



# Civil Society Monitoring Report

on the Implementation of the National Roma Integration Strategy  
and Decade Action Plan in 2012 in

ROMANIA



DECADE OF  
ROMA  
INCLUSION  
2005-2015

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**Prepared by a civil society coalition comprising the following organizations:**

Resource Center for Roma Communities Foundation (lead organisation) ■ Soros Foundation Romania  
Civil Society Development Foundation ■ Roma Center for Health Policies – SASTIPEN



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**Coordinated by**

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This report was prepared by a civil society coalition comprising the following organisations: Resource Center for Roma Communities Foundation (lead organisation, based in Cluj Napoca, Romania), Soros Foundation Romania, Civil Society Development Foundation and Roma Center for Health Policies – SAS-TIPEN. The lead researcher and the project manager of the coalition is Florin Moisa (Resource Center for Roma Communities).

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In the pilot year of 2012, the Decade Secretariat decided to support reports from civil society coalitions in seven countries (Albania, Bulgaria, Hungary, Macedonia, Romania, Slovakia, Spain) and the Roma Initiatives Office commissioned an additional report from the Czech Republic. In addition, the Decade Secretariat made a template public in order to encourage additional civil society actors to monitor the implementation of National Roma Integration Strategies (NRIS) and Decade Action Plans.

In the reports, civil society coalitions supplement or present alternative information to Decade Progress Reports submitted by Participating Governments in the Decade of Roma Inclusion and to any reports submitted by State parties to the European Commission on implementation of their NRIS. These reports are not meant to substitute for quantitative monitoring and evaluation by State authorities but to channel local knowledge into national and European policy processes and reflect on the real social impact of government measures. The civil society reports provide additional data to official ones, proxy data where there is not official data, or alternative interpretation of published data.

The project is coordinated by the Decade of Roma Inclusion Secretariat Foundation in cooperation with Open Society Foundation's Making the Most of EU Funds for Roma program and the Roma Initiatives Office.

## EXECUTIVE SUMMARY

After a decade of attempts to deal with the problems faced by Roma, the Romanian government prepared a new policy document in the broader context of the European Commission (EC) Communication in April 2011, regarding the elaboration/adoption of National Roma Inclusion Strategies by member states. The new policy "*The Strategy of the Government of Romania for the Inclusion of Romanian Citizens Belonging to the Roma Minority for the Period 2012-2020*" (the National Roma Inclusion Strategy – NRIS) replaces previous Roma policy documents adopted in 2001 and revised in 2006 (and which expired in 2011). Romania was among the first to sign the Decade of Roma Inclusion documents and also held its first Presidency, but in spite of these commitments, the Romanian government has never adopted a Decade Action Plan.

In 2006, the Romanian government issued government decision no. 870/2006, which established the standard quality requirements for government strategies. In our analysis, the NRIS does not meet these requirements, generating significant difficulties for its implementation and monitoring.

An action plan also needs to comply with certain standards of a policy document.<sup>1</sup> A simple review of the NRIS action plan proves that it does not live up to these basic standards. Moreover, the NRIS falls short of the European Union's requirements, as outlined in the EC Communication (April 2011).

The NRIS's elaboration was a rather superficial process. Very few suggestions and comments formulated by a large group of NGOs were considered and can be found in the final version of the NRIS adopted by the Government in December 2011.

In 2009, the *Presidential Commission for the Analysis of Social and Demographic Risks*<sup>2</sup> proposed a new approach to tackling Roma issues, reflected in "*a genuine and constant political approach to the challenges of ensuring equal opportunity policies for the Roma minority*". This recommendation is marginally reflected in the text of the current NRIS, and it remains a goal to be achieved considering the limited political capacity of the Roma community to act as a strong and reliable partner of public bodies.

The NRIS was created under the pressure of EC deadlines and was not sufficiently focused on observing the minimum standards of policy formulation, with no effective evaluation of previous exercises and no relevant baseline or targets to be achieved.

Furthermore, government agencies have failed to systematically collect data on the situation of Roma in Romania, whether quantitative or qualitative, and data collection by public institutions, except for the Census, tends to ignore ethnicity based on the argument that this would be against personal data protection legislation. However, data collection legislation allows for the collection of sensitive data for clear statistical purposes (law no. 677/2001 on the protection of persons regarding the use of personal data and the free movement of personal data). In addition, the implementation of EU-funded projects mandates the collection and reporting of project beneficiaries' personal data to managing authorities.

During 2012 there were almost no new developments related to the NRIS, no systemic actions were organised to discuss and analyse the NRIS, and, more importantly, there were no consistent actions taken

1 Romania, GD 870/2006, Annex, Section II, Lines of Action, 1.1. Types of policy documents.

2 Presidential Commission for the Analysis of Social and Demographic Risks: Risks and Social Inequalities in Romania/*Riscuri și inechități sociale în România*, (2009), p. 212, available at: [http://www.presidency.ro/static/CPARSDR\\_raport\\_extins.pdf](http://www.presidency.ro/static/CPARSDR_raport_extins.pdf).

towards the implementation of the new Strategy. The Romanian government took very few steps to implement the NRIS mostly due to the fact that the European Commission was undertaking an assessment of the national strategies.<sup>3</sup> As of April 2013, there was still no formal position of the government related to the revision recommendations formulated by the EC, which very much highlights the opinions expressed by civil society on the inoperability of the strategy if it does not focus on: revising priorities, setting a clear baseline and targets to be achieved, allocating necessary financial resources and ensuring effective use of structural and cohesion funds to this benefit, ensuring relevant coordination among entities responsible for implementation and a robust and functional mechanism to have local authorities, civil society, Romani communities involved in the implementation and monitoring.

Budget allocations for NRIS implementation are inconsistent. Most measures either lack a specific budget allocation (on the ground that Roma focused actions do not need to have a special allocation since they are included in the mainstream programmes of the responsible ministries, where Roma are one of the target groups/beneficiary) or having structural funds as potential source of funding (again with no estimates, which is explainable as long as specific target indicators lack as well). The adoption of the NRIS in December 2011, prior to the adoption of the 2012 State Budget, led to different measures included in the policy not having clear sources of funding, situation repeated for the 2013 State Budget. Also, the expected assessment of the NRIS by the European Commission enabled government and line ministries to postpone any targeted financial involvement.

The estimated cost of implementation foreseen for 2012-2015 is of 234,710,000 RON, approximately 55.3 million Euros. This figure is far from the actual need of financial support for effective implementation of measures enlisted in the strategy, even not prioritised/quantified as they are or by presuming the achievement of just minimum targets as success indicators.

In practice, budgeted NRIS measures are in general long-standing interventions aimed at Romanian Roma which have been in place for years (such as affirmative action measures in education and the health mediators programme), different actions financed already through projects/contracts running at the date of NRIS approval, the social housing programme (already budgeted before the approval of NRIS, but repeatedly delayed in implementation), different campaigns or very specific activities in the cultural field.

In fact, without measurable targets for core measures included in the NRIS, budget estimates would have been impossible. This makes it impossible to measure the effectiveness, efficiency and impact of the NRIS in any relevant way.

Coordination between different layers of governance involved in the implementation of the NRIS is weak. There are no clear distinctions between responsibilities and instruments through which different layers of governance linked to Roma inclusion policies might succeed in coordinating and complementing their actions with respect to NRIS implementation.

The National Agency for Roma (NAR), a central public administration body, is responsible for *“applying, coordinating, monitoring and evaluating the sectorial social intervention measures that are part of the Romanian Governmental Strategy for the Improvement of the Condition of Roma”*<sup>4</sup> and acts as the *“secretariat of the Mixed Committee for the Implementation and Monitoring of the Strategy”*.<sup>5</sup> However, the NAR is subordinated to the General Government Secretariat, and has no competence or authority to coordinate policies across specialised ministries responsible for the elaboration, implementation, coordination, monitoring and evaluation of NRIS measures.

The Central Monitoring and Evaluation Department was set up as the Contact Point for the NRIS at the level of the General Secretariat of the Government, with the defined role to *“ensure coordination of the implementation and the monitoring of the enactment of the Strategy”*. Despite its relatively short existence, several

3 EC communication COM(2012) 226, National Roma Integration Strategies: a first step in the implementation of the EU Framework, available at: [http://ec.europa.eu/justice/discrimination/files/com2012\\_226\\_en.pdf](http://ec.europa.eu/justice/discrimination/files/com2012_226_en.pdf).

4 NAR, Order of NAR President no. 80/2010, article 3.

5 *Ibid*, article 4.

changes have already been registered within this structure over the reporting period. After being elected as a member of parliament (Senator), Mr Damian Drăghici, the Prime Minister's adviser on Roma issues and the Contact Point of the Commission on the Strategy for Roma inclusion, was replaced by Mr Gheorghe Raducanu, State Councillor (in January 2013) for 21 days. During his short mandate, Mr Raducanu organised an "informal meeting" with representatives of civil society to present his plans for his term in office, including practical ways to collaborate with the NAR. Shortly after this meeting, the Prime Minister dismissed him from his position. At the same time, newly elected senator Damian Drăghici, in the meantime nominated as an Honorary Councillor on Roma issues to the Prime Minister, initiated a draft law to "transfer" the National Agency for Roma (an executive government agency) under the control of the Senate. At the same time, it was planned that the Department for Interethnic Relations (subordinated to the General Secretariat of the Cabinet) would be placed in the subordination of the Lower House of parliament (the Chamber of Deputies).

