.org/upload/78/90/RUM_Roma_situation_in_Romania_between_socialinclusion_and_migration_sociological_study_3.pdf)

<sup>13</sup> Open Society Foundation, *Roma Inclusion Barometer (Barometrul Incluziunii Romilor)*, 2007, available at: <http://www.edrc.ro/docs/docs/cercetari/Barometrul-incluziunii-romilor.pdf>

<sup>14</sup> Soros Foundation Romania, Fundación Secretariado Gitano of Spain, Open Society Institute – Sofia of Bulgaria and Fondazione Casa della Carità Angelo Abriani Italy "Roma situation in Romania, 2011 Between social inclusion and migration, Country Report – Romania", p. 44., available in Romanian at:

Under the project PHARE RO 2002/000-586.01.02 "Support for National Strategy for improving the Roma situation" some projects were implemented that targeted infrastructure and housing<sup>15</sup>.

## EMPLOYMENT

The low level of education of the Roma population is closely related to their access to the labour market. In addition, Roma face discriminatory attitudes when they look for jobs. After 1989, in the transition period, many Roma have lost their jobs, one of the causes are related to the fact that some sectors were disbanded such as was the case of agricultural cooperatives. The vast majority of Roma do not own land, so a good part of the Roma are daily workers in rural areas.

Traditional crafts practiced by Roma are transmitted from generation to generation. The most popular traditional jobs in which Roma can be found are: blacksmiths, musicians, silversmiths, brick making, coppersmiths, spoon makers. Approximately 3/5 of Roma practicing traditional crafts are found in rural areas<sup>16</sup>.

Traditional crafts are practiced by about 13% of the employed Roma persons<sup>17</sup>.

Modern professions such as auto mechanic, driver, welder, electrician, painter, worker sanitation are also found among the Roma population in urban areas<sup>18</sup>. Also in the system of education there are Roma people working as: school mediator, teacher of Romani language, school inspector.

The employment rate of the Roma population was 35.5% compared to 58% national employment rate of the population in 2011<sup>19</sup>.

Lack of jobs is the main barrier to social inclusion of Roma in Romania.

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[http://www.gitanos.org/upload/78/90/RUM\\_Roma\\_situation\\_in\\_Romania\\_between\\_socialinclusion\\_and\\_migration\\_sociological\\_study\\_3.pdf](http://www.gitanos.org/upload/78/90/RUM_Roma_situation_in_Romania_between_socialinclusion_and_migration_sociological_study_3.pdf).

<sup>15</sup> Romanian Government, General Secretariat of the Government, Information on the project available at: <http://www.sgg.ro/index.php?id=36,46,0,0,1,0>

<sup>16</sup> Gelu Duminičă, Sorin Căce (coord), „*Politics of Social Inclusion for vulnerable groups*” („*Politici de incluziune socială pentru grupurile vulnerabile*”), 2008, p. 48, available in Romanian at [http://www.agentiaimpreuna.ro/files/publicatii/7-Politici\\_de\\_incluziune\\_RO-p-ro.pdf](http://www.agentiaimpreuna.ro/files/publicatii/7-Politici_de_incluziune_RO-p-ro.pdf)

<sup>17</sup> Soros Foundation Romania, Fundación Secretariado Gitano of Spain, Open Society Institute – Sofia of Bulgaria and Fondazione Casa della Carità Angelo Abriani Italy “*Roma situation in Romania, 2011 Between social inclusion and migration, Country Report – Romania*”, p. 10, available in Romanian at: [http://www.gitanos.org/upload/78/90/RUM\\_Roma\\_situation\\_in\\_Romania\\_between\\_socialinclusion\\_and\\_migration\\_sociological\\_study\\_3.pdf](http://www.gitanos.org/upload/78/90/RUM_Roma_situation_in_Romania_between_socialinclusion_and_migration_sociological_study_3.pdf).

<sup>18</sup> Gelu Duminičă, Marian Preda, *Access of the Roma to the labour market (Accesul romilor pe piața muncii)*, „Agenția „Împreună”, 2003, p. 21, available in Romanian at [http://www.agentiaimpreuna.ro/files/publicatii/Accesul\\_romilor\\_pe\\_piata\\_muncii.pdf](http://www.agentiaimpreuna.ro/files/publicatii/Accesul_romilor_pe_piata_muncii.pdf)

<sup>19</sup> Soros Foundation Romania, Fundación Secretariado Gitano of Spain, Open Society Institute – Sofia of Bulgaria and Fondazione Casa della Carità Angelo Abriani Italy “*Roma situation in Romania, 2011 Between social inclusion and migration, Country Report – Romania*”, p. 25, available in Romanian at: [http://www.gitanos.org/upload/78/90/RUM\\_Roma\\_situation\\_in\\_Romania\\_between\\_socialinclusion\\_and\\_migration\\_sociological\\_study\\_3.pdf](http://www.gitanos.org/upload/78/90/RUM_Roma_situation_in_Romania_between_socialinclusion_and_migration_sociological_study_3.pdf).



## Chapter 2. The Romanian legislation in the field of non-discrimination and its implementation

### 2.1. Legislation in the field on non-discrimination

#### a. The Romanian Constitution

The fundamental law of the state, the Romanian Constitution<sup>20</sup> expressly prohibits discrimination on the grounds of race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin<sup>21</sup>. In addition, it “recognizes and guarantees the right of persons belonging to national minorities to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity.”<sup>22</sup> It provides for the equality of citizens “before the law and public authorities, without any privilege or discrimination”<sup>23</sup> and mentions that “any instigation to [...] national, racial, class or religious hatred, any incitement to discrimination” are prohibited by law.<sup>24</sup>

The Constitution provides that international treaties on fundamental human rights have priority to national regulations in case of disparities, unless the Constitution or laws comprise more favourable provisions. In this way, the provisions of the European Convention on Human Rights and the jurisprudence of the European Court of Human Rights are directly applicable, having superior legal force to other internal legislation.<sup>25</sup>

#### b. The Framework Law regarding the prevention and sanctioning of discrimination

The principle of equality and non-discrimination provided in the Constitution is further detailed through the Governmental Ordinance No. 137/2000 on the prevention and punishment of all forms of discrimination (hereafter Anti-discrimination Law or GO 137/2000)<sup>26</sup>. It transposes into the Romanian legislation the Directives 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and 2000/78/EC establishing a general framework for equal treatment in employment and occupation (hereafter the Anti-discrimination Directives<sup>27</sup>).

Since its adoption in 2000, the Anti-discrimination Law has been amended several times. The amendments improved significantly the Anti-discrimination Law, but further clarifications and amendments are needed in order to improve the legislation in the field.

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<sup>20</sup> The Constitution of Romania was adopted in 1991 and amended in 2003 by the Law 429 of 29 October 2003 on the revision of the Constitution of Romania.

<sup>21</sup> Art. 4: ‘(1) of the Romanian Constitution “*Romania is the common and indivisible homeland of all its citizens, without any discrimination on grounds of race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin.*”

<sup>22</sup> Art. 6 (1) of the Romanian Constitution.

<sup>23</sup> Art. 16: ‘(1) of the Romanian Constitution.

<sup>24</sup> Art. 30 (7) of the Romanian Constitution.

<sup>25</sup> Center For Legal Resources, *Analysis of diagnosis of the field of gender and equal opportunities in Romania: problems, needs and European solutions (Analiză de diagnoză a domeniului egalității de șanse și de gen în România: probleme, nevoi și soluții europene)*, 2010, Chapter I: *Analysis of the legal and institutional framework in the field of equal and gender opportunities (Analiză diagnostic a cadrului legal și instituțional în domeniul egalității de șanse și de gen în România)*, Csaba Ferenc Asztalos, p. 8, available in Romanian at <http://www.nondiscriminare.ro/files/Studiu.pdf>. **(All the hyperlinks provided in this report were accessed in the period 10 April-15 May 2013).**

<sup>26</sup> Governmental Ordinance No. 137 of 31 August 2000 regarding the prevention and the punishment of all forms of discrimination, republished and updated.

<sup>27</sup> Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation.

The Anti-discrimination Law defines discrimination as follows: “any difference, exclusion, restriction or preference based on race, nationality, ethnic origin, language, religion, social status, beliefs, gender, sexual orientation, age, disability, chronic disease, HIV positive status, belonging to a disadvantaged group<sup>28</sup> or any other criterion, aiming to or resulting in a restriction or prevention of the equal recognition, use or exercise of human rights and fundamental freedoms in the political, economic, social and cultural field or in any other fields of public life.”<sup>29</sup>

This article lists all the grounds which the Anti-discrimination Directives provide for, but also adds some other grounds such as ‘social status’ and ‘belonging to a disadvantaged group’ and by the expression ‘any other criterion’ leaves the list open.

The Anti-discrimination Law defines the following forms of discrimination: direct discrimination, indirect discrimination, incitement to discrimination, harassment, victimization and multiple discrimination. It also sanctions the breach of the right to human dignity.

The provisions of the Law are applicable in all the public spheres of life, especially in political, economical and cultural fields.<sup>30</sup> Its general fields of application are: equality in economic activity and in employment; access to public services (administrative, judicial, healthcare and other services) and to goods and facilities; access to education; freedom of movement, right to freely choose a residence, access to public places; and the right to personal dignity.

Through extending the Anti-discrimination Law’s applicability to all grounds and in any public field, Romania has introduced into the national legislation an enhanced protection of the victims, as compared to the one stipulated in the Directives.

### c. Other laws providing for non-discrimination

The Anti-discrimination Law is complemented by numerous other relevant provisions from various areas of law such as labour, criminal and administrative fields. If there is conflict between the laws’ provisions, the Anti-discrimination Law would, at least in theory, have to prevail as special law, according to the principle ‘special law prevails over general law’<sup>31</sup>.

**The Labour Code**<sup>32</sup> provides for the principle of equal treatment in employment relations both for employees and employers and prohibits all forms of discrimination. According to the Code, the employee has the right to adequate working conditions, social welfare, security and healthcare in work, to equal payment for equal work and to respect of dignity and conscience without discrimination.<sup>33</sup> Discrimination is also prohibited in establishing and granting wages.<sup>34</sup>

**The National Education Law** stipulates that the Romanian state grants to all of its citizens equal rights to access to all levels and forms of education, without any forms of discrimination.<sup>35</sup> Among the governing principles at pre-university and university level, the law mentions the ‘principle of recognition and guarantee of the rights of persons belonging to national minorities, the right to preserve, develop and express their ethnic, cultural, linguistic and religious identity’<sup>36</sup>, as well as ‘the principle of ensuring equal

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<sup>28</sup> Disadvantaged group is defined by Art 4 of the Anti-discrimination Law as follows: ‘the category of persons that either is placed in a position of inequality compared to the majority of citizens due to identity differences or face rejection and marginalisation.’

<sup>29</sup> Art 2 (1) of the Anti-discrimination Law

<sup>30</sup> Art 2 (1) of the Anti-discrimination Law

<sup>31</sup> Andrei Sida, Berlingher Daniel, The general theory of law (Teoria generală a dreptului), „Vasile Goldiș” University Press, Arad, 2007, p 140, available in Romanian at <http://uvvgdrept2012.files.wordpress.com/2012/10/teoria-general-a-dreptului.pdf>.

<sup>32</sup> Law 53 of 24 January 2003, republished and amended.

<sup>33</sup> Art 6 (1) of the Labour Code.

<sup>34</sup> Art. 159 (3) of the Labour Code.

<sup>35</sup> Art 2 (4) of the Law No 1 of 5 January 2011 on national education, amended.

<sup>36</sup> Art 3 (i) of the National Education Law.

opportunities'.<sup>37</sup> Discrimination on the grounds of age, ethnicity, sex, social origin, political views, religious beliefs, sexual orientation or other criteria is prohibited expressly only in tertiary education (university level). There are also provisions on affirmative measures.<sup>38</sup> In 2007, the Ministry of Education issued an order prohibiting the Roma children's segregation in schools and a methodology for prevention and elimination in schools of the segregation of Roma children.<sup>39</sup> In addition, according to the National Education Law, inclusion of children in special education needs groups due to abusive diagnostic assessment based on race, nationality, ethnicity, language, belonging to a disadvantaged category, or any other criterion "shall be punished"<sup>40</sup>.

The **Criminal Code**<sup>41</sup> stipulates as aggravating circumstance committing crimes on grounds related to race, nationality, ethnicity, language, religion, gender, sexual orientation, political membership, beliefs, wealth, social origin, age, disability, non-contagious chronic disease or HIV/AIDS.<sup>42</sup> Furthermore, it punishes instigation to hatred and discrimination against a category of persons.<sup>43</sup> The action of a civil servant of limiting the use or the exercise of certain rights of a person or creating a situation of inferiority on the grounds mentioned above is also punished by the criminal law.<sup>44</sup> There also exists an emergency government ordinance prohibiting organizations and symbols with fascist, racist or xenophobic character and the promotion of the cult of persons guilty of crimes against peace and humanity.<sup>45</sup>

There are several **other relevant laws** which repeat the provisions of the Anti-discrimination Law, prohibiting discrimination in providing specific services in fields such as healthcare<sup>46</sup>, unemployment<sup>47</sup>, audiovisual media<sup>48</sup>, equal opportunities between men and women<sup>49</sup>, persons with disabilities<sup>50</sup>, social assistance<sup>51</sup>, combating violence at sport events<sup>52</sup>, etc.

#### d. Specific legislation regarding Roma

Discrimination of Roma is prohibited by the laws described above either on ethnic ground or belonging to disadvantaged group, or through general non-discrimination and equality provisions. Other criteria, such as language can act as a proxy for the ethnic ground. The right of Roma people to preserve, develop and express their ethnic, cultural, linguistic and religious identity, as persons belonging to the Roma national minority, is inscribed in the Constitution and other relevant laws.

After the Strategy of the Government of Romania for improving the condition of the Roma for the period 2001-2010, a new strategy was adopted in 2011. The Romanian Government's Strategy for the inclusion of Romanian citizens belonging to the Roma minority for the period 2012-2020 outlines objectives in the

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<sup>37</sup> Art 3 (j) of the National Education Law.

<sup>38</sup> Art 118 (2) of the National Education Law.

<sup>39</sup> Order No 1540/2007 of the Ministry of Education regarding the prohibition of segregation in schools of the Roma children and the approval of the methodology for prevention and elimination of school segregation of Roma children.

<sup>40</sup> See Art. 50 (3) of the National education Law.

<sup>41</sup> The Romanian Criminal Code was adopted by Law 15/1968. It was republished and amended for several times. The new Criminal Code (Law 268/2009) is expected to come into force on 1 February 2014.

<sup>42</sup> Art. 75 c1) of the Criminal Code.

<sup>43</sup> Art 317 of the Criminal Code.

<sup>44</sup> Art. 247 of the Criminal Code.

<sup>45</sup> Emergency Government Ordinance 31 of 13 March 2002, amended, regarding the prohibition of organizations and symbols with fascist, racist or xenophobic character and the worship of persons guilty of crimes against peace and humanity.

<sup>46</sup> Law 95 of 14 April 2006 on reform in healthcare field, amended.

<sup>47</sup> Law no. 76 of 16 January 2002 on unemployment insurance system and employment stimulation, amended.

<sup>48</sup> Audiovisual Law No. 504 of 11 July 2002, amended.

<sup>49</sup> Law 202 Of 19 April 2002 for Equal Opportunities between Women and Men, republished and amended.

<sup>50</sup> Law 448/2006 regarding the protection and promotion of the rights of disabled persons

<sup>51</sup> Law 47/2006 establishing the National System of Social Assistance

<sup>52</sup> Law 4/2008 on preventing and combating violence during sport events

fields of education, employment, health, housing, culture and social infrastructure.<sup>53</sup> No publicly available evaluation report on the Strategy's implementation could be identified.

## 2.2. Implementation of the legislation in the courts and in the administrative field

If the alleged deeds of discrimination do not fall under the scope of the criminal law, there are two possibilities at the disposal of the persons who consider themselves discriminated against to lodge complaints in order to obtain remedies. On the one hand, the alleged victims of discrimination can file a complaint with the Romanian equality body, the National Council for Combating Discrimination, on the other hand he/she can file a civil action with the court of law. Moreover, the two means (administrative and judicial) can be used simultaneously by the plaintiff.<sup>54</sup>

### a. Administrative procedures

A person (natural or legal<sup>55</sup>) who considers him/herself discriminated against can file a complaint with the National Council for Combating Discrimination (NCCD) within a year from the date when the alleged deed of discrimination took place or from the date when the person could have known about the discrimination act.<sup>56</sup> The petitions have to be investigated and solved in 90 days by the Steering Committee of the NCCD, which analyzes the complaints and issues decisions. The decision of the Committee regarding the findings and the sanctions can be appealed before the administrative courts within 15 days after their communication to the parties, otherwise they become binding.<sup>57</sup>

The NCCD is the public administrative body under the control of the Parliament which guarantees the observance and implementation of the non-discrimination principle.<sup>58</sup> According to the Anti-discrimination Law, the NCCD acts in the following areas: preventing discrimination, mediating between the parties, investigating, finding and sanctioning discrimination, monitoring discrimination cases, as well as providing legal assistance to victims of discrimination.<sup>59</sup> It can also initiate *ex officio* cases.<sup>60</sup> The NCCD's independence was criticized by the civil society in terms of administering in a preferential and politicized manner the cases which involve high level state officials.<sup>61</sup>

According to the Anti-discrimination Law, when the NCCD finds discrimination, it can issue administrative fines. The amounts of the fines were increased significantly in March 2013 by a Government Emergency Ordinance amending the Anti-discrimination Law.<sup>62</sup> When the victim is an individual, the fine ranges between 1,000 and 30,000 lei (approx. EUR 220 – 6,670) as compared to the previous provision of fines between 400 RON - 4,000 RON (approx. EUR 89 - 890). If the victims of the discrimination are a group of

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<sup>53</sup> Government Decision 1.221/2011 for the approval of the Strategy of the Romanian Government of inclusion of the Romanian citizens belonging to the Roma minority for the period 2012-2020, available at: [http://www.anr.gov.ro/docs/Strategie\\_EN.pdf](http://www.anr.gov.ro/docs/Strategie_EN.pdf)

<sup>54</sup> Art 27(1) of the antidiscrimination Law.

<sup>55</sup> Art. 19 (2) of the Anti-discrimination Law.

<sup>56</sup> Art 20 (1) of the Anti-discrimination Law.

<sup>57</sup> Art 20 (7) – 20 (10) of the Anti-discrimination Law.

<sup>58</sup> Art 16 of the Anti-discrimination Law.

<sup>59</sup> Art 17 and 19 of the Anti-discrimination Law.

<sup>60</sup> Art 21 of the Anti-discrimination Law.

<sup>61</sup> Center for Legal Resources, Romani CRISS, *Press release: Are we all equal before the National Council for Combating Discrimination?*, 15 June 2011, available at <http://www.crj.ro/EN/News/The-NCCD-administers-in-a-preferential-and-politicized-manner-the-cases-which-involve-high-state-dignitaries/>. See also Accept Association, *Press Release: In the view of CNCD, politicians are not citizens that have to respect the Romanian laws*, available in Romanian at <http://accept-romania.ro/comunicate-de-presa/in-opinia-cncd-politicienii-nu-sunt-cetateni-care-trebuie-sa-respecte-legile-romaniei/>.

<sup>62</sup> See Article I (6) of the Emergency Ordinance No 19 of 2 March 2013 for the amendment and completion of the Government Ordinance 137/2000 regarding the prevention and the punishment of all forms of discrimination.

people or a community, the fine ranges between 2,000 – 100,000 RON (approx. EUR 450 – 22,220) which in the former provision was of 600 - 8,000 RON (approx. EUR 135-1780). The sanctions are applicable to both natural and legal persons.<sup>63</sup>

Although the Anti-discrimination Law does not mention administrative warnings and recommendations as a sanction which can be applied when discrimination is found, the NCCD, through its jurisprudence, has adopted also written warnings and/or recommendations without issuing administrative fines. The NCCD report on the implementation of Council Directive 2000/43/CE shows that in the 129 cases in which discrimination was found on the ground of race or ethnic origin in the period 2003-2010, mostly administrative warnings were solely applied as sanctions (in 61 cases), followed by administrative fines (29 cases) and recommendations (27 cases).<sup>64</sup> When the sanction issued was a warning, the NCCD usually argued that according to the law on the legal status of contraventions, the administrative fine is prescribed 6 months after the deed took place<sup>65</sup> or that the warning can also be applied when the legal act establishing and sanctioning the contravention does not provide for this sanction.<sup>66</sup> It should be noted that the text of the Anti-discrimination Law does not make reference to the application of the general law on contraventions in discrimination cases, and, according to the principle *lex specialis derogat legi generali*, the Antidiscrimination Law should prevail. Also, such sanctions are not in the scope of the Directives, which foresees that in cases of discrimination "sanctions must be effective, proportionate and dissuasive" in order to effectively compensate the victims.<sup>67</sup> In a recent case<sup>68</sup> the European Court of Justice criticized the NCCD's practice of issuing administrative warnings instead of fines, stating that the wording and the purpose of the Directive 78/2000/EC forecloses the national legislation according to which the sanction of administrative fine is not applied after the expiration of six months from the date when the discrimination act occurred.<sup>69</sup>

What is more, with the recent amendment of the Anti-discrimination Law<sup>70</sup>, a new limitation was introduced: the administrative fines must be applied within 6 months from the date when the complaint was filed with the NCCD.<sup>71</sup> This provision is contradictory with the term of 3 months foreseen in the Anti-discrimination Law for the NCCD to issue a decision and legalizes the practice of the NCCD to go over the term of 3 months and to avoid issuing administrative fines. Furthermore, since the legal term to file a petition is one year from the deed, only having the legal possibility to get a fine within six months from filing the petition could be argued to restrict the right to adequate remedy.

## **b. Civil judicial procedures**

The alleged victim of discrimination may claim, in the court of law, for civil damages (pecuniary and moral damages) and re-establishing the situation as prior to the act of discrimination occurring or nullifying the

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<sup>63</sup> Art. 26 (2) of the Anti-discrimination Law.

<sup>64</sup> National Council for Combating Discrimination, *Report on the implementation of the Race directive in Romania, 2003-2010*, p. 32, available in Romanian at:

[http://www.cncd.org.ro/files/file/Raport%20D43\\_2000\\_CNCD\\_final.pdf](http://www.cncd.org.ro/files/file/Raport%20D43_2000_CNCD_final.pdf)

<sup>65</sup> Article 13 on the legal status of contraventions.

<sup>66</sup> Art. 7 (3) of GO 2/2001 on the legal status of contraventions.

<sup>67</sup> See Article 15 of Directive 2000/43 and Article 17 of Directive 2000/78

<sup>68</sup> Court of Justice of the European Union, Case C-81/12 *Accept Association v National Council for Combating Discrimination*.

<sup>69</sup> Judgement of the Court of Justice of the European Union of 25 April 2013, available at <http://curia.europa.eu/juris/document/document.jsf?text=&docid=136785&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=2861614>. See also *Accept Association, Press release: Becali should have been sanctioned for homophobia*, 25.04.2013, available in Romanian at <http://accept-romania.ro/comunicate-de-presa/curtea-de-justitie-a-uniunii-europene-becali-ar-fi-trebuit-sanctionat-pentru-homofobie/>.

<sup>70</sup> Art I (6) of the Emergency Ordinance No 19 of 2 March 2013 for the amendment and completion of the Government Ordinance 137/2000 regarding the prevention and the punishment of all forms of discrimination, published in the Romanian Official Journal with No. 183 of 2 April 2013.

<sup>71</sup> Art 26 (2<sup>1</sup>) of the Anti-discrimination Law.

situation established as a result of discrimination, in accordance to civil law provisions.<sup>72</sup> Also, the courts of law may order the suspension or withdrawal of authorization of a legal person who, through a discriminatory action, caused significant damage or who, although the damage caused was reduced, repeatedly violated the provisions of the Anti-discrimination Law.<sup>73</sup>

The complaint can be filed with the court within three years from the event or from the date when the person could have known about the discriminatory deed<sup>74</sup> and is exempted from judicial taxes.<sup>75</sup> Where the Anti-discrimination law is invoked in court, the NCCD must be subpoenaed as intervening party in order to issue an opinion.<sup>76</sup>

### **c. Mediation**

As part of its mandate, the NCCD can provide mediation for the parties to reach a friendly settlement.<sup>77</sup> The internal procedure of the NCCD does not describe the process of mediation; it only mentions the fact that the NCCD informs the parties about the option of mediation.<sup>78</sup> The procedure provides also the possibility for the parties who reached a friendly settlement to request the NCCD, even by sending a written statement, to certify their agreement with a decision<sup>79</sup>.

According to the president of the NCCD, the mediation procedure at the NCCD operates as follows: the NCCD, in cases in which mediation is possible, asks the parties if they want to solve the case by friendly settlement. If the parties agree and ask for a term for solving the case by friendly settlement, the NCCD grants the required term. There are also cases when the institutions or parties, which are summoned in a case or come to hearings, solve the case by taking measures to eliminate or prevent discrimination. If the claim filed with the NCCD is not withdrawn, the NCCD issues a decision stating that in that case discrimination occurred. They do not apply administrative fines, only a warning, considering the fact that the parties handled the situation. In all the cases, the parties are informed also about the possibility of consulting a professional mediator. However, the NCCD does not provide mediation in the manner foreseen by the Law on mediation<sup>80</sup>, which establishes the profession of mediator.<sup>81</sup>

In order to promote, support, study and practice mediation, according to the Union of Mediation Centres of Romania,<sup>82</sup> non-governmental organisations, called mediation centres, were established in every county.

### **d. Burden of proof**

Regarding the burden of proof, the Anti-discrimination Law provided for the obligation of the interested party "to prove the existence of facts", while the party against whom a complaint was filed had the duty to prove that the facts did not amount to discrimination<sup>83</sup>. The 2013 amending Law establishes that the interested person has to "present facts" so that the existence of direct or indirect discrimination "may be presumed" and "the person against whom the complaint was filed has the burden of proving that there has been no breach of the principle of equal treatment"<sup>84</sup>

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<sup>72</sup> Art 27 (1) of the Anti-discrimination Law.

<sup>73</sup> Art 27 (5) of the Anti-discrimination Law.

<sup>74</sup> Art 27 (2) of the Anti-discrimination Law.

<sup>75</sup> Art 27 (1) of the Anti-discrimination Law.

<sup>76</sup> Art. 27 (3) of the Anti-discrimination Law.

<sup>77</sup> Art 2 (10.b) of the Anti-discrimination Law.

<sup>78</sup> Art. 53 (2) of the NCCD Order No. 144/2008 regarding the internal procedure in solving petition.

<sup>79</sup> Art. 80 of the NCCD Order No. 144/2008 regarding the internal procedure in solving petition.

<sup>80</sup> Interview with the president of the NCCD, Mr. Csaba Ferenc Asztalos, conducted by the Center for Legal Resources on 27.03.2013.

<sup>81</sup> Law 192 of 16 May 2006 regarding mediation and the profession of mediator, amended

<sup>82</sup> See the website of the Union: <http://www.ucmro.ro/index.php?modul=pagini&pid=1>

<sup>83</sup> Art. 6 and 9 of Law 324 of 20 July 2006 for the amendment and completion of the Government Ordinance 137/2000 regarding the prevention and the punishment of all forms of discrimination.