These changes and related insecurity regarding what is widely perceived as a political game to control public bodies proves a preoccupation with nominal rather than substantive policy-making and policy implementation aimed at Roma inclusion. This situation has resulted in the disorganisation of public institutions' agendas responsible for implementing the NRIS, while the National Contact Point, supposed to coordinate the monitoring and evaluation of NRIS implementation, is unable to offer information on the status of NRIS activities. Not least, the NRIS has no baseline data that could enable rigorous monitoring and evaluation.

Romania still finds itself in the consultation phase of the programming process for EU funding for 2014-2020 (the finalisation of documents was expected in April 2013) and there is no financial commitment on targeted Roma issues yet. NAR is a member of the Inter-Institutional Committee for Partnership Agreements (CIAP), a consultative body consisting of ministerial bodies, agencies, regional development agencies and civil society organisations, coordinated by the Ministry of European Affairs.<sup>6</sup> This committee will have to validate the various stages of drafting the Partnership Programme and subsequent programme documents. Twelve Thematic Advisory Committees<sup>7</sup> have also been formed and these support the CIAP in developing the official programme documents. NAR is also represented there.

NAR's role is to promote the *Roma inclusion issue* – from substantiating it through socio-economic analyses, through introducing it as the main priority axis of future structural fund programmes, to promoting integrated approaches to programming and using combined funds in dealing with Roma issues. As announced in end-April 2013, NAR finally resumed the consultation process with civil society on the NRIS revision, aiming to agree on different priorities that might be then discussed with line ministries and afterwards proposed as financing lines under the 2014-2020 programming period.

The participation of Roma civil society organisations in the NRIS remains unresolved. The last year has been characterised by a certain level of confusion among Roma civil society organisations<sup>8</sup> as a result of what appeared to be a bifurcated leadership for the Strategy's implementation process – to be ensured either by the NAR president or the State Councillor (National Contact Point).

The NRIS aims to "make local and central public authorities, the Roma minority and civil society responsible for the increase of the level of social and economic inclusion of Romanian citizens belonging to the Roma minority". However, it is unrealistic to make Roma civil society responsible for the social and economic inclusion of Roma ethnics without a sound participation mechanism in the elaboration, implementation, monitoring and evaluation of planned measures. As the NRIS is a public policy document issued by the Romanian government, there is an expectation that governmental bodies will take responsibility for transforming policy provisions into practice.

6 *Romania, Government Memorandum, Approval of the actions and documents regarding preparations for accessing and implementing European funding between 2014-2020* (Aprobarea acțiunilor și documentelor privind pregătirea accesării și implementării fondurilor europene în perioada 2014-2020) approved by the Cabinet on 13 June 2012).

7 The thematic Consultative Committees are: Transportation; Environment and climate change; Competitiveness and energy efficiency; Communications and Information Technology; Education; Employment, Social inclusion and Social services; Health; Tourism, culture and cultural heritage; Rural development, agriculture and fishing; Administration and good governance; Regional Development and Territorial Cohesion.

8 Interview with representatives of the Roma Civic Alliance of Romania: January 2013.



In fact, the generous principle of the participation of Roma, briefly described in the NRIS thus: *“the active involvement of Roma in these actions is essential. To this end, as of 2012, the NAR shall take actions towards establishing a mechanism for consultations and permanent involvement of civil society in implementing and monitoring the Strategy for the inclusion of Romanian citizens of Roma ethnicity”*, has just started to be put into practice. The new President of NAR<sup>9</sup> reactivated the so-called Consultative Committee, aimed at *“becoming an operative group that will exchange information, contributing to solving the strategic problems of national interest in respect to the Roma”*,<sup>10</sup> consisting of representatives of relevant ministries and government agencies, the National Council for Combating Discrimination and members of Parliament representing the Roma minority, but also members of Roma and non-Roma non-governmental organisations.

Four sub-committees – on education, health, employment and regional development/housing – are also planned to be set-up in order to consult with the NAR President. According to the calendar of activities presented at the Inter-Ministerial Working Group meeting in March 2013, it is expected that the consultation process will end in April 2013, but it is relevant to mention that a simple analysis of the minutes of the Inter-Ministerial Working Group meeting leads to the conclusion that the Group have not considered the issue of the NRIS as a public policy document, and whether it satisfies legally stipulated standards of elaboration.

There is currently almost no public information about the actual composition (after general elections in 2012) and activities of the Ministerial Commissions for Roma, ministerial bodies supposed to include ministerial staff with responsibility for Roma issues, representatives of NAR and also *“representatives of Roma non-governmental organisations with relevant expertise”*. So-called Technical Working Groups, supposed to monitor and adapt the NRIS, have not yet been established to work together with Ministerial Commissions. It is difficult to find convincing signs of coordination in respect to the different layers of governance involved in the implementation of the NRIS.

Very few developments have been noticeable in the area of education, health, employment and housing since the adoption of the Strategy.

## Anti-discrimination

During the reporting period no special measures of the government’s Strategy for Roma inclusion have been implemented. Recent political insecurity arising from the fight to control public institution and occupy posts has proved that policymakers have no interest to advance effective policy measures towards Roma inclusion.

The *fight against racism and discrimination* should be the “backbone” of the Strategy. The revision process of the strategy scheduled for mid-2013 should result in the inclusion of institutional arrangements that allow the Equality Body to actively contribute to the *mainstreaming of the non-discrimination and equality principles* in all policy areas of the Strategy for the period 2014-2020.

The government should *amend the anti-discrimination legislation towards increasing the level of sanctions* applied in cases of discrimination, to explicitly *define and sanction racial segregation* as a severe form of discrimination and to combat institutional discrimination through all means.

The multiple discrimination of *Romani women* should also be approached systematically in the revised Strategy and addressed through an improved anti-discrimination legal framework. Public institutions should initiate campaigns against discrimination and intolerance and make these more visible in the media, in public education and in the public healthcare systems as well as in public administration. The government should assume its international obligations towards the full implementation of ECHR decisions.

9 Daniel Vasile, leader of Pro Europe Roma Party, President of NAR.

10 NAR President, order no. 22/01.03.2013 on re-activating the NAR Consultative Committee, 1 March 2013.

There is a need to invest in systematic, ethnically disaggregated data collection in order to ensure full access to identity for all Roma, especially in rural areas, and to reduce bureaucratic barriers in registering undocumented individuals. Active measures to protect Romani children's rights should be systematically adopted and coupled with efforts to prevent human trafficking, to which Roma individuals are particularly vulnerable. These efforts should focus on prevention and protective services aimed at Roma at risk of trafficking.

There is no official information on progress on desegregation and on the impact of measures aimed at preventing and tackling cases of school segregation of Romani children to date. Similarly, the Ministry of Education has not made any information public about the implementation of measures in education comprised in the new Strategy for Roma inclusion. Even though the definition of ethnic segregation is not explicitly defined in the current anti-discrimination legislation, the jurisprudence of the NCCD has established segregation to mean segregation in education. Moreover, the NCCD has acknowledged that the segregation of Romani children in education constitutes a "severe form of discrimination".

In the area of *Health and Housing*,<sup>11</sup> the 2012 NRIS completely lacks specific measures aimed at addressing discrimination, while in the area of *Employment* the strategy only stipulates "promoting programmes designed to raise employers' awareness of workplace discrimination, equal opportunities, psychological harassment and social dialogue."<sup>12</sup>

In terms of *prevention*, the NCCD has targeted particular groups with specialised training, e.g. magistrates and justice administrators, and the results can be seen in court decisions, which have been improving year after year. When governmental ordinance no. 137/2000 is invoked during a court case, judges routinely consult the NCCD, whose opinion is taken into consideration in all cases.

As regards the implementation of the provisions included in the *EU Race Directive*, the sanctions applied are immaterial and insufficiently dissuasive. Another issue identified is that although Romanian legislation is considered to provide all necessary legal tools for accessing courts of justice and encompassing jurisprudence in the field of racial discrimination, there is still room for improvement as regards the mainstreaming of equal treatment and non-discrimination principles in existing public policies alongside the prevention dimension.

The provisions related to the *burden of proof* in the Romanian legislative framework are not in full compliance with the Directive and are currently under threat of being further diluted. Shortly before the finalisation of the current report, a draft bill amending the anti-discrimination law, including *amendments to the burden of proof* provisions in cases brought to the attention of the national Equality Body, was approved by Parliament.<sup>13</sup>

## Education

School segregation in Romania continues to be prohibited through ministerial order, although a new law on education entered into force in 2011.<sup>14</sup> The provisions of the ministerial order<sup>15</sup> have not been implemented by schools and county inspectorates. There is a need for a stronger legal framework to ban segregation, including tougher sanctions for those failing to implement its provisions.

No baseline data are available on school segregation in Romania, although a 2010<sup>16</sup> notification of the Ministry of Education reported that schools were signalling segregation tendencies and, in accordance with

11 In the area of housing, the NRIS refers to legislative amendments regulating guarantees for the quality of housing and stipulating an increase in social housing units by identifying solutions for disadvantaged, vulnerable individuals, or groups exposed to discrimination.