<sup>84</sup> Articles 1 (1) and (3) of Law 61/2013 for the amendment of the Government Ordinance 137/2000 regarding the prevention and the punishment of all forms of discrimination



As means of proof any type of evidence, including audio and video recordings, as well as statistical data may be invoked both before the NCCD and the courts.<sup>85</sup>

#### **e. Legal representation**

In accordance with Art. 7 (2) of the Directive 2000/43 and with Art. 9 (2) of the Directive 2000/78, the Romanian legislation foresees the possibility for NGOs having as mandate the protection of human rights to file complaints both with the NCCD and with the courts when the target of discrimination is a group or a community. They have legal standing also in the case when they act on behalf of the victim of discrimination, at the latter's express request.<sup>86</sup>

According to the Constitution, the right to defence is guaranteed and throughout the trials the parties have the right to be assisted by a lawyer chosen by them or appointed ex officio.<sup>87</sup> In civil cases, the ex officio (public legal aid) can be required by any person who can prove that he/she has a low income and can not pay the trial's or the legal advice's costs<sup>88</sup>. The petition for the public legal aid services have to be addressed to the court competent in solving the case in which the aid was required<sup>89</sup>. If the petition for assistance by a lawyer (representation, legal assistance, defence) is approved by the court, it is transmitted to the competent Bar which appoints a lawyer registered in the Register of legal assistance.<sup>90</sup> In exceptional cases, if the person lacking the financial resources would be prejudiced by the delay, the Bars may approve the granting of free legal assistance.<sup>91</sup>

The Bar can also provide public extra judiciary legal assistance (grant of legal advice, formulation of request, petitions, complaints and representation in front of authorities or public institutions, other than the judicial ones) based on a request submitted to the Bar. The Bar also organizes free legal assistance services provided at the headquarters of the courts.<sup>92</sup> We could not identify an evaluation of ex officio legal assistance, its extent and efficacy for human rights. From our organizational experience it is very limited.

### **2.3. Jurisprudence on Roma**

#### **I. Cases brought before the European Court of Human Rights**

##### **1. The Moldovan and others group of cases (Moldovan and others v. Romania (1) and (2), Gergely v. Romania, Kalanyos and Others v. Romania, Tănase and Others v. Romania)**

In the period 2005-2009 the European Court of Human Rights issued a series of 5 decisions in cases regarding racially motivated violence against Romanian citizens of Roma origin and the destruction of their homes which took place between 1990 and 1993 in several Romanian villages. These cases also concern "the authorities' general attitude, including their repeated failure to put an end to breaches of Roma applicants' rights, perpetuating their feelings of insecurity."<sup>93</sup> In most of the cases the Court found the violation of several ECHR Articles: Art. 3 (prohibition of inhuman or degrading treatment), Art. 6 (rights to

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<sup>85</sup> Art. 20 (6) and Art. 27 (4) of the Anti-discrimination Law.

<sup>86</sup> Art. 28 (1), (2) of the Anti-discrimination Law.

<sup>87</sup> Art. 24 (1) and (2) of the Romanian Constitution.

<sup>88</sup> Art. 4, 8 and 14 of Law 51/2008 regarding legal aid in civil matters, amended.

<sup>89</sup> Art. 11(1) Law 51/2008 regarding legal aid in civil matters, amended.

<sup>90</sup> Art. 72 of the Law 51/1995 regarding the organization and exercise of the profession of lawyer, republished.

<sup>91</sup> Art. 71(2) of Law 51/1995 regarding the organization and exercise of the profession of lawyer, republished.

<sup>92</sup> Art. 79 (1) 51/1995 of the Law 51/1995 regarding the organization and exercise of the profession of lawyer, republished.

<sup>93</sup> See *Moldovan and others* (Nos. 1 and 2) and other similar cases against Romania - *Status of execution of the general measures and assessment of the action plan provided by the Romanian authorities on 15 June 2011* (DH-DD(2011)503), available at <https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Inf/DH%282011%2937&Language=lanEnglish&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864>

fair trial), Art. 8 (right to respect for private and family life), Art. 13 (right to an effective remedy) and Art. 14 (prohibition of discrimination).

In the *Moldovan and others v. Romania* (1) case a friendly settlement was reached between 18 applicants out of 25 and the Romanian authorities. The other applicants did not want to reach a friendly settlement and were awarded pecuniary damages (*Moldovan and others v. Romania* (2)). In the cases of *Kalanyos and others*, *Gergely and Tănase and others*, unilateral declarations were made by the authorities accepting that “the events at issue had given rise to violations of the Convention”. According to the friendly settlements and the unilateral declarations, the Romanian authorities paid *ex gratia* various sums to the victims and also undertook to adopt a number of general measures which aimed at eliminating various forms of discrimination and preventing possible similar conflicts, stimulating Roma participation in the life of the local community by promoting mutual assistance and community development projects and implementing programmes to rehabilitate houses and environment in the communities affected.<sup>94</sup> In 2006 and 2008 the Government adopted decisions in order to provide for the implementation of the above undertakings.<sup>95</sup>

In the period 2009-2011, communications assessing the implementation of the decisions were submitted by several NGOs<sup>96</sup> to the Committee of Ministers which supervises the execution of ECtHR decisions. At present, Romania is supervised for these cases by the Committee of Ministers under enhanced procedure.<sup>97</sup>

## 2. Stoica v. Romania

The case of 14 years old Roma who was beaten by police officers was brought to the European Court of Human Rights by the Romanian NGO Roma Center for Social Intervention and Studies - Romani CRISS. The NGO represented the applicant before the national courts which considered that the case did not need prosecution. In 2008 the ECHR found violation of both the procedural and substantive aspects of Article 3 (prohibition of inhuman or degrading treatment) and violation of Art. 14 (prohibition of discrimination) taken in conjunction with Art. 3. As just satisfaction, the Court awarded the applicant 15,000 EUR as non-pecuniary damage.<sup>98</sup>

## II. Jurisprudence of the Romanian courts of law

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<sup>94</sup> *Idem*.

<sup>95</sup> Government Decision no. 523/2006 for the approval of the community development program in Hadareni (regarding the *Moldovan and others v Romania* case) and Decision No. 1283/2008 for the approval of the Educational programme for the prevention of and the fight against discrimination in the communities of Plăieșii de Sus and Cașinul Nou (regarding the *Gergely v Romania* and *Kalanyos and others v Romania* cases)

<sup>96</sup> In 2009, a group of NGOs (Accept Association, Center for Legal Resources, Pro Europe League and Romani CRISS) submitted an assessment regarding the implementation of *Moldovan* case (See [Report on ECHR decision Moldovan and others v Romania implementation](#)). In 2011, the European Roma Rights Centre in its communication considered that “the Government has inadequately implemented the decisions and fails to address the specific needs of the affected communities” and asked the Committee to examine the cases under enhanced procedure (See Memorandum ERRC at <http://www.errc.org/cms/upload/file/second-communication-to-the-committee-of-ministers-on-judgment-implementation-moldovan-kalanyos-gergely.pdf>)

<sup>97</sup> See Council of Europe, Committee of Ministers, Ministers’ Deputies, Annotated agenda and decisions adopted, [CM/Del/Dec\(2011\)1120](#) 16 September 2011, 1120th meeting (DH), 13-14 September 2011, available at [https://wcd.coe.int/ViewDoc.jsp?id=1832229&Site=CM#P1015\\_45392](https://wcd.coe.int/ViewDoc.jsp?id=1832229&Site=CM#P1015_45392)

<sup>98</sup> See RomaniCriss, *Human Rights in Practice. From the discrimination of Roma to the abuse of the law enforcement officials, 2008-2009, updated report 2010*, p. 47-48. See also the case *Stoica v Romania*, Application No. 42722/02, at <http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#%7B%22fulltext%22%3A%22%2042722%2F02%22%2C%22documentcollectionid%22%3A%22GRANDCHAMBER%22%2C%22CHAMBER%22%2C%22itemid%22%3A%22001-85308%22%7D>}



Cases regarding discrimination brought before the courts of law are very few (for an example see the first case presented below). The majority of cases which are filed with the courts are mostly appeals against the NCCD's decisions regarding cases of violation of human dignity of the Roma community and are brought to trial by NGOs (see the other 4 cases presented below).

1. Case of a Roma pupil discriminated by her teacher

The case of a Roma pupil, whose teacher refused repeatedly her attendance to classes, was brought by the pupil's father to the courts. The Court of Appeal ordered the teacher to pay 10.000 EUR civil damages in favour of the pupil.<sup>99</sup> This is the first discrimination case in which a significant compensation was awarded.<sup>100</sup>

2. Case of president Basescu calling a woman journalist "filthy gypsy"

In May 2007, the Romanian President Traian Basescu was recorded on a phone he had snatched from a woman journalist when, in a conversation with his wife in their car, he called the woman journalist "filthy gypsy". The NCCD found that the expression "filthy gypsy" amounted to discrimination and sanctioned the president with an administrative warning. Traian Basescu filed an appeal against the NCCD's decision with the Court of Appeal, which maintained the decision of the NCCD. The Court of Appeal's decision was also contested at the High Court of Cassation and Justice, the latter quashed the decision of the Court of Appeal and maintained the decision of the NCCD regarding the existence of discrimination, but annulled the sanction.<sup>101</sup> According to the a representative of the Romani CRISS NGO, considering the fact that the NCCD "found only ethnic discrimination, yet not also a gender one, as the president addressed also the appellation of 'birdie' to the journalist"<sup>102</sup>, the NGO took the case to the European Court of Human Rights. The admissibility of the case was not yet communicated by the Court.<sup>103</sup>

3. Case of Prime Minister Tariceanu stating that the Roma ethnics in Italy commit all sort of crimes

In June 2007, Prime Minister Tariceanu, referring to the Roma ethnics in Italy, stated: "*these Roma commit all sorts of crimes possible, from robbery and prostitution to organized crime and drug trafficking*".<sup>104</sup> Romani CRISS filed the case with the NCCD which did not find discrimination. Romani CRISS, after losing the case before the national courts, took it to the European Court of Human Rights, which did not communicate its admissibility yet.<sup>105</sup>

4. Case of president Basescu – discriminatory statements on Roma made in Slovenia

During an official visit to Slovenia in November 2010, president Traian Basescu declared that "*We have another problem which must be said and which makes the integration of nomadic Roma difficult – very few of them want to work. Many of them, traditionally, live off what they steal.*"<sup>106</sup>

<sup>99</sup> File Nr. 8011/101/2009 of the Court of Appeal Craiova, available in Romanian at

[http://portal.just.ro/54/SitePages/Dosar.aspx?id\\_dosar=5400000000115226&id\\_inst=54](http://portal.just.ro/54/SitePages/Dosar.aspx?id_dosar=5400000000115226&id_inst=54)

<sup>100</sup> Agence France Presse, News release, *DISCRIMINATION: Romania court orders 10,000-euro payout for barred Roma girl*, 01.06.2010, available at <http://www.crin.org/resources/infoDetail.asp?ID=22655>

<sup>101</sup> See Alina Neagu, "*The verdict of the High Court of Cassation and Justice in the case 'filthy gypsy': Traian Basescu's gesture is discriminatory, but does not represent a contravention*"

in *Hotnews*, 15.05.2008, available at: <http://www.hotnews.ro/stiri-esential-3017895-video-verdictul-icci-cazul-tiganca-impunita-gestul-lui-traian-basescu-este-discriminatoriu-dar-nu-reprezinta-contraventie.htm?cfym>.

<sup>102</sup> Interview with a representative of Romani CRISS NGO, Ms Oana Mihalache, conducted by the Center for Legal Resources on 05.04.2013

<sup>103</sup> Interview with a representative of Romani CRISS NGO, Ms Oana Mihalache, conducted by the Center for Legal Resources on 05.04.2013

<sup>104</sup> Ziare.com, *Romanian criminals in Italy will be caught with Romanian police officers*, 01.07.2007, available at: <http://www.ziare.com/nationala-romaniei/stiri-nationala-romaniei/infractorii-romani-din-italia-vor-fi-prinsi-cu-politisti-romani-101721>

<sup>105</sup> Interview with a representative of Romani CRISS NGO, Ms Oana Mihalache, conducted by the Center for Legal Resources on 05.04.2013

Romani CRISS filed the case with the NCCD, which decided that it has no territorial competence and dismissed the case.<sup>107</sup> The NGO, together with the Center for Legal Resources as intervening part in the case, appealed the case at the Bucharest Court of Appeal which quashed the NCCD's decision and resent the case to the NCCD obligating it to solve the petition.<sup>108</sup>

#### 5. Case of Minister of Foreign Affairs Teodor Baconschi making racist statements

In 2010 the Ministry of Foreign Affairs published on its website a press release regarding a meeting with a French official when the Romanian Foreign Affairs Minister declared: "We have some physiological, natural problems of criminality amongst some Romanian communities, especially among the communities of Roma ethnic Romanian citizens".

The NGOs asked for the minister's resignation and filed a complaint with the NCCD, which found the statements discriminatory, but it issued only a recommendation without sanctioning with any administrative fine<sup>109</sup>, as the Anti-discrimination Law provides. The NGOs appealed the decision at the courts of law: the Court of Appeal maintained the NCCD's decision, but the High Court of Justice quashed the Court of Appeal's decision and asked the court for the case's retrial.<sup>110</sup>

### III. Jurisprudence of the National Council for Combating Discrimination

#### 1. Case of a wall separating a Roma community in Baia Mare built by the local authorities

The NCCD initiated an ex officio investigation in Baia Mare regarding a wall built by the local authorities which separated a series of blocks of flats dwelled mostly by Roma families. In 2011, the NCCD found discrimination and sanctioned the local authority with a fine of approx. 1,380 EUR and recommended the wall's demolition. The mayor of Baia Mare appealed the decision at the Cluj Court of Appeal, which, according to the media, quashed the NCCD decision.<sup>111</sup>

#### 2. Case of relocation of Roma families to the outskirts of Cluj Napoca

In December 2010, 56 families living in the city center of Cluj Napoca were relocated near the garbage dump at the outskirts of the city, in an area called Pata-Rat where around 1000 Roma already lived in a very precarious situation. 40 families were provided with alternative houses which did not comply with adequate housing standards, and 16 families build shacks near the new houses.<sup>112</sup>

The NCCD decided that moving the Roma families from the city centre near the garbage dump was an act of discrimination and sanctioned the local authorities with administrative fine of approx. 1800 EUR.<sup>113</sup>

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<sup>106</sup> Mediafax.ro, *Basescu: many of the nomadic Roma live off what they steal*, 03.11.2010, available at: <http://www.mediafax.ro/social/basescu-multi-dintre-romii-nomazi-in-mod-traditional-traiesc-din-ce-fura-7689349>

<sup>107</sup> NCCD Decision No. 175 of 4 May 2011.

<sup>108</sup> Decision of the Bucharest Court of Appeal of 27.06.2012 available at [http://portal.just.ro/2/SitePages/Dosar.aspx?id\\_dosar=200000000268819&id\\_inst=2](http://portal.just.ro/2/SitePages/Dosar.aspx?id_dosar=200000000268819&id_inst=2)

<sup>109</sup> RED-Network, Romania, *Alert: Romanian Minister of Foreign Affairs Teodor Baconschi makes racist statements*, 15.11.2011, available at <http://www.red-network.eu/?i=red-network.en.items&id=523>. See also NCCD's Decision No 366/24.11.2010 available in Romanian at <http://www.crj.ro/userfiles/editor/files/Decizie%20CNCD-Baconschi.pdf>

<sup>110</sup> Decision of High Court of Justice No 5026/17.04.2013, available at <http://www.scj.ro/dosare.asp?view=detalii&id=200000000258480&pg=1&cauta=>

<sup>111</sup> RED Network, Romania, *Alert: Building a wall to separate a Roma community in Baia Mare city*, 12.11.2011, available at <http://www.red-network.eu/?i=red-network.en.items&id=466>

<sup>112</sup> Amnesty International, *Mind the legal gap. Roma and the right to housing in Romania*, 2011, p. 8, available at: <http://www.amnesty.org/en/library/info/EUR39/004/2011>

<sup>113</sup> NCCD, Press release: Decisions issued by the NCCD on 15.11.2011 available at <http://www.cncd.org.ro/noutati/Comunicate-de-presa/Comunicat-de-presa-referitor-la-deciziile-Colegiului-director-al-CNCD-din-data-de-15-11-2011-124/>

### 3. Case of forced eviction of Roma in Miercurea-Ciuc

In 2004, around 100 Roma were evicted from the city centre of Miercurea-Ciuc near the sewage plant at the outskirts of the city. They were relocated by the authorities in metal cabins. In 2005 the NCCD considered the resettlement of the Roma next to the sewage plant to represent an act of discrimination. Since then, the relocated families were still not provided with adequate houses.<sup>114</sup>

### 4. Case of relocation of Roma to a former chemical factory

A significant number of Roma families were relocated by the Baia Mare local authorities in a building belonging to the former Cuprom factory, where living conditions did not meet the minimum health safety requirements. The relocated citizens belonging to the Roma community asked for medical assistance for a certain number of people, mainly children, presenting symptoms of intoxications, several of them being taken to the hospital. The case was filed with the NCCD by the National Roma Agency and by the Committee for human rights, cults and problems of national minorities of the Parliament's Deputies Chamber. In its decision, the NCCD argued that "the act of determining of a disadvantaged group of people, mostly belonging to an ethnic group, to leave their home without their consent, and their relocation in buildings which do not meet the minimum standards of living and which previously had industrial use, thus suspected as contaminated and polluted areas, constitutes an act of discrimination committed by differentiated treatment on the ground of ethnicity and belonging to a disadvantaged group which results in the violation of the right to housing and to a healthy environment, the right to respect for human dignity and the right to health of the citizens concerned." Although the NCCD stated that the facts amounted to discrimination, it issued only an administrative warning.<sup>115</sup>

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<sup>114</sup> Amnesty International, *Mind the legal gap. Roma and the right to housing in Romania*, 2011, pp. 12, 15, available at: <http://www.amnesty.org/en/library/info/EUR39/004/2011>

<sup>115</sup> NCCD Decision No 228/25.07.2012

### Chapter 3. Data on the situation of discrimination against the Roma minority

According to various research reports commissioned by the NCCD, Roma ethnics, together with persons with a mental disability, HIV/AIDS affected people and LGBT persons, are the most vulnerable to discrimination in Romania.<sup>116</sup> Results of a 2012 poll<sup>117</sup> show that 46% of respondents would feel little and very little comfortable around a Roma person, 46% consider the Roma to be lazy, 45% see them as aggressive and 35% as dishonest.<sup>118</sup>

According to the president of the NCCD, the ground of Roma ethnicity is the most present ground in the petitions filed with the NCCD. Also according to him, not all the petitions regarding Roma claim discrimination and thus, not all of them fall under the competence of the NCCD. However, due to the Roma NGOs activism, which have expertise in filing petitions, the number of the petitions which regard discrimination of Roma ranges between 40-60% of the total having as object discrimination, depending on the year considered.<sup>119</sup>

Regarding the number of cases of discrimination, the types of discrimination found and the field where they occurred, the courts do not have statistics. The only source of data is the NCCD, although it did not publish annual reports since 2010. The last overall reports available analysing the NCCD cases were issued in 2010 on the implementation of the Directives 2000/43/CE and 2000/78/CE in Romania<sup>120</sup>.

According to the NCCD report on the implementation of the Racial Directive (Council Directive 2000/43/CE) in the period 2003-2010, out of the 823 petitions filed with the NCCD which concerned ethnic or racial discrimination, in 129 cases violation of the Anti-discrimination Law was found (approx. 16,5 % of the petitions).<sup>121</sup> Out of the 129 cases covered by the Directive (on the ground of race or ethnic origin) in which the NCCD found various forms of discrimination, 97 regarded Roma. The subdivision of the cases showing the exact number of the different forms of discrimination found was made in relation to all the 129 cases. However, the numbers show that in the majority of the cases direct discrimination was found (68), the rest of the cases regarded indirect discrimination (8), instruction to discriminate (7), multiple discrimination (9) and active or passive behaviour which unreasonably disadvantages a group of persons or prejudice dignity (20).<sup>122</sup>

Statistical data is not collected by the NCCD and the courts either regarding the discriminating party or the victims.

From media reports and the number of NCCD cases regarding institutional discrimination and hate speech, filed by individuals or NGOs, one can conclude that discrimination committed by public institutions and public persons is prevalent among the discrimination cases in Romania.

Regarding the profile of the victims, according to the representative of Romani CRISS interviewed, Roma individuals claiming violation of their human dignity already work in the field of civil society or are employees of institutions.

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<sup>116</sup> See Center for Legal Resources, *Submission of the CLR to the 15th session of the UPR*, available at [http://www.crj.ro/\\*articleID\\_1161-articles](http://www.crj.ro/*articleID_1161-articles)

<sup>117</sup> TSN CSOP, *Research report. Perceptions and attitudes with regards to discrimination in Romania (Raport de cercetare: Percepții și atitudini privind discriminarea în România)*. Beneficiary: National Council for Combating Discrimination, available in Romanian at: [http://www.cncd.org.ro/files/file/Raport%20de%20cercetare%20CNCD\\_Discriminare.pdf](http://www.cncd.org.ro/files/file/Raport%20de%20cercetare%20CNCD_Discriminare.pdf)

<sup>118</sup> See also Center for Legal Resources, *Submission of the CLR to the 15th session of the UPR*, available at [http://www.crj.ro/\\*articleID\\_1161-articles](http://www.crj.ro/*articleID_1161-articles)

<sup>119</sup> Interview with the president of the NCCD, Mr. Csaba Ferenc Asztalos, conducted by the Center for Legal Resources on 27.03.2013

<sup>120</sup> National Council for Combating Discrimination, *Report on the implementation of the race directive in Romania, 2003-2010 (Raport privind implementarea Directivei rasiale în România, 2003-2010)*, available in Romanian at: [http://www.cncd.org.ro/files/file/Raport%20D43\\_2000\\_CNCD\\_final.pdf](http://www.cncd.org.ro/files/file/Raport%20D43_2000_CNCD_final.pdf)

<sup>121</sup> Idem, p. 29.

<sup>122</sup> Idem, p.30

As far as the violated rights are concerned, according to the representative of Romani CRISS interviewed, the more often violated rights reported by Roma regarding discrimination are: the right to property, the right to housing, free access to public places (bars, discos, even to gym), and the right to human dignity.<sup>123</sup> The most frequent violated rights in cases before the NCCD were: the right to human dignity, the right to free access to public places and the right to housing (including *ex officio* cases).<sup>124</sup>

### 3.1. Fields where discrimination occurs

According to a poll conducted on a nationally representative sample for the Roma population over 18 years, commissioned by the NGO Romani CRISS, 7 of 10 respondents (71%) perceive they are discriminated against most acutely in the field of employment. Two-thirds of respondents (66%) felt much and very much discriminated against in public places. Three out of five respondents consider that Roma are discriminated against much and very much in the following situations: in accessing public services (56%), health services (59%), legal services (58%), in school (63 %) and at work (62%).<sup>125</sup>

According to the NGO Romani CRISS (*Romani Center for Social Intervention and Studies*) which defends and promotes the rights of Roma in Romania<sup>126</sup>, the major fields where their assistance was claimed by Roma ethnics regarding discrimination were: access to education, access to housing and access to healthcare. But the most frequent cases regarded the abuse of the law enforcement officials.<sup>127</sup>

According to the president of the NCCD, in cases filed with the NCCD, discrimination of Roma occurred mostly in the fields of human dignity, access to education, access to healthcare, access to public places and only a very few cases regarded access of Roma to employment.

#### a. Education

Studies on Roma education show that Roma children are still discriminated against in the schools they attend and that the Roma represent the most segregated ethnic group in schools. According to a research report aiming at analyzing schools with Roma ethnics in order to reveal the correlations between the students' ethnicity and the quality of the education provided<sup>128</sup>, "highly discriminatory perceptions and attitudes towards Roma children" persist in schools.<sup>129</sup> The study also shows that the teacher's discriminatory attitude "is a major bottleneck for the educational process" and that teachers tending to

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<sup>123</sup> Idem

<sup>124</sup> Interview with the president of the NCCD, Mr. Csaba Ferenc Asztalos, conducted by the Center for Legal Resources on 27.03.2013.

<sup>125</sup> Totem Communication, *Stereotypes, prejudices and ethnic discrimination: The perspective of Roma, (Stereotipuri, prejudecăți și discriminarea etnică: perspectiva romilor)* Romani CRISS, 2011, p 26, available in Romanian at <http://www.romanicriss.org/PDF/Stereotipuri.%20prejudecati%20-%20perspectiva%20romilor%20cercetare%202011.pdf>. This quantitative research was conducted on a nationally representative sample for the Roma population over 18 years of 607 subjects and has a ±4 % error of sampling for an interval of trust of 95%.

<sup>126</sup> They promote and defend the rights of Roma by providing legal assistance in cases of abuse and works on preventing and fighting racial discrimination against Roma in all areas of public life, including the fields of education, employment, housing, and health. For more information about the NGO see [www.romanicriss.org](http://www.romanicriss.org).

<sup>127</sup> Interview with a representative of RomaniCRISS NGO, Ms Oana Mihalache, conducted by the Center for Legal Resources on 05.04.2013

<sup>128</sup> Duminică, G., Ivasiuc, A., *One school for all? : access to quality education for roma children: research report*, 2010, pp.32, available at [http://www.unicef.org/romania/One\\_school\\_for\\_all\\_pt\\_WEB.pdf](http://www.unicef.org/romania/One_school_for_all_pt_WEB.pdf). The research analyzed qualitative and quantitative data collected in the period April 2009 - May 2010 from the following sources: 100 educational establishments attended by Roma children from 70 communities (77 schools and 23 kindergartens); 85 interviews with school principals (or their delegated staff) and 104 interviews with teachers; 25 school mediators identified in the researched communities; 772 parents of school-aged children and 763 school-aged children. However, the authors notice that the researched educational establishments are not "a national representative sample and they are representative only for compact Roma communities with low socio-economic levels".