12 Romania, *The Strategy of the Government of Romania for the Inclusion of Romanian Citizens Belonging to the Roma Minority for the Period 2012-2020*" (the National Roma Inclusion Strategy – NRIS); Chapter VII. Directions for Action, B. Employment.

13 Romania, Law no. 61/21.03.2013 for the amendment of government ordinance no. 137/2000.

14 Romania, Law on Education no. 1/2011, Official Monitor of Romania, Part 1, no. 18/January 10<sup>th</sup>, 2011.

15 See – Ministerial Order 1540/19 July 2007.

16 Ministry of Education, Research, Youth, and Sport (MECTS). Notification 28463/2010 [2010].

previous legislation, called upon school inspectorates to reinforce anti-segregation legislation. The only data available are studies undertaken by NGOs and international organisations as part of their projects. For example, in 2012, the Roma Education Fund estimated that between 13% and 45% of Romani pupils in Romania studied in segregated schools.<sup>17</sup> These data cannot be considered as a baseline since the samples used were not nationally representative and the definitions of segregation used by researchers also differed from that provided by the Ministry of Education.

Cases of discriminatory treatment against Romani pupils in the educational system continue to be reported by organisations working in the field. A 2011 study conducted on behalf of the Roma Education Fund Romania among students in grades V to VIII in schools in three regions in Romania, relying on three sub-samples of Roma students, non-Roma students and school graduates, found that Roma students were more often seated at the back of classrooms than their non-Roma peers.<sup>18</sup>

It is imperative that the Ministry of Education starts collecting ethnically disaggregated data at the school, county and national level and makes it available to the public. Without such data, no progress on the implementation of desegregation efforts can be measured and reports remain empty discourse.

The desegregation efforts initiated by the Ministry of Education have consisted of projects funded by the European Social Fund, with the Ministry as a partner. However, no results have been made public about how many schools have implemented desegregation plans and the number of Romani children who have been integrated into mainstream schools.

2012 brought no significant changes towards making the educational system more inclusive in Romania. New regulations and measures still have to be adopted to implement the principles stipulated by the new legislation on education.

Romani students continue to be subjected to discriminatory treatment in schools. No information on the wrongful placement of Romani children in special education is available.

The Romanian government has been implementing specific programmes funded from the state budget or co-financed with EU funding, aimed at facilitating access to education and decreasing the dropout rate among disadvantaged groups, including Roma. These programmes are not specifically designed for Roma, but Romani students do benefit from these measures.

No information on the wrongful placement of Romani children in special education is available. As a result, no measures have been taken to address the potential problems associated with this phenomenon. No data exist on the number of Roma students in special education and, therefore, no information on progress in this field is available. It is important to note, however, that the overrepresentation of Roma pupils in special schools in Romania has not been documented as a major issue as in other Central and Eastern European countries.

The new law on education provides for a preparatory year prior to starting grade I. Experts regard this new provision as a positive one as it is expected to give a chance to Romani children not having been enrolled in preschool to catch up with their peers who have attended preschool.

Limited progress has been noticed in regard to access to vocational training. Vocational schools were discontinued and only reintroduced in the 2012-2013 school year. Additionally, the global economic crisis has negatively affected the number of school mediators and that of Roma language teachers within the school system. Romania continues to offer affirmative action measures for Roma entering lower secondary and tertiary education.

17 Bercus, C. (2012) *Addressing educational gaps of Roma children by making the best use of European Structural Funds*, paper presented at the 2nd Annual Convention against Poverty and Social Exclusion, Brussels. Accessed from [http://www.euconf.eu/convention2012/en/registration/presentations/day2/plenary/17.00\\_4\\_Bercus.pdf](http://www.euconf.eu/convention2012/en/registration/presentations/day2/plenary/17.00_4_Bercus.pdf).

18 Ivan, C., Rostas, I., Mihalache, C. (2012) *Parasirea timpurie a scolii: cauze si efecte*, Bucharest: Roma Education Fund Romania, p. 9.

The number of Roma school mediators employed within the education system has decreased over the last two years from around 500 to 400 despite the fact that 30 to 60 new school mediators are trained each year. The same trend is noticeable as regards Romani language teachers: their numbers have decreased from around 520 to approximately 400-420 over the same period, although 50 teachers able to teach Romani language and Roma History and Traditions continue to be trained every year.<sup>19</sup>

A positive practice within the Romanian education system has been the long-standing affirmative action measure targeting self-declared Roma students entering grade IX and tertiary education. Since 1992, the Romanian government has provided special places to Roma students applying for university and later extended this policy to Roma students entering grade IX. To date, between 2,800 and 3,400 Roma students have been admitted into grade IX on special places, while over 600 Roma students have been admitted to public university throughout the country, including to PhD programmes.<sup>20</sup>

## Employment

The Roma population in Romania is in a very vulnerable situation in terms of access to employment compared to the overall population. Roma have low involvement in the formal economy; they work mainly in agriculture, construction and industry (mostly in unqualified jobs); they face discrimination in accessing jobs; and they have, on average, very low levels of education (illiteracy is widespread, with 25% of Roma adults functionally illiterate). In 2011, the unemployment rate among the Roma was 48.6%<sup>21</sup> compared to 7.4%<sup>22</sup> for the majority population (both numbers are calculated according to the International Labour Office's definition).

In the field of employment, 2012 as the first year of NRIS implementation was marked by very few results and measurable achievements with respect to Roma employment and by even less effective policy actions in the field, while the EC recommendations for the revision of the NRIS have not yet been addressed.

Public institutions with responsibilities in the field continue to develop and implement more or less the same mainstream support and assistance programmes. Despite the declared focus on supporting Roma, most measures cover vulnerable groups in general and there is no systematic data collection disaggregated by ethnicity. Furthermore, the targets set are not commensurate with the scale of unemployment affecting the Roma minority; measures implemented are not adapted to real problems (the labour market, the social and human capital of Romani communities) and are not evaluated, monitored, and adapted in light of research findings; and Romani communities are offered the same special measures regardless of their specificities and specific problems. This makes meaningful assessments of allocated resources, targets achieved and the cost-efficiency of interventions rolled out virtually impossible.

Structural funds have enabled the provision of a more extensive range of services supporting active social inclusion, some of them reaching Roma. Between 2007 and 2013, the Operational Programme for Human Resources Development (POSDRU) operated at least three major intervention areas, financing projects providing tailored job search assistance combined with training courses and even support for the social economy.<sup>23</sup> Several of these project target Romani communities, and most of them are implemented by NGOs. However, their effectiveness and concrete achievements have not been consistently monitored and evaluated and the way the POSDRU Management Authority reports implementation results does not allow

19 Prof. Gheorghe Sarau, personal communication, 23 March 2013, on file with the author.

20 Institutul de Stiinte ale Educatiei, *Raport național privind măsurile întreprinse pentru punerea în aplicare a Convenției și Recomandărilor asupra luptei împotriva discriminării în domeniul educației (1960)*, Bucuresti, September 2012, p. 49. The report is available at: <http://www.ise.ro/raport-national-privind-masurile-intreprinse-pentru-punerea-in-aplicare-a-conventiei-si-recomandarilor-asupra-luptei-impotriva-discriminarii-in-domeniul-educatiei-1960>.

21 Preoteasa A, Șerban M, Tarnovschi D. (2012). *The Roma situation in Romania, 2011. Between social inclusion and migration*, Soros Foundation Romania, 2011. The data were collected for a representative sample of self-identified Roma from Romania.

22 Romanian National Institute of Statistics, press release, April 2012.

23 Axis 5, KAI 5.1 *Developing and implementing active measures on employment* (198 million Euro for 2007-2013); Axis 6, KAI 6.1 *Developing the social economy* (429 million Euro initial allocation for 2007-2013); Axis 6, KAI 6.2 *Improving the access to and the participation of vulnerable groups in the labour market* (101 million Euro initial allocation for 2007-2013), available at: <http://www.fseromania.ro>.

us to offer complete information on the number of Roma beneficiaries involved (until now) in such projects or on where these projects are being implemented. Practically, the use of EU funds for Roma labour market integration has led to some specific results, but without any long-term nationwide commitment to continue the relevant projects.

Over the last five years the Romanian government has done nothing to raise awareness and to build public understanding about the benefits of Roma integration for society as a whole. In other words, it would seem that Romanian authorities do not regard the Roma as a group of citizens worth investing in, but rather as a social problem that needs to be addressed on a day-to-day basis (without a long-term goal).

## Health

Poverty and social exclusion affect Roma individuals' health indicators, which tend to be far worse than those of the majority population. The poor living conditions that Romanian Roma experience frequently lead to the lack of vitamins, malnutrition, anaemia, dystonia and rickets. These conditions affect Roma disproportionately.

High infant mortality rates are strongly correlated with Romani women's reproductive indicators and infant mortality at birth in Romania is higher than in other countries in the region (e.g. in Bulgaria).<sup>24</sup> Health indicators are worrying for the Romanian Roma population, especially as regards infectious diseases, notably TB, with Romania recording the highest incidence of TB in Central and Eastern Europe<sup>25</sup> and the highest annual number of newly recorded cases of TB in children in all of Europe.<sup>26</sup>

The few available studies have revealed a life expectancy of 63-64 years for the Roma as opposed to 70 for ethnic Romanians.<sup>27</sup> Infant mortality is four times higher among the Roma.<sup>28</sup> UNDP data from the 1990's showed that over 40% of Romani children in Romania were poorly fed and malnourished,<sup>29</sup> a situation that has not changed significantly since.