<sup>129</sup> Duminică, G., Ivasiuc, A., *One school for all? : access to quality education for roma children: research report*, 2010, p.119, available at [http://www.unicef.org/romania/One\\_school\\_for\\_all\\_pt\\_WEB.pdf](http://www.unicef.org/romania/One_school_for_all_pt_WEB.pdf)

blame Roma students for their lower academic performance “risk to ignore the need for them to change their own teaching methods, the teaching approach or attitude towards students.”<sup>130</sup>

The same study mentions that in Romania three types of segregation can affect the Roma children: *de jure* segregation, as a consequence of local or national government’s decisions, *de facto* or residential segregation, as a result of the overrepresentation of an ethnic group in a certain geographical area and academic segregation resulting from children’s separation based on their performance, which is quite high in the case of the Roma children because of their multiple vulnerabilities, such as low socioeconomic background, belonging to a minority group, etc.<sup>131</sup>

A 2011 quantitative study assessing the Roma children’s participation in education, their school non-attendance and drop-out<sup>132</sup>, carried out using a nationally representative sample of Roma adults having school-aged children<sup>133</sup>, shows that Roma children are segregated to the utmost extent in primary schools. The percentage of Roma children’s segregation in classes where the majority are Roma is 64,5 % in primary school as compared to 53% in middle school (this fact may be explained by the lower middle school attendance of Roma students). At the same time, the percentage of Roma students segregated in classes where all the students are Roma is 9,8 % in primary school and 9,5 % in secondary school. Furthermore, the study also mentions that in rural areas Roma segregation in classes can be met more often (68,6%) than in urban areas (47,6%). In addition, the study analyzed the Roma student’s segregation due to the spoken language in Roma families and found out that 64% of the children coming from Romani-speaking families are placed in separate classes in comparison with 48.3% coming from Romanian-speaking families (this may be due to the more accentuated residential segregation of the Romani-language speakers and the “larger discrimination against Roma”).<sup>134</sup>

As far as the participation of Roma children in education is concerned, a 2011 study aiming at analyzing the situation of Roma minority and their inclusion in Romania<sup>135</sup> concluded that 2 out of 10 children do not attend any kind of school. For building the sample families with children of 6-16 years old were taken into consideration. The reason most frequently invoked by the parents was the lack of financial resources.<sup>136</sup> In

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<sup>130</sup> Idem, p.122

<sup>131</sup> Idem, pp.25-26

<sup>132</sup> Laura Surdu (coord.), Enikő Vincze, Marius Wamsiedel, *Roma school participation, non-attendance and discrimination in Romania (Participare, absenteism școlar și experiența discriminării în cazul romilor din România)*, 2010, București, Vanemonde, available in Romanian also at <http://www.romanicriss.org/PDF/RC%202011%20-%20Participare,%20absenteism%20școlar%20și%20experiența%20discriminării%20%28ro%29.pdf>

<sup>133</sup> According to the report “the questionnaires were applied from December 2009 to January 2010 on a sample of 985 Roma adults with at least one drop-out child in the household and on a sample of 979 Roma adults with all children in their household attending school or preschool facilities. The subjects’ ethnicity was determined through self-identification (the questionnaire was applied only to those who had declared to be ethnic Roma in the selection questionnaire). Both samples are probabilistic and stratified. Fifty-six Roma compact communities were selected from 30 counties and the city of Bucharest.”

<sup>134</sup> See Laura Surdu (coord.), Enikő Vincze, Marius Wamsiedel, *Roma school participation, non-attendance and discrimination in Romania*, 2010, pp. 9-10, available at <http://www.romanicriss.org/PDF/RC%202011%20-%20Participare,%20absenteism%20școlar%20și%20experiența%20discriminării%20%28ro%29.pdf>

<sup>135</sup> Soros Foundation Romania, Fundación Secretariado Gitano of Spain, Open Society Institute – Sofia of Bulgaria and Fondazione Casa della Carità Angelo Abriani Italy “*Roma situation in Romania, 2011 Between social inclusion and migration, Country Report – Romania*”, available in Romanian at: [http://www.gitanos.org/upload/78/90/RUM\\_Roma\\_situation\\_in\\_Romania\\_between\\_socialinclusion\\_and\\_migration\\_sociological\\_study\\_3.pdf](http://www.gitanos.org/upload/78/90/RUM_Roma_situation_in_Romania_between_socialinclusion_and_migration_sociological_study_3.pdf). The sample included 1100 self-identified Roma persons from compact and dissipated communities. The margin of error for the survey is + /- 2.7% at a confidence level of 95%. (p. 9).

<sup>136</sup> Soros Foundation Romania, Fundación Secretariado Gitano of Spain, Open Society Institute – Sofia of Bulgaria and Fondazione Casa della Carità Angelo Abriani Italy, “*Roma situation in Romania, 2011 Between social inclusion and migration, Country Report – Romania*”, p. 37, [http://www.gitanos.org/upload/78/90/RUM\\_Roma\\_situation\\_in\\_Romania\\_between\\_socialinclusion\\_and\\_migration\\_sociological\\_study\\_3.pdf](http://www.gitanos.org/upload/78/90/RUM_Roma_situation_in_Romania_between_socialinclusion_and_migration_sociological_study_3.pdf)



another study looking at the Roma children's participation in education<sup>137</sup>, the questioned parents, beside the lack of financial resources, also mentioned the lack of transportation in rural areas and the lack of ID papers of the parents as obstacles to their children's non-enrolment. They also noted as an obstacle "the teachers' indifference to the humiliation and embarrassment that Roma children feel because of the way other children relate to them, as well as the discriminatory treatment that some Roma children and parents receive in school, especially those living in precarious conditions."<sup>138</sup> According to the parents, Roma children's dropout from schools is mostly due to the precarious material situation of the families: because of the low income the parents cannot cover the schooling costs (clothing, school supplies, additional teaching and learning materials, contributions to class and school funds, etc.) or because the children have to work outside the household in order to help their families to earn their living. Moreover, among the reasons, the study revealed also the "inequitable and biased treatment parents and/or their children were subject to in school by teachers, and majority children and parents."<sup>139</sup>

The NGO Romani CRISS monitored the situation of the Roma children in several schools from different counties. In 2010 they concluded that "Roma children continue to be segregated in schools for children with mental handicaps, in separate schools or in separate classrooms. Rarely do Schools inspectorates or educational units admit to the existence of segregation cases against Roma children".<sup>140</sup> The NGO also noted that in cases filed with the NCCD, the equality body found that the separation of the Roma children at school (segregation, displacement in special schools or in separate classrooms) is a form of discrimination, but the process of solving the complaints was very slow, in cases where segregation was found the NCCD did not apply sanctions and the measures disposed in the NCCD decisions to schools authorities were only recommendations, which are ineffective<sup>141</sup> and with limited impact.<sup>142</sup>

In 2007, the Ministry of Education issued an Order banning segregation of Roma children in schools<sup>143</sup>. In 2009, the Ministry carried out a research report and stated that on a sample of 90 schools in 67% segregation still existed and that the Ministry Order is not enforced in 63% of the 77 schools analyzed.<sup>144</sup> As a result of the study, in 2010 the Ministry of Education issued a notification to school inspectorates and school establishments regarding the prevention and elimination of segregation of Roma pre-schoolers and students in the education system<sup>145</sup> and requested the school inspectors to monitor the situation of

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<sup>137</sup> Laura Surdu (coord.), Enikő Vincze, Marius Wamsiedel, *Roma school participation, non-attendance and discrimination in Romania*, 2010, available at <http://www.romanicriss.org/PDF/RC%202011%20-%20Participare.%20absenteism%20scolar%20si%20experienta%20discriminarii%20%28ro%29.pdf>

<sup>138</sup> See Laura Surdu (coord.), Enikő Vincze, Marius Wamsiedel, *Roma school participation, non-attendance and discrimination in Romania*, 2010, p.8, available at <http://www.romanicriss.org/PDF/RC%202011%20-%20Participare.%20absenteism%20scolar%20si%20experienta%20discriminarii%20%28ro%29.pdf>

<sup>139</sup> See Laura Surdu (coord.), Enikő Vincze, Marius Wamsiedel, *Roma school participation, non-attendance and discrimination in Romania*, 2010, pp. 6, 80. See also Center for Legal Resources, *The contribution for Romania of the Center for Legal Resources as National Focal Point within the FRANET network to FRA's Annual Report 2011*, Section 6.2.5., available at <http://www.crj.ro/EN/Internal-Resources/>

<sup>140</sup> RomaniCriss, *The implementation of human rights. From discrimination against Roma to law enforcement abuses [2008-2009], updated report 2010 (Drepturile omului în practică. De la discriminarea romilor la abuz al responsabililor cu aplicarea legii [2008-2009], Raport actualizat [2010])*, Romanian edition, p.9.

<sup>141</sup> Idem, p.25

<sup>142</sup> Advisory Committee on the Framework Convention for the Protection of National Minorities, *Third Opinion on Romania* adopted on 21 March 2012, (ACFC/OP/III(2012)001), p.8, available at [http://www.coe.int/t/dghl/monitoring/minorities/3\\_FCNMdocs/PDF\\_3rd\\_OP\\_Romania\\_en.pdf](http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_OP_Romania_en.pdf).

<sup>143</sup> Order No 1540/2007 of the Ministry of Education regarding the prohibition of segregation in schools of the Roma children and the approval of the methodology for prevention and elimination of school segregation of Roma children.

<sup>144</sup> The Ministry of Education, Research and Innovation, *PHARE Programmes "Access to Education for Disadvantaged Groups". Impact Assessment*, Bucharest, 2009. See also Center for Legal Resources, *Complementary data collection contribution to the FRA annual report 2010*, p.20, available at <http://www.crj.ro/userfiles/editor/files/Complementary%20Data%20Collection%20Contribution%20to%20the%20FRA%20Annual%20Report%202010.pdf>

<sup>145</sup> Ministry of Education, *Notification No. 28463 regarding the prevention and elimination of segregation of Roma pre-schoolers and students in the education system, and some measures for maintaining instruction*

segregation and to report on measures of desegregation. As far as we could identify, the reports of the school inspectorates were not made public.<sup>146</sup>

In its 2012 opinion on Romania, the Advisory Committee on the Framework Convention for the Protection of National Minorities noted that “despite the measures taken by the authorities to improve the situation, Roma children continue to face challenges in the education system. There are many cases of Roma children being placed in schools for children with disabilities, in separate schools or in separate classrooms.”<sup>147</sup> An award winning human rights documentary further sheds light on the process of educational exclusion and discrimination documenting the academic career of three Romanian Roma children for the duration of four years.<sup>148</sup>

### **b. Access to housing**

An Amnesty International report on housing drafted in 2011<sup>149</sup> shows that the Romanian legal framework regarding housing is not adequate and disadvantages Roma. It maintains that Roma persons are still discriminated against both by the public officials and the society in general. These two facts, the deficient legislation which does not reflect international human rights standards and the persistency of discrimination have resulted in forced evictions and relocation of Roma families and communities “next to garbage dumps, sewage treatment plants, or industrial areas on the outskirts of cities that could be hazardous for their health” without access to basic facilities<sup>150</sup>. An UNDP survey conducted in 2011 in twelve European countries reveals that the most significant gap between Roma and non-Roma households lacking access to several housing facilities (e.g. to improved sanitary services and water sources, reliable electricity and energy services) but also living in insecure housing conditions (e.g. ruined houses) was registered in Romania. The high percentage of the lack of access of these households to improved water sources (72%) and to improved sanitary facilities (78%) also puts things in context. The study analysed also the respondents’ experiences regarding discrimination encountered in the previous 5 years in the field of housing. 31% of the Romanian respondents alleged that they were discriminated against on the ground of Roma ethnicity.<sup>151</sup>

### **c. Access to healthcare**

According to a 2011 study analysing the situation of Roma minority and their inclusion in Romania, 54% of the interviewed Roma persons felt discriminated against in healthcare centers and hospitals.<sup>152</sup>

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*in the languages of national minorities/the study of mother tongue in the Romanian education system*, available in Romanian at <http://administrare.site.edu.ro/index.php/articles/13466>

<sup>146</sup> Center for Legal Resources, *Complementary data collection contribution to the FRA annual report 2010*, p.20, available at <http://www.crl.ro/userfiles/editor/files/Complementary%20Data%20Collection%20Contribution%20to%20the%20FRA%20Annual%20Report%202010.pdf>

<sup>147</sup> Advisory Committee on the Framework Convention for the Protection of National Minorities, *Third Opinion on Romania* adopted on 21 March 2012, p.2, available at [http://www.coe.int/t/dghl/monitoring/minorities/3\\_FCNMdocs/PDF\\_3rd\\_OP\\_Romania\\_en.pdf](http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_OP_Romania_en.pdf) See also See also Written comments by the European Roma Rights Center concerning Romania, *For Consideration by the European Commission on the Transposition and Application of the Race Directive and on the Legal Issues Relevant to Roma Integration*, p.13, available at <http://www.errc.org/cms/upload/file/romania-red-written-comments-5-april-2013.pdf>

<sup>148</sup> Mona Nicoară and Miruna Coca-Cozma, Julie Goldman (Producers), Script and directing\$ Mona Nicoară and Miruna-Coca Cozma, *Our school*, 2011, at: <http://ourschoolfilm.blogspot.ro/>

<sup>149</sup> Amnesty International, *Mind the legal gap. Roma and the right to housing in Romania*, 2011, available at: <http://www.amnesty.org/en/library/info/EUR39/004/2011>

<sup>150</sup> Amnesty International, *Mind the legal gap. Roma and the right to housing in Romania*, 2011, pp. 2-3, 10.

<sup>151</sup> UNDP, *The housing situation of Roma communities, Analysis of the UNDP/World Bank/EC regional survey data. Policy brief*. 2011, Tatjana Peric, available at <http://www.logincee.org/file/25815/library>

<sup>152</sup> Soros Foundation Romania, Fundación Secretariado Gitano of Spain, Open Society Institute – Sofia of Bulgaria and Fondazione Casa della Carità Angelo Abriani Italy, *“Roma situation in Romania, 2011 Between social inclusion and migration, Country Report – Romania”*, p. 42, available in Romanian at



Within a study including a qualitative research regarding Roma patients<sup>153</sup> the participants to the research mentioned discriminatory attitudes towards Roma in the public health system, such as treating with preference non-Roma patients, letting Roma wait, even if they are with ill children, without taking into consideration the time when they arrived to the medical examination; using a derogatory language; avoiding physical contact during examination; omitting to inform or informing them incorrectly on the risks of certain treatments or interventions; refusing Roma patients or sending them to medical service suppliers from the proximity, etc. In certain hospitals Roma and non-Roma mothers are placed separately in different wards.<sup>154</sup> A segregation case of Roma children in a hospital was documented by NGOs and claimed at the competent institutions (NCCD, Ministry of Health and local authorities).<sup>155</sup> However, the NCCD did not find discrimination in the case.<sup>156</sup>

Romani CRISS also monitored cases regarding the access to medical services and reported that “medical care granted to Roma persons is scarce and judiciary investigations are precarious when it comes to Roma patients.”<sup>157</sup>

#### d. Access to employment

According to the FRA 2009 EU MIDIS report, which compared the European Union's ethnic minorities' participation in the labour market, the Roma minority from Romania, alongside the Roma from Poland, have one of the lowest participation rates.<sup>158</sup>

Predominant negative stereotypes (Roma don't want to work, Roma don't want to get employed legally) are present also at the responsible authorities' level having a mandate in helping Roma access to the labour market. Roma people consider themselves discriminated against by the public institutions, being treated “worse or similarly” with people of other ethnicities. They consider that ethnic affiliation is an important aspect for being successful in life and for getting a job, but also for their children to have success at school.<sup>159</sup> The unemployed Roma people state that their unsuccessful access to the labour market is due to the general economic context of Romania, the lack of competences or qualifications, ethnic discrimination, or because of their household activities, for example raising children.<sup>160</sup> Among the interviewed Roma people, 45% had the opinion that ethnic discrimination is one of the main causes why unemployed Roma cannot find a job.<sup>161</sup>

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[http://www.gitanos.org/upload/78/90/RUM\\_Roma\\_situation\\_in\\_Romania\\_between\\_socialinclusion\\_and\\_migration\\_sociological\\_study\\_3.pdf](http://www.gitanos.org/upload/78/90/RUM_Roma_situation_in_Romania_between_socialinclusion_and_migration_sociological_study_3.pdf).

<sup>153</sup> Romani CRISS, *Roma Health. Perspective of the actors involved in the health system – doctors, health mediators and patients (Sănătatea Romilor: perspectiva actorilor implicați în sistemul sanitar – medici, medcatoare, pacienți)*, p. 13, available in Romanian at

[http://www.romanicriss.org/PDF/brosura%20osi\\_fara%20font\\_1\\_136.pdf](http://www.romanicriss.org/PDF/brosura%20osi_fara%20font_1_136.pdf). The research was conducted in the period February – May 2010 and consisted in six focus groups in six Romanian cities with Roma persons who in the last 2 years experienced health problems for which they requested medical assistance.

<sup>154</sup> Idem, pp. 16-20.

<sup>155</sup> Romani CRISS, *Press release: Segregation of Roma children in hospitals: challenged for the first time in Romania*, 21 December 2011, available in Romanian at

<http://www.romanicriss.org/PDF/Comunicat%20de%20presa%20segregare%20copii%20spital%20Marie%20Curie%20dec%202011.pdf>

<sup>156</sup> NCCD Decision No. 286/05.09.2012.

<sup>157</sup> Romani CRISS, *The implementation of human rights. From discrimination against Roma to law enforcement abuses [2008-2009], updated report 2010*, English edition, pp.31-32, 37.

<sup>158</sup> European Union Agency for Fundamental Rights, *EU-MIDIS, European Union Minorities and Discrimination Survey, Main results report*, 2009, p. 38 available at

[http://fra.europa.eu/sites/default/files/fra\\_uploads/663-FRA-2011\\_EU\\_MIDIS\\_EN.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/663-FRA-2011_EU_MIDIS_EN.pdf). See also Romanian Institute for Quality of Life, *Legal and equal on the labour market for the Roma communities: Diagnosis of the factors influencing the employment rate of the Roma population in Romania*, 2010, Soros Foundation Romania, Bucharest, p.24, available at [http://www.soros.ro/en/program\\_articol.php?articol=251#](http://www.soros.ro/en/program_articol.php?articol=251#)

<sup>159</sup> Idem, p.123

<sup>160</sup> Idem., p. 119

<sup>161</sup> Idem, p. 123

Regarding the employed Roma, a 2010 study of the World Bank on Roma inclusion in Bulgaria, Czech Republic, Romania and Serbia shows that a wage gap between Roma and non-Roma employees exists and that approximately one-third of this wage gap “can be attributed to discrimination and other factors beyond differences in education, experience, and locality.”<sup>162</sup>

Although several reports show the existence of discrimination of Roma on the labour market, only a few complaints are filed with the NCCD regarding discrimination in the field of access to employment. In the opinion of the president of the NCCD, this is due to the fact that for an individual victim of discrimination in employment it is more difficult to take on managing a petition and evidence than in other fields (for example a case of public hate speech is easier to be documented and proved). Moreover, in order for an NGO to act on behalf of the victim, the latter’s mandate is needed.<sup>163</sup>

A local Roma NGO providing assistance for Roma persons at job applications (writing CVs, encouraging overcoming their shyness, advocating on their behalf at the employers) noted that Roma (especially Roma women) encounter discrimination due to their physical appearance. In these situations, according to the interviewee, documenting cases is very difficult, but also the employers are aware that they can not reject applications on grounds of ethnicity or physical appearance, and find “more subtle” methods.<sup>164</sup>

#### **e. Access to public places**

In 2009 and 2011, NGOs Romani CRISS, TRUST Association and Romano Suno monitored cases of access to public places (clubs and bars) of young Roma persons using situation testing in several clubs of Bucuresti, Craiova, Cluj-Napoca, and Dorohoi. The NGOs stated that places open to the public are still restrictive in respect of young Roma, invoking lack of admission card, private event, lack of invitation, etc. At the same time, access was granted to non-Roma youngsters, without invoking the reasons mentioned above for Roma.<sup>165</sup>

#### **f. Abuse of law enforcement officials**

The NGO Romani CRISS has monitored cases regarding abuse of law enforcement officials against Roma persons and argued that, in the majority of cases, the physical or verbal abuse is linked to the ethnic belonging of the persons and that the number of police officers and rapid intervention forces are not proportional with the complexity of cases or the number of people involved. The NGO also reported that the prosecution authorities did not ensure effective, impartial, prompt and racially neutral investigations and the judicial authorities usually dismissed the cases. Although Romania was condemned by the ECtHR in several cases regarding Roma victims, according to Romani CRISS, the police and the rapid intervention forces continued to carry out their duties improperly against Roma and the prosecution authorities did not investigate the cases including Roma victims in compliance with the standards set by the ECtHR.<sup>166</sup>

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<sup>162</sup> The World Bank, *Roma inclusion: An economic opportunity for Bulgaria, Czech Republic, Romania and Serbia - Policy note*, Washington D.C., 2010, available at: [http://siteresources.worldbank.org/INTRROMA/Resources/Policy\\_Note.pdf](http://siteresources.worldbank.org/INTRROMA/Resources/Policy_Note.pdf)

<sup>163</sup> Interview with the president of the NCCD, Mr. Csaba Ferenc Asztalos, conducted by the Center for Legal Resources on 27.03.2013.

<sup>164</sup> Interview with the president of NGO Roma Women Association for our Children, Ms Letitia Mark, conducted by the Center for Legal Resources on 13.04.2013

<sup>165</sup> See Romani Criss, *The implementation of human rights. From discrimination against Roma to law enforcement abuses [2008-2009], updated report 2010 (Drepturile omului în practică. De la discriminarea romilor la abuz al responsabililor cu aplicarea legii [2008-2009], Raport actualizat [2010])*, Romanian edition, pp. 33-38. See also Romani CRISS, *Annual Report 2011*, p.13.

<sup>166</sup> See Romani Criss, *The implementation of human rights. From discrimination against Roma to law enforcement abuses [2008-2009], updated report 2010*, Romanian edition, pp. 72-73.

### g. Human dignity

One can notice that hate speech with regards to different minority groups, especially Roma, has increased exponentially in the past years in Romania. According to the NCCD, many cases claimed at the institution lately regard hate speech.<sup>167</sup>

Stereotypes and prejudice are promoted by a part of the media, in some cases surpassing the limits of exercising the right to freedom of expression, violating the dignity of the Roma community and the right to non-discrimination. Also, political representatives in their discourses, when it comes to the Roma community, do not take into account that the right to freedom of expression is not absolute and that they have also responsibilities in not forwarding discourses that incite to hatred and promote intolerance.<sup>168</sup> Lately, a trend of discriminatory speech regarding Roma with statements made by high level representatives (the president of Romania, prime-ministers, ministers of foreign affairs, senators, political leaders, etc.) seems to have developed in Romania.<sup>169</sup> Although these discriminatory statements, further promoted by the press and by political representatives are made by the authorities, they remain unsanctioned<sup>170</sup> or the sanctions are not effective, proportionate and dissuasive (recommendations or warnings). According to the NNCD's 2009 Annual Report, in the majority of cases where the accused parties were authorities or public institutions, firms or private companies and discrimination was found, the Steering Committee issued recommendations and in a smaller percentage administrative warnings.<sup>171</sup>

According to the representative of Romani CRISS, cases regarding the violation of the right to human dignity by political representatives or public persons brought before the Romanian courts by the NGO on behalf of the Roma community were generally dismissed.<sup>172</sup> The decisions of the NCCD in these cases vary depending on different factors,<sup>173</sup> but looking at its jurisprudence, even when discrimination is found, the sanctions cannot be considered dissuasive (see also case law presented above).

### Recommendations of international bodies:

Regarding the discrimination of Roma in the **fields of education, housing, healthcare and employment**, in 2012 the Advisory Committee on the Framework Convention for the Protection of National Minorities recommended for Romania to take the following immediate actions: to "allocate adequate resources to address the situation of Roma with regard to housing, infrastructure, employment, access to health care and education; when carrying out relocations, respect in all instances the right to consultation and provide adequate alternative housing without delay; ensure that relocations do not increase isolation or restrict the right of access of children to education."<sup>174</sup>

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<sup>167</sup> Interview with the president of the NCCD, Mr. Csaba Ferenc Asztalos, conducted by the Center for Legal Resources on 27.03.2013.

<sup>168</sup> See Romani Criss, *The implementation of human rights. From discrimination against Roma to law enforcement abuses [2008-2009], updated report 2010, Romanian edition*, p. 44

<sup>169</sup> See RED Network, Romania, Case study on high level discriminatory speech at <http://www.red-network.eu/?i=red-network.en.items&id=721>.

<sup>170</sup> See Romani Criss, *The implementation of human rights. From discrimination against Roma to law enforcement abuses [2008-2009], updated report 2010, Romanian edition*, p. 44

<sup>171</sup> See also Center for Legal Resources, *Submission of the CLR to the 15th session of the UPR*, p. 3, available at [http://www.crj.ro/\\*articleID\\_1161-articles](http://www.crj.ro/*articleID_1161-articles)

<sup>172</sup> Interview with a representative of Romani CRISS NGO, Ms Oana Mihalache, conducted by the Center for Legal Resources on 05.04.2013

<sup>173</sup> Idem.

<sup>174</sup> Advisory Committee on the Framework Convention for the Protection of National Minorities, *Third Opinion on Romania* adopted on 21 March 2012, (ACFC/OP/III(2012)001), p.2., available at [http://www.coe.int/t/dghl/monitoring/minorities/3\\_FCNMdocs/PDF\\_3rd\\_OP\\_Romania\\_en.pdf](http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_OP_Romania_en.pdf)

### 3.2. Obstacles that Roma face in protecting their right to non-discrimination. Needs and proposals for a better use of the existing legislation and redress mechanisms

In order to find out the level of activation of the non-discrimination legislation in case of discrimination of the members of the Roma community and the needs of the Roma ethnics to protect their rights, interviews were conducted with representatives from the following institutions/organisations:

- **The Equality body (National Council for Combating Discrimination - NCCD)**, which, besides preventing, deciding on the existence and sanctioning discrimination, provides legal assistance to the victims of discrimination.<sup>175</sup> According to the president of the NCCD, the institution was invested with the legal assistance mandate in response to the Racial Directive requirement “to provide independent assistance to victims of discrimination in pursuing their complaints about discrimination”<sup>176</sup>. However, the assistance provided is very limited and consists of informing the alleged victim of discrimination or any other citizen who contacts the institution about the legal and institutional framework regarding discrimination and the possibilities they can make use of (with which institution can they file a petition, what kind of remedies can they obtain, what shifting of the burden of proof entails, what kind of proof they can invoke) without however stating an opinion on the possible outcomes of the case in question since the NCCD might also have to decide on it <sup>177</sup>. It is obvious that building an institution which can do it all (provide legal aid, mediate, investigate, decide and sanction on discrimination) is not what the Directive intended, but moreover that potential victims have all adequate remedies and sufficient support at their disposal.
- **A Roma NGO, Romani CRISS**, carrying out national wide activities for combating and preventing racial discrimination against Roma, including legal aid for Roma persons and their legal representation before the National Council for Combating Discrimination (NCCD) and/ or before the civil and criminal courts of law, as well as the European Court of Human Rights<sup>178</sup>. According to the interviewed representative of Romani CRISS, the NGO has been working on identifying and documenting cases of discrimination in Roma communities for many years, particularly and systematically since 2000. In 2002 they created and trained a network of local monitors for combating discrimination against the Roma. The monitors are Roma ethnics coming from local communities. Through the network, the NGO manages to reach local communities, to identify correctly and document cases of discrimination, abuse and violence, as well as to promote its legal aid services and to train and assist local communities. The NGO’s legal services are also promoted by other Roma or human rights NGOs, or professionals from local authorities.<sup>179</sup> Since 2010 a “legal clinic” is functioning within the NGO which provides pro bono legal services for members of Roma communities, including assistance in writing a claim, directing the claimants to the competent institutions, drafting petitions, even if their subject does not regard situations of discrimination, etc.<sup>180</sup> The services are provided also by a free telephone line put at the disposal of Roma people.<sup>181</sup> In addition, the NGO organized caravans visiting local

<sup>175</sup> See the website of the institution at <http://www.cncd.org.ro/home-page/>

<sup>176</sup> Art. 13(2) of Directive 2000/43/EC

<sup>177</sup> Interview with the president of the NCCD, Mr. Csaba Ferenc Asztalos, conducted by the Center for Legal Resources on 27.03.2013.