Studies have revealed that Roma either have limited access to services or are formally or informally excluded from healthcare provision.<sup>30</sup> Although the coverage of primary medical services through GPs among the Roma population appears to be quite high (87% of respondents said they had a GP and the highest coverage rate was observable among those over 50-91% coverage rate), access to these services remains poor.<sup>31</sup> GPs command much trust (67%), but in case of sickness many Roma prefer to rely on self-medication without prescriptions or to follow traditional methods (56.5%) rather than seek medical attention, even when the illness would require a visit to the GP.<sup>32</sup>

Among the main barriers to accessing healthcare services are ignorance about preventing ill health and lack of information about user rights and about the means of accessing healthcare services (e.g. lack of information regarding the structure of the healthcare system, the type of services needed). Only around a quarter of Roma regard themselves to be informed about the factors that influence their health, which

24 Population Action International, *Reproductive risk index*, available at: [http://www.populationaction.org/resources/publications/worldofdifference/rr\\_2\\_rishtable\\_frameset.htm](http://www.populationaction.org/resources/publications/worldofdifference/rr_2_rishtable_frameset.htm).

25 WHO (2003) *Global Plan to Stop TB*, accessed from <http://www.who.int/gtb/publications/globrep/pdf/region/europe.pdf>.

26 Presentation at the TB international day, Romanian NTP, March 2002, handed over at DOW during a field trip.

27 Mercury Research (2006) *Tuberculosis partnership project Romania*, Bucharest.

28 Braham, M. (1993) *Untouchables: A study about the Roma population in Central and Eastern Europe*. Geneva: UNHCR.

29 *Ibid.*

30 Romani CRIS (2007) *Healthcare services and the Roma. Evaluating the health mediation program. Sastipen. 2009. Assessing the access of Roma to public healthcare services. Open Society Institute (2005) Mediating Roma Health-Policy and Program Opportunities.*

31 Sastipen (2011) *The impact assessment of the health mediation program*, Research conducted within the project "The Health Mediation Program: an opportunity for raising the employment rate among Romani women presented at the project conference, in course to be published, p. 55.

32 *Ibid.*

demonstrates the need for information at the community level.<sup>33</sup> This conclusion is reinforced by the fact that the Roma are not very preoccupied by health concerns in general.

The exclusion of Roma from public healthcare in Romania is the effect of a set of specific factors that are tied to discrimination on the one hand and to universal barriers arising from the organisation and functioning of the system on the other.<sup>34</sup> In order to be able to access public healthcare services, individuals need to be able to prove their insured status. However, a significant share of the Roma population is unable to attain insured status, which severely compromises their access to healthcare services.<sup>35</sup>

The main obstacle in accessing healthcare services remains the lack of health insurance, which is often a result of individuals' failure to make monthly payments to the national health insurance fund, or to be registered as a beneficiary of the guaranteed minimum income (social assistance) benefit. For many Roma, income poverty has contributed significantly to the lack of health insurance. In situations of poverty, people are unlikely – regardless of ethnicity – to make mandatory health insurance payments. This suggests that policy makers must adopt an integrated approach where lack of access to health services and poor health status are seen in the context of poverty. There is a vicious circle in the process of identifying the causes of lack of health insurance, which points to the conclusion that policy-makers dealing with the issue need to aim for an integrated approach.

Theoretically, once insured, individuals should not face any barriers in accessing public healthcare services. In practice, however, insured Romani individuals often face prejudice and stereotypes when interacting with medical personnel.

Romani women are faced with the most severe discrimination when trying to access gynaecological and paediatric services. Segregated rooms<sup>36</sup> for Romani women on maternity and paediatric wards, degrading behaviour, judgmental remarks addressed to Romani women are part and parcel of their daily experiences with the public healthcare system, although – at the level of the public discourse – Romania is a country that promotes equality of opportunity, non-discrimination and is completely aligned with European regulations in these respects.

The health mediation programme has involved Romani women, who act as mediators between members of Romani communities and local healthcare providers in order to increase Roma persons' access to healthcare services. The health mediation programme has been functioning at the national level in Romania since 2002<sup>37</sup> and has been regarded by specialists<sup>38</sup> as one of the best models of collaboration between civil society and central government institutions. It was also the only comprehensive programme adopted by authorities in order to address health inequalities. Data reveal that in communities where health mediators have been active a larger share of Roma go to the GP than in communities where health mediators have been absent. At the same time, however, analyses have drawn attention to the overstretching of health mediators.

The Ministry of Health implements a range of activities in Romani communities that are included in the national strategy for the improvement of the condition of the Roma through the health mediation programme, such as: health education campaigns, immunisation campaigns, training campaigns for Romani women on the importance of infant care, family planning, health prevention, the hygiene of living and

33 *Ibid.*

34 Romani CRISS (2007) *Healthcare services and the Roma. Evaluating the health mediation program*, p. 19.

35 *Ibid.*

36 Interview with a health mediator in Almasu Mare, Salaj county: May 2010. 'Raport de documentare privind lezarea dreptului la demnitate personală și ingradirea accesului, unui numar de trei femei de etnie romă, la serviciile oferite de Secția Obstetrică-ginecologie a Spitalului Orășenesc Târgu Neamț' [A documentation report regarding the violation of three Romani women's right to personal dignity and of their access to the services of the Obstetrics-Gynecology department of the Targu Neamt town hospital]. Available at: [www.sastipen.ro](http://www.sastipen.ro).

37 Ministry of Health, *Order 619/2002* [2002].

38 Sastipen (2011) *The impact assessment of the health mediation program*, Research conducted within the project "The Health Mediation Programme: an opportunity for raising the employment rate among Romani women presented at the project conference, in course to be published.

housing environments, the obtainment of health insurance etc. In 2008, 688 health mediators worked in the healthcare system, but the recent decentralisation of the programme has led to a continued decrease in the number of mediators. According to the Ministry of Health, only 420 health mediator positions were budgeted for 2012.

At the same time, however, health mediators also engage in a range of activities not included in their job description. These activities tend to be linked to the activities of local Social Assistance departments within local authorities, e.g. participation in means tests or assistance with putting together application packages for different benefits in cash (social care allowance, paid parental leave allowance, heating allowance, family allowance for large families). It is important to note that some of the activities that health mediators are asked to perform are not included in the job description of trained health mediators.

Since 2009, the Ministry of Health has decentralised the health mediation programme, delegating the responsibility for providing this service to local authorities, retaining responsibility only for financing, i.e. ensuring the payment of health mediators through financial transfers to local authorities from state budget funds. This represents a “critical” moment for the health mediation programme because it has proved the ineffectiveness of decentralisation as a result of the separation of financing and service delivery.

This division of responsibilities has not led to positive results because these two institutional actors have failed to take responsibility for a key aspect of the programme implementation: programme monitoring and assessment on the one hand and health mediators’ professional development on the other.<sup>39</sup> The main outcome of decentralisation has been the erosion of the health mediator’s position in the healthcare system, the weakening of health mediators’ professional status and weakened job security.

At the moment, health mediators’ status is uncertain and highly dependent on local authorities’ capacity to understand their role and the scope of their activities.<sup>40</sup> This uncertainty also originates from the lack of clarity in the shortcomings of the legal framework that governs the health mediation programme. For instance, the current method used in financing, i.e. the annual budgeting of health mediators’ salaries creates incentives for local authorities to hire mediators on one-year fixed-term contracts.

The new NRIS is grounded in principles that require the extension of basic social security and public healthcare services to citizens of Roma ethnicity. The chapter on health stipulates, in general terms, several lines of action that might lead to improvements in Roma citizens’ access to healthcare services and their inclusion into the health insurance system, but concrete measures in this regard have not been formulated yet.

## Housing

The housing situation of the Roma in Romania is not subject to a systematic public data collection effort, whether quantitative or qualitative. According to a recent study<sup>41</sup> based on a survey of a representative sample of Romanian Roma, a significant proportion of Roma face a range of housing problems, from lack of housing, through poor living conditions, to the lack of identity and property documents etc. Due to low standards of living, some Roma have lost their homes, rented to them by local authorities since the state socialist period, or they have abandoned them because they haven’t been able to cover utility costs. According to the study, two thirds (67%) of respondents were living in compact/segregated communities, characterised by ethnic homogeneity and isolated from the rest of their local communities. This situation was more common in rural areas, where 74% of the Roma lived in residentially segregated villages.

Since 2001 (when the first Romanian governmental strategy for the improvement of the condition of the Roma was passed), the Romanian government has recognised that most Romani communities have a very

39 Sastipen. (2009) *Assessing the access of Roma to public healthcare services*. Available at: [www.sastipen.ro](http://www.sastipen.ro).

40 Sastipen. (2011) *The impact assessment of the health mediation programme*. Available at: [www.sastipen.ro](http://www.sastipen.ro).

41 Preoteasa A, Şerban M, Tarnovschi D. (2012) *The Roma situation in Romania, 2011. Between social inclusion and migration*, Soros Foundation Romania, 2011. The data were collected for a representative sample of self-identified Roma from Romania.

low standard of living, yet very few measures aimed at tackling this have been implemented, social housing specifically for the Roma being more of a myth than reality.

The general legal framework on housing, including social housing in Romania, is contained in law no. 114/1996 on housing. This law regulates the social, economic, technical and legal aspects regarding the building and use of dwellings. The Ministry of Regional Development and Public Administration (MRDPA) approves and finances, through the state budget, the construction of social housing for those on low incomes, especially young couples, and provides housing for tenants evicted from formerly nationalised buildings whose property rights have been restored to their rightful owners.

As the Ministry website states,<sup>42</sup> the activity of providing housing focused mainly on providing social housing for evicted tenants in 2012. According to the list of criteria developed by local authorities (as responsibility for providing social housing rests with local authorities), it is clear that the Roma as a group are excluded from eligibility to social housing, and are not the main beneficiaries of social housing provisions as a result.

Prior to the drafting of the current Romanian NRIS (2008), the Romanian government had started discussing and developing (mostly as the result of NGOs' advocacy efforts) a new draft law on housing, which included a special section on eligibility criteria for accessing social housing. However, nothing has come of this draft piece of law, and Roma living in poverty remain excluded from this form of social protection.

Romania has ratified the International Convention on the Elimination of All Forms of Racial Discrimination and the European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocol 12 on the prohibition of discrimination. Romania has ratified the European Social Charter, including Article 30 on "the right to be protected against poverty and social exclusion", but not Article 31 of the same treaty regarding the right to housing. According to the Romanian Constitution, the state "shall take measures towards economic development and social protection" to ensure a decent life for its citizens (pensions, paid maternity leave etc.), without mentioning the right to decent living conditions.<sup>43</sup>

The spatial segregation of Roma is widespread in Romania. In the context of administrative decentralisation, local authorities administer the allocation of social housing, but there have been many cases, some covered in the media, where the preferred solution to tackling housing shortages was the spatial segregation of Romani communities. This was also an effective means of getting votes in local elections.

Despite the fact that the European Commission's communiqué of 5 April 2011, "The EU Framework for National Roma Integration Strategies up to 2020", encourages member states to bring changes to operational programmes (2007-2013) in an attempt to "rely on an integrated approach in housing",<sup>44</sup> Romania has only taken very tentative steps in this regard, with minimal chances of change happening. The Romanian Framework Document for the Implementation of the Regional Operational Programme (2007-2013) stipulated the possibility of social infrastructure rehabilitation (social housing included), and the possibility of financing integrated projects using cross-financing mechanisms only as late as October 2012. These measures are not yet present in programme guidelines.

Models for integrated approaches are abundant: these have been initiated and implemented by NGOs for years. However, government agencies and local authorities have so far been reluctant to roll them out nationally.

There have been many cases documented by national and international NGOs (e.g. Amnesty International, the European Roma Rights Centre, Romani CRISS, the Center for Legal Resources) of forced evictions of

42 Ministry of Regional Development and Public Administration, *Programme for social housing tenants evicted from nationalised houses*, available at: <http://www.mdrp.ro/lucrari-publice/programe-de-constructii-de-locuinte/programul-de-constructii-de-locuinte-sociale-destinate-chiriasilor-evacuati-din-casele-nationalizate>.

43 Romanian Constitution (2003) Art. 47 Standard of living: (1) The State shall take measures of economic development and social protection, such as to provide citizens with a decent standard of living. (2) Citizens have the right to pensions, paid maternity leave, medical care in health establishments, unemployment benefits and other forms of social insurance benefits and other forms of social insurance, public or private, provided by law. Citizens have the right to social assistance, according to the law.

44 Regulation no. 437/2010 of the European Parliament and of the Council (JO L 132, May 29th 2010).



Roma settlements, which then led to spatial segregation: Roma families have been settled as remotely as possible from city centres, sometimes cut off from infrastructure, i.e. public transportation, schools or medical units. In terms of spatial segregation, there are at least three well documented examples of social housing offered in segregated areas: Cluj (2010),<sup>45</sup> Baia Mare,<sup>46</sup> (2011-2012) and Piatra Neamț<sup>47</sup> (2001).

Roma were evicted by local authorities without following legal procedures, according to Amnesty International<sup>48</sup> and European Network Against Racism<sup>49</sup> reports, and housed far away from the city: near a major waste disposal site (Cluj), in an old factory that had used cyanide (Baia Mare) and in a very remote location, a farm site surrounded by barbed wire (Piatra Neamț).

In the process of designing the Romanian NRIS, line ministries included into their action plans only measures already under implementation, or measures that would not burden the state budget. As a result, the national action plan for housing does not contain measures specially designed for Roma, with the exception of the pilot programme called "Social housing for Romani communities" (social housing for the Roma is to be built in 11 localities in nine counties), already included in the previous National Strategy for Roma inclusion, and which has yielded no results so far.

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- 45 Mihai Prodan 'Amnesty International a strâns semnături împotriva evacuării forțate a țiganilor de pe Coastei', *Ziua de Cluj*, 23 June 2011, available at: <http://ziuadecj.realitatea.net/eveniment/amnesty-international-a-strans-semnaturi-impotriva-evacuarii-fortate-a-tiganilor-de-pe-coastei--69112.html>.
- 46 'Amnesty acuză România de discriminare, după ce primarul din Baia Mare a anunțat că vrea să demoleze case de romi' *Romanothan*, 27 August 2011, available at: <http://www.romanothan.ro/item/85-amnesty-acuza-romania-de-discriminare-dupa-ce-primarul-din-baia-mare-a-anuntat-ca-vrea-sa-demoleze-case-de-romi.html>.
- 47 Romani Criss, *OVERVIEW OF THE SITUATION OF HUMAN RIGHTS ON Romanian Roma*, August 2006, available at: <http://www.romanicriss.org/Raport%20drepturile%20omului%20%20RCRISS%202006.pdf>.
- 48 Amnesty International, 'Romania: The Roma who were evicted to live by a landfill site', press release, 17 December 2012, available at <http://www.amnesty.org/en/news/romania-roma-who-were-evicted-live-landfill-site-2012-12-17>; Amnesty International, *Romania: Betrayal of Romani families in Baia Mare places them at ongoing risk of housing insecurity and other human rights violations*, 8 October 2012, available at: <http://www.amnesty.org/en/library/info/EUR39/011/2012/en>.
- 49 Piatra Neamț (Niță, D. L. and Ionescu, I. (2006) *ENAR Shadow Report 2006, Racism in Romania*, Center for Legal Resources, Bucharest); Baia Mare (Center for Legal Resources (2012) *ENAR Shadow Report 2012, Racism in Romania – from statements to state action*, Center for Legal Resources, Bucharest).

# RECOMMENDATIONS

## Recommendations to the Romanian government

1. Rely on *The 10 Common Basic Principles of Roma Inclusion* in the elaboration of any public policy document, in line with the request of the Council of Ministers in charge of Social Affairs to the Member States and the Commission.
2. Carry out an external, independent evaluation of the implementation results of previous policy documents (the Strategy for Improving the Roma Condition – 2001, 2006) as a basis for revising and implementing the NRIS.
3. Revise the NRIS to meet all the specific standards for the elaboration of the Strategy as a public policy document<sup>50</sup> under Romanian law; review the main sections of the NRIS in order to extract the general issues and keep the focus of the document on specific Roma areas – education, health, employment and housing.
4. Limit the directions for action to four to six; and reduce the number of specific measures in order to ensure a proper allocation of responsibilities, budgets and monitoring and evaluation.
5. Allocate sufficient financial resources from the national budget for the implementation of the NRIS, and enable the supplementation of these budgets with international and EU funds, in particular structural funds, as stipulated by the EU Framework for National Roma Integration Strategies up to 2020.
6. Redesign the entire implementation mechanism of the NRIS, including the role of the National Agency for Roma, in accordance with the EU Framework for National Roma Integration Strategies up to 2020.
7. Ensure the initiation of a systematic data collection process on the situation of the Roma, in order to follow the progress of the NRIS. Involve and make responsible the National Institute for Statistics for designing data collection instruments and collecting relevant data on the situation of the Roma.
8. Take the required steps to ensure access to full citizenship for Romanian citizens of Roma ethnicity, by facilitating their access to identity documents and reducing the bureaucratic steps necessary for registering undocumented individuals.
9. Publicly promote role models of Roma ethnicity through public campaigns, and actively promote the benefits of Roma inclusion in Roma and non-Romani communities.
10. Initiate genuine consultations with civil society when prioritising funding or measures funded through the European Social Fund (ESF) and the European Regional Development Fund (ERDF).

### Anti-discrimination

1. Strengthen the mechanisms to prevent discrimination and ensure equal treatment of all citizens under the Charter of Fundamental Rights of the EU.
2. Raise the profile of the non-discrimination principle in all public policies and policy measures prioritised in the revised Strategy.
3. Adopt a zero-tolerance policy against discrimination and intolerance, with a special focus on combating anti-Roma behaviour in Romanian society;
4. Stimulate and promote the implementation of anti-discrimination policies in the education system, and promote non-discrimination and gender equality principles in civil service and in public institutions.