<sup>178</sup> For more information about the organisation’s activity see its website

at: [http://www.romanicriss.org/en/index.php?option=com\\_content&view=article&id=1737&Itemid=564](http://www.romanicriss.org/en/index.php?option=com_content&view=article&id=1737&Itemid=564)

<sup>179</sup> Interview with a representative of RomaniCRISS NGO, Ms Oana Mihalache, conducted by the Center for Legal Resources on 05.04.2013. See also Romani CRISS, Information on training for monitors: *Romani CRISS’s network of local human rights monitors - training*

*Amnesty International and Romani CRISS*, 25 November 2010, available at <http://www.romanicriss.org/informare%20curs%20monitori%20AI%20dec10.pdf>

<sup>180</sup> Interview with a representative of Romani CRISS NGO, Ms Oana Mihalache. See also Romani CRISS, Informative flyer: *Legal assistance for Roma ethnics*, available at <http://www.romanicriss.org/Fluturas%20informativ%20TelVerde.pdf>

<sup>181</sup> Romani CRISS, Informative flyer: *Legal assistance for Roma ethnics*.

communities, providing information on legal issues and carrying out campaigns of legal assistance in getting identity and property documents and on access to education.<sup>182</sup> The services of the legal clinic were promoted also by radio spots.<sup>183</sup>

Furthermore, information materials on the right to non-discrimination and managing situations of discrimination,<sup>184</sup> as well as on documenting, monitoring of and litigation in cases of discrimination and violation of human rights<sup>185</sup> were published and promoted by the NGO.<sup>186</sup>

Through all these means described above, the NGO managed to document over 250 cases, including cases in which petitions were not filed or which were already finalized, but also the active ones (around 100 at present).<sup>187</sup>

- **A local Roma NGO from Timisoara, Roma Women Association for our Children**, promoting the inclusion of Roma women and their children in society through education and socio-cultural programs, aiming at increasing the self-esteem of Roma and combating discrimination and prejudices. The NGO also implemented a large project on the employment of Roma women.<sup>188</sup> The NGO did not provide legal assistance to Roma individuals, but acted for the local Roma community through filing a complaint with the NCCD in the situation of a school segregation, carrying out awareness raising campaigns for combating prejudices about Roma, as well as taking actions against racist attitudes and manifestations, having media appearances, organizing or participating at protests, signing protest letters, participating at local action groups, etc.<sup>189</sup>

According to a poll conducted on a nationally representative sample of Roma, 4 out of 5 persons manage to identify correctly situations of discrimination against the Roma<sup>190</sup>.

The interviewed representative of the NGO Romani CRISS considers that the anti-discrimination legislation is not known to a great extent by the Roma in general, it is known only by the Roma working in institutions or who have contacts with Roma or human rights NGOs. But, discrimination, as a phenomenon, is known by the Roma communities, most of them managing to identify correctly a situation of discrimination on ethnic grounds. They also know that there exist mechanisms which can help them in dealing with the situation of discrimination, but they don't know how and to which institution they should resort. Also according to her, the possibility to contact NGOs or Roma persons working in institutions is also known by the Roma communities.

The NGO's legal services requested by Roma persons varied from writing an application to drafting petitions in case they wanted to file a claim, or directing them to the competent institutions to solve the problems they managed to identify. The majority of persons who had the courage to announce a discrimination case and asked for their legal assistance wanted to have the case solved and took further steps. When legal representation was asked, the jurists/lawyers working at the NGO or hired by the NGO brought the cases before the competent courts or the NCCD. The majority of discrimination cases in which assistance was requested occurred in the fields of education, housing, health, and abuse of law enforcement officials. Other legal problems which do not regard discrimination claimed by Roma people

<sup>182</sup> Romani CRISS, *Annual Report 2011*, p. 14. <http://www.romanicriss.org/PDF/rap%20anual%202011.pdf>

<sup>183</sup> Interview with a representative of Romani CRISS NGO, Ms Oana Mihalache.

<sup>184</sup> Romani CRISS, Brochure anti-discrimination: *The right to non-discrimination (Dreptul la nediscriminare)*, available at <http://www.romanicriss.org/PDF/Brosura%20antidiscriminare%20curbe.pdf>

<sup>185</sup> Romani CRISS, *Guide for monitoring the observance of human rights (Ghid pentru monitorizarea respectării drepturilor omului)*, available in Romanian at

<http://www.romanicriss.org/PDF/Ghid%20pentru%20monitori%20documentare.pdf>

<sup>186</sup> Romani CRISS, *Annual Report 2011*, p. 23

<sup>187</sup> Interview with a representative of Romani CRISS NGO, Ms Oana Mihalache.

<sup>188</sup> See more information about the NGO's activities see <http://www.femrom.ro/aftpcn.html>

<sup>189</sup> Interview with the president of NGO Roma Women Association for our Children, Ms Letitia Mark, conducted by the Center for Legal Resources on 13.04.2013

<sup>190</sup> Totem Communication, *Stereotypes, prejudices and ethnic discrimination: The perspective of Roma (Stereotipuri, prejudecăți și discriminarea etnică: perspectiva romilor)*, Romani CRISS, 2011, p 21,

available at <http://www.romanicriss.org/PDF/Stereotipuri,%20prejudecati%20-%20perspectiva%20romilor%20cercetare%202011.pdf>. This quantitative research was conducted on a nationally representative sample for the Roma population over 18 years of 607 subjects and has a  $\pm 4$  % error of sampling for an interval of trust of 95%.

are related to housing issues (lack of ownership documents on buildings or lands), lack of ID papers (this is not as frequent as it was in the past, but it is still present), late registration of birth and actions for recognition of paternity.<sup>191</sup>

The NGO's representative believes that for a better use of the existing legislation and redress mechanisms, Roma persons still need the help of intermediaries, because even the majority population hardly manages to make use of the existing legislation in the cases they face, let alone the Roma. The vulnerable populations with a very low level of education, very precarious financial situation are less able to use the mechanisms on their own. There is also a need of more campaigns aiming at combating and preventing discrimination implemented in local communities by NGOs, Roma employees at local authorities and prefectures, school inspectors for Roma, etc. The representative thinks that there are a lot of NGOs registered as dealing with Roma issues, but they are inactive; these NGOs should become active, especially at local level and should empower Roma communities, as well as identify actors within the Roma communities who actively participate in preventing and combating discrimination.

The president of the NCCD couldn't remember requests for legal assistance in discrimination cases coming from Roma individuals. According to him, they rather asked for representation before the civil and penal courts, which does not fall within the competence of the institution.

In his opinion, the majority of the persons belonging to vulnerable groups know the term 'discrimination', but they do not have the capacity to promote and to make use of their right to non-discrimination in the courts of law. They need legal assistance in all stages: in analysing the situation in order to prepare a plan for solving it, gathering evidence, drafting legal documents, submission of legal documents and legal representation.

According to him, the state is the one which should assume responsibility for its every citizen regardless of ethnicity or social status, but especially for vulnerable groups, developing public policies and programs having them as target.

Both the representative of the Romani CRISS NGO and the president of the NCCD mentioned that the field of non-discrimination is not very well known by the institutions. There is a lack of education and training of the professionals (including teachers, policemen, judges, prosecutors, health professionals) in the field of non-discrimination and thus they are not able to handle properly vulnerable groups and discrimination situations.<sup>192</sup> (*"Assistance is not just the fact that I go to a lawyer and to an NGO and tells me what I can do, it means that if I go to an institution it informs me about my possibilities correctly even if they don't tell me if it's black or white, but they can guide me"* - president of the NCCD<sup>193</sup>).

According to the representative of Romani CRISS interviewed, the lawyers are insufficiently prepared in the field; they can rarely provide correct and concrete legal advice.<sup>194</sup>

The only actors which could provide adequate assistance seem to be NGOs. However, the president of the NCCD was critical of the level of their activity in the past years.<sup>195</sup> Also, according to the representative of Romani CRISS, lately the NGOs have concentrated their activities on carrying out projects financed by European structural funds and thus their legal aid services have been affected. Moreover, the available special funds for legal assistance have been dramatically decreased.<sup>196</sup>

In the opinion of the president of the local Roma NGO from Timisoara, "Roma Women Association For our Children", in most cases Roma are not even aware that they are discriminated against and thus the NGO undertook steps at the institutions to make use of the Roma community's rights (she gave the example of school segregation). According to her, Roma persons encounter discrimination in employment, but also institutional discrimination (starting from kindergarten to hospitals, etc.) which is difficult to prove. Roma women are even more vulnerable, they experience multiple discrimination. The legal proceedings last very

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<sup>191</sup> Interview with a representative of Romani CRISS NGO, Ms Oana Mihalache

<sup>192</sup> Interview with the president of the NCCD, Mr. Csaba Ferenc Asztalos.

<sup>193</sup> Interview with the president of the NCCD, Mr. Csaba Ferenc Asztalos.

<sup>194</sup> Interview with a representative of Romani CRISS NGO, Ms Oana Mihalache

<sup>195</sup> Interview with the president of the NCCD, Mr. Csaba Ferenc Asztalos,

<sup>196</sup> Interview with a representative of Romani CRISS NGO, Ms Oana Mihalache



long and Roma people don't have the capacity and financial resources to engage in lawsuits. NGOs carry out field researches and collect evidence e.g. in case of discrimination in access to public places, but gathering evidence and solving problems in cases with bigger impact on communities and with harmful effects on the children's life or on integration of adults in the labour market is more difficult and needs the involvement of the institutions which are often themselves the agents which discriminate.

### **3.3. Recommendations for improving the legal assistance services and the education regarding legal issues in the field of human rights in general and non-discrimination of the Roma in particular**

The recommendations of the interviewees<sup>197</sup> were:

- Training of the professionals involved in legal issues regarding human rights and non-discrimination<sup>198</sup>;
- Campaigns promoting fundamental rights and liberties especially in the field of non-discrimination.<sup>199</sup> More information campaigns at local level carried out by the NCCD<sup>200</sup>.
- Legal education programs provided for Roma communities<sup>201</sup>, but also for Roma leaders<sup>202</sup>;
- Finding compensation methods for stimulating the lawyers so as to represent cases pro bono in the field of human rights and non-discrimination. According to the Romani CRISS representative interviewed, such compensations could be non-pecuniary incentives provided by the Bars or tax facilities<sup>203</sup>. The president of the NCCD considers that there is a "growing market" of cases of discrimination, not necessarily on the ground of race, in which important amounts of awards are paid and this could stimulate the lawyers to overtake cases pro bono.<sup>204</sup> In the view of the local Roma NGO's president, the lawyers should be paid through NGO's projects, assuring in this way their implication and accountability, because, in her opinion, the lawyers appointed *ex officio* handle the cases only formally<sup>205</sup>;
- Establishing branch offices of the key institutions at local level. According to the representative of Romani CRISS, more local NCCD offices with one-two representatives should be set up (at present only two exist), so that the institutions increase their availability to the vulnerable groups<sup>206</sup>. The president of the local Roma NGO also proposed the establishing of information centres in every city or near the key-institutions, providing legal assistance in discrimination cases and information on services<sup>207</sup>;
- Empowering the existing branch offices of the key institutions to provide legal assistance services. In the view of the NCCD's president, in Romania "there are at least two institutions that could develop legal assistance services".<sup>208</sup> One is the Ombudsman, which has territorial structures - regional offices and could provide assistance, make *ex officio* investigations, reports,

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<sup>197</sup> For the interviewed persons/organizations see section 3.2 of this report.

<sup>198</sup> Recommended both by the representative of Romani CRISS and the president of the NCCD

<sup>199</sup> Recommended by the representative of Romani CRISS

<sup>200</sup> Recommended by the representative of Romani CRISS

<sup>201</sup> Recommended both the representative of Romani CRISS and the president of Roma Women Association for our Children

<sup>202</sup> Recommended by the president of Roma Women Association for our Children

<sup>203</sup> Recommended by the representative of Romani CRISS

<sup>204</sup> Interview with the president of the NCCD, Mr. Csaba Ferenc Asztalos.

<sup>205</sup> Interview with the president of NGO Roma Women Association for our Children, Ms Letitia Mark

<sup>206</sup> Recommended by the representative of Romani CRISS

<sup>207</sup> Recommended by the president of Roma Women Association „For our Children”

<sup>208</sup> Interview with the president of the NCCD, Mr. Csaba Ferenc Asztalos.

but “it’s an institution that is missing entirely from the area of human rights”.<sup>209</sup> The other is the National Agency for Roma (NAR) “which has 8 regional offices with at least 3 employees.”<sup>210</sup> According to the president of the NCCD, for the NAR such competences should be given by law and a special budget should be allocated for compensation of lawyers assisting racial discrimination victims.<sup>211</sup> Also according to him, one must distinguish between collective and individual cases. “*In collective cases the Ombudsman could intervene more actively; in individual cases a funding system for lawyers should be established - the NAR may undertake also individual cases.*” (President of the NCCD)<sup>212</sup>;

- Empowering NGOs through special funds for providing legal assistance and hiring lawyers;<sup>213</sup>

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<sup>209</sup> Interview with the president of the NCCD, Mr. Csaba Ferenc Asztalos.

<sup>210</sup> Interview with the president of the NCCD, Mr. Csaba Ferenc Asztalos.

<sup>211</sup> Interview with the president of the NCCD, Mr. Csaba Ferenc Asztalos.

<sup>212</sup> Interview with the president of the NCCD, Mr. Csaba Ferenc Asztalos.

<sup>213</sup> Recommended by the president of Roma Women Association for our Children.