<sup>50</sup> Romania, GD 870/2006 for the approval of the Strategy for improving the development, coordination and planning of public policies at central government level, Annex, Section II, Lines of Action, 1.1. Types of policy documents.

5. Amend the existing anti-discrimination legislation towards the inclusion of a clear definition of segregation and increase the level of dissuasive sanctions.
6. Fully implement pending decisions of the European Court of Human Rights in Roma-related cases.
7. Secure annual funding for programmes and campaigns aimed at the prevention of discrimination.

### Education

1. Establish a unitary data collection system in public education containing the type of data to be collected, clear rules and procedures, specific data collection instruments, clear responsibilities in data collection and in validation as well as ensuring the access, under very clear conditions, to the data contained in the National Education Database. Regular reporting should be made available by the responsible institutions.
2. Fully apply the legal provisions banning segregation of Romani children in schools. The government should amend the national education law or adopt a government ordinance banning school segregation, with clear responsibilities and sanctions applicable to those failing to implement its provisions.
3. Adopt a national programme for the desegregation of the education system and for the promotion of inclusive education for all. Such a programme should stipulate the sources of funding, provide for measures facilitating integration into mainstream schools and classes of students studying in segregated environments, ensure participation of a range of stakeholders in the desegregation process and periodically inform the public on the progress made.
4. Initiate and adopt secondary legislation and regulations complementing the national law on education to speed up the process of transforming the education system into a more inclusive one, through the adoption of new education plans, changed curricula, new textbooks that include relevant information on minorities, teacher training and teaching methodologies etc. The government should also redefine its policy on inclusive education by using the international standards defined by UNESCO and other international organisations in the field.
5. Make all information on special education public, through the Ministry of Education, including ethnically disaggregated data on enrolment.
6. Ensure that students from disadvantaged groups have timely access to information on programmes aimed at preventing school dropout, continuing education and other social services, through the Ministry of Education.
7. Ensure that each child has free access to preschool education for at least two years, irrespective of the availability of the preparatory year in schools.

### Employment

1. Grant incentives to employers. Make partnerships with employers more effective (attracting relevant stakeholders to this process, identifying mechanisms to raise employers' interest) and amend law no. 72/2002 regarding unemployment insurance and the stimulation of labour market participation towards recognising and defining impoverished Roma as a particularly vulnerable group.
2. Link the targets of the National Agency for Employment (NAE) in the annual Programmes for labour market activation to the size of employment-related concerns. Increase the number of Roma jobseekers through services offered by NAE in order to reach the targets set for 2020, i.e. achieve an increase of 60,000 in the number of employed Roma.
3. Restructure and reconsider NAE's interventions aimed at the activation of Romani jobseekers, based on the evaluation and monitoring of interventions such as the Caravan of Roma employment and job fairs for Roma. Develop employment-related services offered by NAE aimed specifically at Romani communities, including direct services offered on the ground.
4. Coordinate social interventions (the guaranteed minimum income programme – social assistance) and special activation policies through the involvement of local authorities in the management of the latter.
5. Introduce affirmative action in public sector employment aimed at Roma citizens, including other services, e.g. on-the-job training, apprenticeships and tutoring.
6. Link training and qualifications to real employer demands and ensure positions at the end of training and qualification programmes. Provide means-tested financial compensations for the duration of training and qualification programmes.

7. Provide training courses for women and assistance in accessing jobs. Provide complementary interventions supporting Romani women who wish to create and occupy jobs through the creation of daycare centres, multifunctional centres and after-school programmes.
8. Provide information about the risks and consequences of undeclared employment. Provide information about the benefits associated with social insurance. Provide information to and stimulate the registration of inactive persons. Encourage individuals to obtain permits for engaging in certain professional activities.
9. Support 'flexicurity', i.e. identify flexible employment opportunities with social security coverage.
10. Develop programmes for entrepreneurship and support the creation of small, family and community businesses.
11. Promote social economy initiatives that support active inclusion and employment in communities with significant percentages of Roma inhabitants, through the formation of local partnerships between local authorities and local communities.
12. Develop the post of employment officer/employment mediator and incorporate it into the civil service. Promote activation programmes more effectively with the help of employment mediators. Provide professional career counselling programmes through employment officers/employment mediators.
13. Involve local authorities in integrated community development programmes for tackling the specific problems of segregated communities. Eradicate segregation on ethnic and socio-economic grounds.
14. Take measures to stimulate employment in rural areas.

### Health

1. Address Roma healthcare issues through an integrated approach, paying attention to key health determinants such as education, appropriate housing and living conditions, labour market participation and fair and non-discriminatory access to healthcare services.
2. Include concrete measures in proposed strategies to extend the coverage of public healthcare service to the vulnerable Roma population, develop action plans with measurable objectives, specific and appropriate indicators and ensure fair and clear allocation of resources.
3. Redesign the health mediation programme, which has effectively improved access to healthcare services for members of Romani communities, by taking into consideration the new institutional context in which it is operated. This needs to amount to more than a publicly stated commitment to programme reform. Regulate the programme, especially the adoption of measures to ensure sustainable and adequate financing, the creation of monitoring and evaluation mechanisms within the programme, the provision of technical support, professional training and life-long learning programmes for health mediators.
4. Develop programmes to raise awareness and provide information and education to members of Romani communities to promote a healthy lifestyle. Adapt preventative actions and awareness campaigns among the Roma population to communities' specific needs, as well as local education levels. The prophylactic programmes/actions would contribute to reducing risks associated with disease.
5. Develop partnerships between local authorities and NGOs with the purpose of developing community monitoring instruments aimed at improving the quality standards offered by local healthcare providers.
6. Develop local policies, programmes and projects for the Roma population in a transparent way and to create the conditions for community involvement and support for local initiatives, in an attempt to contribute to improving the quality of healthcare services available to the Roma population.
7. Conduct systematic research and collection of data on the health situation of the Roma in order to amend public policies and interventions, and to substantiate decision-making in efforts to meet the health needs of Romani communities.
8. Develop a monitoring and evaluation component to provide concrete data on the impact of health policies for Roma.

## Housing

1. Ensure adequate housing conditions for Roma living in disadvantaged communities and access to public services and small infrastructure. Develop housing projects that also include access to utilities.
2. Address and tackle property rights, especially the legalisation of Roma informal settlements.
3. Involve local authorities in integrated community development projects (tackling education, healthcare, employment and housing problems) in order to address problems specific to segregated communities. Eradicate spatial segregation on ethnic and socio-economic grounds.
4. Build social housing units and refurbish buildings owned or administered by local authorities with the participation and direct involvement of future beneficiaries, but avoiding spatial segregation.
5. Revise the eligibility criteria regulating access to social housing stipulated by the legal framework in order to enable the access of Roma to social housing.
6. Guarantee national standards (law no. 114/1996 on housing) on housing for members of Romani communities in Romania.
7. Allow the genuine consultation and involvement of Romani communities in the elaboration of local strategies for the development of neighbourhoods. Include participatory planning in the design and construction of social housing. Mediate relationships with local authorities towards identifying workable solutions.
8. Eliminate residential segregation, environmental racism and protect Roma from forced evictions, i.e. respecting the provisions of the International Convention of the Elimination of all Forms of Racial Discrimination.
9. Amend of law no. 350/2001 regarding land design and urban planning and the legislation of the principle of spatial non-segregation on ethnic and socio-economic grounds.
10. Monitor and assess forced evictions and present of annual reports comprising findings and results.
11. Relaunch mixed working groups within the Ministry of Regional Development and the Ministry of Tourism.

## Recommendations to the relevant EU bodies

1. Identify and put in place control mechanisms of the European Commission in order to ensure that NRISs are fully compliant with the standards of public policy documents established by individual Member States.
2. Elaborate a *road map agreement* between the European Commission and national governments, with clear objectives to be accomplished through NRISs. Design an effective monitoring and evaluation mechanism for the implementation of the EU Framework for National Roma Integration Strategies up to 2020 to ensure that its provisions are put into practice.
3. Initiate a debate with EU Member States on the collection of disaggregated ethnic data by Eurostat and national statistical institutions and on the identification of solutions for the systematic collection of data on Roma, respecting the right to privacy.
4. Use the financial resources of the next programming period, 2014-2020, to allocate sufficient funds for Roma social inclusion, particularly through integrated projects that address the vulnerabilities of Romani communities in a comprehensive manner.
5. In the context of a poor absorption rate of structural funds (2007-2013) by Romanian institutions, identify appropriate mechanisms for the direct provision of funds from the European Commission for integration programmes/projects.
6. Identify resources to be allocated for strengthening Roma participation, including general project management skills, monitoring, evaluation and advocacy.
7. Collaborate more closely with relevant private donors in order to find ways of covering the cost share required by EU-funded projects.
8. Provide technical assistance to the Romanian government in the elaboration, implementation and evaluation of public policies for Romani communities.
9. Request the organisation of real consultations with civil society and a transparent process of prioritising the tailoring of future EU funds from the Romanian government.
10. Secure multi-annual funding for the Equality Bodies of Member States for anti-discrimination programmes.