## Chapter 4. Public and private organizations which address discrimination against the Roma minority

### **Organisation Name:**

**Romani CRISS**

### **Legal Status:**

NGO

### **Intervention area:**

- Education
- Health
- Civic mobilization
- Legal assistance
- Promoting ethnic identity
- Campaigning

### **Services and projects developed in the area:**

- Legal assistance in cases of human rights violations (including abuse or violence) against Roma minority;
- Activities to improve Roma children's access to education, including projects that targets pre-school children (center for early childhood development), primary and middle school children (catching up activities, intercultural activities, summer camps for children, after school centers), teenagers (training and empowerment courses, assistance in implementing community development projects, debates).
- Activities for Roma's access to health-care services. Romani CRISS supports the implementation of the Roma health mediation programme, initiated by the organisation in 1997.
- Implementation of social campaigns, raising-awareness campaigns, civic mobilisation and advocacy campaigns, as well as training of Roma and non-Roma human resources.
- Elaboration of researches and studies<sup>214</sup>

### **Contacts:**

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Tel: +4 021.310.70.70

Fax: +4 031.815.76.23

Email: [office@romanicriss.org](mailto:office@romanicriss.org), Site: <http://www.romanicriss.org>

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### **Organisation Name:**

**National Council for Combating Discrimination**

### **Legal Status:**

National Council for Combating Discrimination is an autonomous authority of state, under parliamentary control, which operates in the field of discrimination.

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<sup>214</sup> Information available at:

[http://www.romanicriss.org/en/index.php?option=com\\_content&view=article&id=1737&Itemid=564](http://www.romanicriss.org/en/index.php?option=com_content&view=article&id=1737&Itemid=564)

**Intervention area:**

- Combating Discrimination

**Services and projects developed in the area:**

- Prevention of discrimination by information campaigns, awareness on human rights, the effects of discrimination, equality, training, information, projects and programs at local, regional and national studies, reports, etc.
- Mediation of discriminatory acts of the parties involved in the case of discrimination, in the presence of representative of the National Council for Combating Discrimination.
- Investigation, finding and sanctioning of discrimination.
- Monitoring discrimination cases after finding of discrimination parties.
- Providing specialized assistance to victims of discrimination by explaining legislation to those interested by lawyers of the NCCD, by guidance assisted regarding the activity of submission of petition and additional information resulting from this procedure<sup>215</sup>.

**Contacts:**

Address: Piata Walter Maracineanu nr 1-3, sector 1, Bucuresti

Telefon: +4 021 312.65.78

Fax: +4 021 312.65.85

Email: support @ cncd.org.ro, Site: <http://www.cncd.org.ro>

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**Organisation Name:**

**Sastipen**

**Legal Status:**

NGO

**Intervention area:**

- Health

**Services and projects developed in the area:**

- Equal access to health services
- Education and training in medical field
- Developing social care services
- Research and analysis
- Lobby and advocacy
- The health mediation program<sup>216</sup>

**Contacts:**

Address: Str. Mircea cel Batran, nr. 76, sector 5, Bucuresti, cod postal 051112

Tel: +004 021/456 03 21;

Fax: +004 021/ 456 03 21;

Site: <http://www.sastipen.ro>

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**Organisation Name:**

**Fundatia Ruhama**

**Legal Status:**

NGO

**Intervention area:**

- Social Services

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<sup>215</sup> Information available at: <http://www.cncd.org.ro/home-page/>

<sup>216</sup> Information available at: <http://www.sastipen.ro/en/domenii-de-activitate/programul-de-mediare-sanitara>

- Education
- Training and employment services
- Community Development
- Advocacy and Public Policy

**Services and projects developed in the area:**

- Social services provided by the Ruhama Foundation:
  - o Homecare Services
  - o Citizen Advice Bureau Oradea
  - o The Counselling and Support Centre for Parents and Children
  - o Day care centre for children
  - o Specialized social services for growth, early childhood care and education, nursery type, Telechiu
- Educational programs and Roma Educational Centre: it develops sustainable and inclusive educational models for Roma children to promote desegregation and integration , supported by community efforts.
- Training and employment services provided by Ruhama Foundation:
  - o Training programs
  - o Employment services
  - o Cariere Center
- Community Development: Ruhama Foundation carry out activities for the development of poor communities, especially Roma
- Advocacy and Public Policy<sup>217</sup>

**Contacts:**

Address: Str. Universitatii nr. 4 Campus Stiinte Socio-Umane Mun. Oradea Jud. Bihor Cod: 410057

Romania – UE

Tel: 004 0259 456 180

Fax: 004 0259 456 180

Site: <http://www.ruhama.ro>

**Organisation Name:**

**Policy Center for Roma and Minorities**

**Legal Status:**

NGO

**Intervention area:**

- Changing negative attitude
- Social Inclusion
- Active citizenship

**Services and projects developed in the area:**

- [Early Education Turns Dreams into Reality](#): Policy Center for Roma and Minorities partner Asociația Ovidiu Rom has launched a new component of its Each Child in Kindergarten project.
- [Raising awareness on Roma issues](#)
- [Football and antidiscrimination](#)
- [The “Read with me!” public campaign](#)
- Social inclusion projects
- The project “Alternative Education Club” is a new, safe, open, creative and challenging space for the children living in the Ferentari ghetto area in Bucharest

<sup>217</sup>Information available at: <http://www.ruhama.ro/en/advocacy-and-public-policy>

- Piloting Active Citizenship through Empowerment
- Debate House: The general objective is to engage the youth in public debates concerning subjects like racism, discrimination, ethnic minorities and education, and to raise the profile of these debates as a way of counterbalancing the current trend in the Romanian society
- Active citizens: It is a global program of British Council that is being developed in the field of intercultural dialogue and education for active citizenship<sup>218</sup>

**Contacts:**

Address: Str. Franceză nr. 52, scara C, Ap. 33

Cod poștal 030106, Sector 3, București, România

Tel.: 021 311 36 88

Fax: 031 817 70 92

Email: [office@policycenter.eu](mailto:office@policycenter.eu), Site: <http://www.policycenter.eu>

**Organisation Name:**

**Liga PRO EUROPA**

**Legal Status:**

NGO

**Intervention area:**

- Interculturality
- Human Rights
- Democracy

**Services and projects developed in the area:**

- Intercultural Center is a program designed to facilitate communication and dialogue between different cultural, ethnic, religious, protect otherness and diversity, contribute to conflict prevention, to identify and analyse the phenomena of intolerance and exclusivism
- Office for Human Rights, monitors the respecting for human rights and minorities by the authorities at local and regional level, offers free counselling for people whose rights were damaged, supports their cause, develops case studies, organizes meetings designed to help strengthen of a culture of human rights
- College of Democracy: The program aims to encourage active engagement of young leaders in promoting of participatory pluralist democracy<sup>219</sup>
- Editing of publications

**Contacts:**

**Address:** 540049 Tîrgu-Mures, România

P-ta Trandafirilor nr. 5 et. III., P.O. Box 1-154

Phone: +40-265-250 182

Fax: +40-265-250183

Site: <http://www.proeuropa.ro>

**Organisation Name:**

**Asociatia Pro Democratia (APD)**

**Legal Status:**

NGO

<sup>218</sup> Information available at: <http://www.policycenter.eu/en/active-citizens>

<sup>219</sup> Information available at: [http://www.proeuropa.ro/colégiul\\_democratiei.html](http://www.proeuropa.ro/colégiul_democratiei.html)

**Intervention area:**

Democracy

**Services and projects developed in the area:**

- Programmes and projects:
  - o [Monitoring Elections in Romania and in the Region](#)
  - o [Promoting Public Consultation Tools and Techniques](#)
  - o [Accountability of the Elected](#)
  - o [Promoting Good Governance in Local Communities](#)
  - o [Promoting Integrity in Public Institutions](#)
  - o [Education for Democracy](#)
  - o [Romania in the European Union](#)
  - o [Promoting Democracy in Other States of the World](#)<sup>220</sup>

**Contacts:****National Coordination Center**

**Address:** 17 Maresal Al. Averescu Bd. - within "St. Ecaterina" Social Center - Building F, 3rd floor, 1st

District, Bucharest

Tel.: (+4)021 222.82.45

Email: [apd@apd.ro](mailto:apd@apd.ro), Site: <http://www.apd.ro>

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**Organisation Name:**

**Centrul de Resurse pentru Comunitatile de Romi / Resource Centre for Roma Communities**

**Legal Status:**

**NGO**

**Intervention area:**

- Education
- Employment
- Community Development
- Democracy
- **Youth**

**Services and projects developed in the area:**

- "Young Roma competitive with equal opportunities on the labor market": Facilitating the access to the labor market in order to reduce social exclusion, discrimination and the poverty, of the young Roma
- The project "Training of Trainers for Roma activists"
- The project "Scholarships for Roma pupils in schools"
- Social campaign "Quite different - the same blood!"
- Community facilitators training program
- Program to support specific Roma publications
- Complex training program of young Roma 2003 - 2004<sup>221</sup>

**Contacts:**

Address: 400305 Cluj Napoca, Romania,

Str. Tebei, nr.21

Tel.: +(40) 264 420474

Fax.: +(40) 264 420470

Site: <http://www.romacenter.ro>

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<sup>220</sup>Information available at: <http://www.apd.ro/proiecte.php>

<sup>221</sup>Information available at: <http://www.romacenter.ro/programe/>

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### 3. Legislation

Constitution of Romania adopted in 1991 and amended in 2003 by the Law 429 of 29 October 2003 on the revision of the Constitution of Romania

Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin

Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation

Emergency Government Ordinance 31 of 13 March 2002, amended, regarding the prohibition of organizations and symbols with fascist, racist or xenophobic character and the worship of persons guilty of crimes against peace and humanity

Emergency Ordinance No. 19 of 2 March 2013 for the amendment and completion of the Government Ordinance 137/2000 regarding the prevention and the punishment of all forms of discrimination, published in the Romanian Official Journal with No. 183 of 2 April 2013

Government Decision 1.221/2011 for the approval of the Strategy of the Romanian Government of inclusion of the Romanian citizens belonging to the Roma minority for the period 2012-2020

Government Decision No. 1283/2008 for the approval of the Educational programme for the prevention of and the fight against discrimination in the communities of Plăieșii de Sus and Cașinul Nou

Government Decision no. 523/2006 for the approval of the community development program in Hadareni

Government Ordinance 2/2001 on the legal status of contraventions

Government Ordinance No. 137 of 31 August 2000 regarding the prevention and the punishment of all forms of discrimination

Law 192 of 16 May 2006 regarding mediation and the profession of mediator

Law 202 of 19 April 2002 for equal opportunities between women and men

Law 324 of 20 July 2006 for the amendment and completion of the Government Ordinance 137/2000 regarding the prevention and the punishment of all forms of discrimination

Law 4/2008 on preventing and combating violence during sport events

Law 448/2006 regarding the protection and promotion of the rights of disabled persons

Law 51/2008 regarding legal aid in civil matters

Law 51/1995 regarding the organization and exercise of the profession of lawyer

Law 53 of 24 January 2003 (Labour Code)

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Order No 1540/2007 of the Ministry of Education regarding the prohibition of segregation in schools of the Roma children and the approval of the methodology for prevention and elimination of school segregation of Roma children

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The Romanian Criminal Code, adopted by Law 15/1968

#### 4. Case law

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European Court of Human Rights, Stoica v Romania, Application No. 42722/02

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National Council for Combating Discrimination, Case of Romani CRISS v Prime Minister Călin Popescu Tariceanu (source: <http://www.ziare.com/nationala-romaniei/stiri-nationala-romaniei/infractorii-romani-din-italia-vor-fi-prinsi-cu-politisti-romani-101721>)

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National Council for Combating Discrimination, Case Amnesty International v. the Mayor's Office of Miercurea Ciuc, NCCD Decision of 23.08.2005

National Council for Combating Discrimination, Case 145/2011, Working Groups of Civic Organizations v Cluj Napoca local authorities represented by the mayor

National Council for Combating Discrimination, Case Romani Criss v President Traian Basescu, Decision No. 175 of 4 May 2011

## 5. Interviews

Interview with the president of the National Council for Combating Discrimination, Mr. Csaba Ferenc Asztalos, conducted by the Center for Legal Resources on 27.03.2013

Interview with a representative of NGO Romani CRISS, Ms Oana Mihalache, conducted by the Center for Legal Resources on 05.04.2013

Interview with the president of NGO Roma Women Association for our Children, Ms Letitia Mark, conducted by the Center for Legal Resources on 13.04.2013

## 6. E-sources:

Web portal of the RED Network <http://www.red-network.eu>

Website of the Center for Legal Resources: <http://www.crj.ro>

Website of the Council of Europe, Documents database:  
<https://wcd.coe.int/search.jsp?ShowCrit=yes&Lang=en&CritTitle=Council%20of%20Europe%20-%20Documents%20database>

Website of the Court of Justice of the European Union <http://curia.europa.eu>

Website of the General Secretariat of the Government <http://www.sgg.ro>

Website of the National Council for Combating Discrimination <http://www.cncd.org.ro/home-page/>

Website of the Policy Center for Roma and Minorities <http://www.policycenter.eu/en/>

Website of the Pro Democracy Association <http://www.apd.ro>

Website of the Pro Eurpa League <http://www.proeuropa.ro>

Website of the Romani CRISS <http://www.romanicriss.org>

Website of the Romanian High Court of Justice: <http://www.scj.ro>

Website of the Ruhama Foundation: <http://www.ruhama.ro/en/>

Website of the The Resource Center for Roma Communities: <http://www.romacenter.ro>

Website of the The Roma Center for Health Policies – SASTIPEN: <http://www.sastipen.ro/en>

Website of the Union of Mediation Centers in Romania: <http://www.ucmro.ro>