11. Monitor the implementation of EU legislation in the field of anti-discrimination. Demand that the Romanian Parliament improve this legislation to ensure full compliance with the substantive provisions of the Race Directive as regards the implementation of the burden of proof principle.
12. Identify, scale up and finance the replication of best practices on Roma inclusion projects in Member States.
13. Continue to financially support watchdog type organisations, active in the field of monitoring human rights and fundamental freedoms abuses and violations.

#### *Recommendations for national and international donors*

1. Identify financial resources to be allocated for strengthening Roma participation through grant schemes, aimed particularly at capacity building, project management, monitoring, evaluation and advocacy.
2. Collaborate with relevant national authorities and EU structures in order to maximise the use of funds, especially in areas where government interventions are weak.
3. Identify funding mechanisms for covering, through reimbursable grants, the participation of civil society organisations in partnerships funded through structural funds.

#### *Recommendations for Roma civil society*

1. Participate consistently in consultations with public authorities in developing and implementing public policies for Roma.
2. Participate in public debates on Roma, encourage prompt reactions to negative events involving Roma in the context of the global economic crisis, which may exacerbate negative feelings and behaviour towards Roma.
3. Initiate, in partnership with other organisations and institutions, integrated pilot projects that can be replicated afterwards and taken over by public institutions.
4. Incorporate research activities on the situation of Romani communities into existing programmes, in order to generate evidence base for future interventions.
5. Demand transparent consultations with representatives of government agencies and promote the incorporation of best practices into policy provisions.
6. Increase the intensity of NGOs' lobbying and advocacy in order to exert pressure over relevant public bodies to adopt clear interventions for improving the health status of Roma.
7. Increase NGOs' involvement in civic activities that stress the impact of problems associated with health professionals' stereotyping and discriminatory behaviour towards Roma patients, in order to reduce inequalities in access to healthcare and in the quality of treatments.

## ABBREVIATIONS

<b>CIAP</b>	Institutional Committee for Partnership Agreements
<b>EAFRD</b>	European Agricultural Fund for Rural Development
<b>EC</b>	European Commission
<b>GTLR</b>	Technical Working Group for Roma
<b>Ministry of Labour</b>	Ministry of Labour, Family and Social Protection
<b>MRDPA</b>	Ministry of Regional Development and Public Administration
<b>MtM</b>	Making the Most of EU Funds for Roma, OSF
<b>NAE</b>	National Agency for Employment
<b>NAR</b>	National Agency for Roma
<b>NCCD</b>	National Council for Combating Discrimination
<b>NCP</b>	National Contact Point for the Romanian Roma Integration Strategy
<b>NGO</b>	Non-Governmental Organisation
<b>NRIS</b>	National Roma Inclusion Strategy, "The Strategy of the Government of Romania for the Inclusion of Romanian Citizens Belonging to the Roma Minority for the Period 2012-2020"
<b>POSDRU</b>	Sectoral Operational Programme for Human Resources Development 2007-2013
<b>REGIO</b>	Managing Authority of the Regional Operational Program
<b>WHO</b>	World Health Organisation

## INTRODUCTION

The present civil society report is part of a wider initiative of the Decade of Roma Inclusion Secretariat in collaboration with the Open Society Foundation's Making the Most of EU Funds for Roma (MtM) and Roma Initiatives Programmes for a so-called "*Civil Society Monitoring of the Implementation of National Roma Integration Strategies and Decade Action Plans*".

The main objective of the initiative is to channel local knowledge into national and European level policy-making, and to reflect on the social impact of government measures and, not least, to offer alternative data where official data are lacking or alternative interpretations to available data.

The report seeks to monitor the local implementation of the *Strategy of the Government of Romania for the Inclusion of Romanian Citizens of Roma ethnicity for the period 2011-2020*<sup>51</sup> (NRIS) and to present additional data to official information, proxy data where there is no official data or alternative interpretations of published data.

This report has been authored by a consortium led by the Resource Center for Roma Communities as the lead applicant and Soros Foundation Romania and consisting of the Civil Society Development Foundation, the Roma Center for Health Policies – SASTIPEN as partners.

The EU Framework Strategy for Roma (2011) asks EU member states to "*ensure that national, regional and local integration policies focus on Roma in a clear and specific way, and address the needs of Roma with explicit measures to prevent from and compensate for the disadvantages they face. A targeted approach, within the broader strategy to fight poverty and exclusion – which does not exclude other vulnerable and deprived groups from support – is compatible with the principle of non-discrimination both at EU and national level ...*"

The political struggle over the representation of Roma in central administration, coupled with top politicians' and post-holders' lack of accountability in the implementation of the strategy, has led to a situation in which the Strategy for Roma inclusion remained completely marginalised during 2012, with no visible developments or clear budget allocations. The EU funding supposed to finance part of the policy measures in the strategy was non-existent, due to the blocking of structural funds in Romania, while greater discipline in public spending imposed by international institutions led to cuts in budgetary allocations, especially for social programmes.

Arguably, the EU Framework Strategy for Roma is the key reason for governments initiating tangible policy and interventions geared towards the inclusion of Romani communities and to bring about long-awaited changes in the political status quo towards the Roma. This is certainly the case in Romania.

Still, in the opinion of the authors of this civil society monitoring report, the EU's assessment of the national strategies has done little to improve the standing of the Romanian Strategy, not least because the EC has limited powers and means to influence Member States in adopting and implementing specific policy documents. In such a context, it is obvious that the NRIS has remained a public policy document, adopted by the government in December 2011, whose revision is still pending in May 2013, and whose implementation is likely to be postponed until 2014.

51 *Romania, Strategy of the Government of Romania for the Inclusion of Romanian Citizens of Roma ethnicity for the period 2011-2020*, available at <http://www.anr.gov.ro/docs/Politici/Cadrul%20general%20al%20strategiei.pdf>.



## Methodology

The present report, finalised in April 2013, draws on an approach that balances theoretical and conceptual analysis, qualitative empirical and exploratory analysis, quantitative data analysis and, not least, critical social policy analysis. For this report we used a combination of methods:

### *Document review*

The review of the past year's policy and legislative changes was carried out mainly through a review of documents. In addition to the text of the National Roma Inclusion Strategy and its contextualising documents and annexes, other strategies, reports and policy documents were included in the analysis. All resources are cited in footnotes.

Our goal was to consult all significant public policy documents aimed at the Roma community in Romania issued over recent years. These are diverse in terms of breadth and complexity as well as in terms of authorship. We sought a balanced approach between official policy texts (government decisions, ministerial orders, laws, EU directives, communications of the European Commission) and nongovernmental sources (reports of programmes and projects, research projects concerning topics of interest, public statements).

### *Interviews*

In addition to the document review, the experts conducted interviews with relevant stakeholders in order to clarify the situation on specific issues listed in the table and to reflect on the main challenges regarding the implementation of the Strategy. Therefore several national authorities, ministries and other actors related to monitoring were interviewed, either in person, via telephone or in writing.

The interviews with public figures, specialists and practitioners in the field provided an opportunity to understand the perception and personal viewpoint of politicians, political leaders and civil servants involved in the elaboration, adjustment and implementation of public policies relevant for the Roma minority.

*List of the interviews*

Organisation	Number	Interviewees
National Agency for Roma	3	President, high level staff
County Offices for Roma	3	County Office for Roma experts (former and actual)
Local Authorities	3	Group interview with mayors and deputy mayor
County Prefecture	3	Experts on Roma Issues
Ministry of Education	1	Department for minority language education
Ministry of Health	1	Staff responsible for the health mediation programme
National Agency for Employment	1	They responded in writing to some of our questions
Ministry of Regional Development and Public Administration	1	They responded in writing to some of our questions
National Agency of Civil Servants	1	They responded in writing to some of our questions
National Council for Combating Discrimination	1	High level staff
Roma NGOs	5	Managerial staff

We had difficulties interviewing representatives of the following institutions: the National Agency for Employment, the National Agency of Civil Servants, the Ministry of Regional Development and Public Administration. These refused to assign a person with responsibilities in the Roma area who could have answered

our questions, but agreed to respond in writing. Unfortunately, the answers received proved to be rather superficial and vague, without clear statements or data. Some questions were left unanswered.

For different sections of the report and case studies, several Roma NGO representatives were interviewed individually, but group discussions (in Tîrgu Mureş and Timișoara, December 2012) also yielded supplementary information.



# 1. STRUCTURAL REQUIREMENTS

At the beginning of 2011, the Romanian government started to work on a NRIS as a result of the expiry of previous policy documents adopted in 2001 and updated in 2006. In April 2011, when the EC launched its Communication on the need for NRISs, the Romanian authorities started to work on such a document, but the consultation process was devoid of actual input. The adopted NRIS is an improved version of the previous documents (2001, 2006), but still does not comply with the legal standards of a public policy document.

It is important to mention that the current NRIS does not draw on baseline data that would allow the rigorous monitoring and evaluation of its implementation. The strategy provides little more than a description of a mechanism that is supposed to lead to the collection of certain data with no reference to a baseline, generating practical difficulties for the subsequent estimation of impact.

As for the Decade of Roma Inclusion 2005-2015, regardless of the fact that Romania was among the first countries to sign the Decade documents and of having held its first Presidency, it is among the countries that have never adopted the Decade Action Plans.

## Governmental arrangements

There are two bodies directly related to the NRIS in the Romanian government: the National Agency for Roma (NAR) and the Central Department for Monitoring and Assessment, designated as the National Contact Point for the Romanian Roma Integration Strategy (NCP), represented by the Prime Minister's counsellor on Roma inclusion issues.

The NAR is a specialised body of the central public administration, under the supervision of the General Secretariat of the Cabinet.<sup>52</sup> It was set up in 2004 and continues the activity of the so-called Office for Roma Issues (*Oficiul pentru Problemele Romilor*). According to its Rules of Organisation and Functioning, the NAR "elaborates the policy and strategy of the Romanian government in the area of protecting the rights of the Roma".<sup>53</sup>

The NAR is responsible for "applying, coordinating, monitoring and evaluating the sectoral social interventions that are part of the Romanian Governmental Strategy for the Improvement of the Condition of the Roma"<sup>54</sup> and acts as the "secretariat of the Mixed Committee for the Implementation and Monitoring of the Strategy".<sup>55</sup>

Until the most recent parliamentary elections, which took place on 9 December 2012, the NCP was run by a well-known Roma artist, Damian Drăghici, acting also as the Prime Minister's Counsellor on Roma issues. He was perceived by some as a more efficient figure than NAR and its president, but six months of being in office yielded no information about the responsibilities, resources and powers of this post.

52 Romania, Government Ordinance no. 78/ 2004, regarding the creation of the National Agency for Roma [2004].

53 NAR President, order no. 80/2010, article 2.

54 NAR President, order no. 80/2010, article 3.

55 NAR President, order no. 80/2010, article 4.

Acting as the National Contact Point for the Romanian Roma Integration Strategy, the Prime Minister's counsellor had to coordinate the monitoring and evaluation of the NRIS implementation, but so far no relevant information has been made available on developments in this area. After the general elections, Mr. Drăghici became a member of the Senate. After a short-lived nomination of another Roma activist<sup>56</sup> as head of the NCP in early 2013, Mr Drăghici is running the NCP again, but in an informal position<sup>57</sup> as Counsellor of the Prime Minister on Roma issues. It is obvious, therefore, that the time allocated for the current activities of the NCP is limited.

NAR has seven regional offices, one each in each Romanian euro-region (except the Bucharest/Ilfov region). The total number of staff positions in NAR is 30 civil servants and contractual staff, plus the NAR President. Of these staff, 20 work in Bucharest and 10 staff members work at the seven regional offices (Iași, Brăila, Calarași, Craiova, Timișoara, Cluj Napoca and Alba Iulia). Not all staff positions are filled. For example in 2011, of the 30 posts, only 21 were occupied. The head of NAR, its President, holds the status of State Secretary and is a member of the Pro Europe Roma Party (Partida Romilor Pro Europa), an organisation that also represents the Roma minority as a whole in the lower chamber of the Romanian Parliament.

The structure of the NAR stipulates the following departments:

- The President's cabinet
- The Legal Department
- The Administrative, Economic and Human Resources Service
- The Public Policy Unit
- The Internal Audit Department
- The Internal and International department and
- Regional offices (seven).

NAR coordinates the work of the County Offices for Roma, county-level bodies subordinated to Prefectures. The 42 Roma experts hired in these Offices by the Ministry of Internal Affairs (MAI) are subordinated to two distinct bodies: administratively to the MAI and technically to the NAR.

NAR is funded through the state budget. For 2012 the total budget of the institution,<sup>58</sup> with several changes, reached 7,496,000 RON (approximately 1,665,777 EUR). Of this total budget, 2,050,000 RON (approx. 455,555 EUR) was allocated for the daily functioning of the institution – salaries, goods and services, maintenance, administrative expenses, travel etc. The rest, 5,446,000 RON (approx. 1,210,222 EUR) was allocated as the annual budget to ensure cash flow for the implementation of projects funded through the ESF and other sources. It is expected that this will be reimbursed as soon as the Management Authority of the Operational Programme for Human Resources Development (POS DRU) audits project expenses. The 2012 project implementation budget will then be transferred back to the state budget.

For 2013, the NAR budget<sup>59</sup> was set at 7.6 million RON (1,688,888 EUR), of which 3,400,000 RON is for the functioning of NAR (755,555 EUR) and 2,200,000 RON (488,888 EUR) is for the NAR cash flow and contributions for project components (ESF, the SEE Financial Mechanism and the Swiss-Romania Cooperation Mechanism).

NAR is also responsible for implementing projects funded through different sources, including the structural funds of the European Union and the European Social Fund in particular. Six projects funded by the Management Authority of the Operational Programme for Human Resources Development (POS DRU) were implemented between 2008-2012 with NAR as the main applicant,<sup>60</sup> in partnership with other public and civil society organisations at national (17 national partners) and international (four international partners from Spain, Hungary and Italy) level. The total budget of these projects was 22.2 million EUR, of which 3.6 million was Romania's contribution from public sources. According to the progress

56 Gheorghe Răducanu, member of Pro Europe Roma Party occupied the position for about two weeks and resigned.

57 G.D. no. 103/February 1<sup>st</sup>, 2013 on the nomination of Damian Drăghici as honorific Councillor of the Prime Minister on Roma issues.

58 Telephone interview with the Head of the Economic Department of NAR: 12 December 2012.

59 Telephone interview with the Head of the Economic Department of NAR: 7 March 2013.

60 See <http://www.anr.gov.ro/html/Proiecte.html> for more details.

reports, over 500 Romani communities were targeted and 63,738 people benefited from the project activities. NAR is also a partner in four other projects funded through the European Social Fund.

It is relevant to say that the finalisation of the six ESF projects implemented by NAR is a positive aspect considering the fact that there were several difficulties during their implementation and the projects were in danger of being suspended at certain points in time.

NAR has a negative reputation among different professionals and civil society representatives, and is considered merely an extension of the Pro Europe Roma Party.<sup>61</sup>

In terms of minority representation, the Romanian government has recognised 19 national minorities and according to the Romanian Constitution<sup>62</sup> each recognised national minority has the right to be represented in the Parliament by one deputy. In order to take up this seat, the national minority organisations (parties and NGOs) have to obtain a so-called “public utility” status from the government.

Three Romanian MPs have declared themselves to be Roma: Mr Madalin Voicu – The Social Democratic Party (PSD, member of the governing coalition), Ms. Damian Drăghici – The National Union for Romania’s Progress (UNPR, member of the governing coalition) and Mr Nicolae Paun – the president of the Pro Europe Roma Party, representing the Roma minority in the Romanian Parliament. Roma and non-Roma NGOs have been critical towards all three Roma politicians for their lack of political performance and lack of capacity to promote Roma issues on central government agendas and to ensure concrete measures for improving the condition of the Roma.

Given that the Roma are officially the second largest national minority in the country, their sole representative since 2000 – Mr Păun<sup>63</sup> – enjoys a rather privileged and entrenched status as compared to other minorities (with the exception of the Hungarians, who enjoy political representation through several MPs and senators of UDMR, a political party exceeding the 5% threshold) by leading parliamentary group for minorities and also chairing the parliamentary committee for human rights. Mr Păun is an authoritarian leader. He is astute enough to remain close to ruling coalition leaders, but has been considered controversial for what many Roma NGOs see as hunger for a monopoly on political control.

The ethnic minorities represented form a parliamentary group and, in this position, have acted as a partner to successive ruling coalitions. Mr Păun’s privileged status is reflected in the influence of the Pro Europe Roma Party over the National Agency for Roma, its leadership<sup>64</sup> and orientation. This enables the spillover of disputes related to the legitimacy of the Pro Europe Roma Party, as the representative structure for the Roma community, into the formulation and implementation of public policies for Roma inclusion.

The governmental hierarchy places NAR in the direct subordination and under the supervision of the General Secretariat of the Cabinet and the Agency has, therefore, no competence or authority to coordinate policies across line ministries. There are substantive contradictions between the institutional status of NAR and its formal functions. As presented above, NAR’s main role is the elaboration of government policies and strategies in the area of Roma rights protection and “*applying, coordinating, monitoring and evaluating sectoral social interventions*”. It is puzzling to have a government body without authority and competence over line ministries responsible for the elaboration, implementation, coordination, monitoring and evaluation of NRIS measures in charge of “*applying, coordinating, monitoring and evaluating sectoral social interventions*”.

In 2011, with the support of experts from the European Commission’s DG for Employment, Social Affairs and Inclusion, NAR initiated a Technical Working Group for Roma<sup>65</sup> (GTLR) in order to facilitate and support

61 Position expressed in a group interview with Roma civil society organisations, Timisoara: 8 December 2012.

62 *Ibid.*

63 Romanian Parliament, Chamber of Deputies website: <http://www.cdep.ro/pls/parlam/structura.mp?idm=281&cam=2&leg=2012> (accessed 20 April 20, 2013).

64 Vasile Daniel, the present President of NAR, is also Vice-President of the Pro Europe Roma Party, see [http://www.anr.gov.ro/docs/Structura/Cv\\_Daniel\\_Vasile.pdf](http://www.anr.gov.ro/docs/Structura/Cv_Daniel_Vasile.pdf).

65 NAR, Grupul tehnic de lucru pentru Romi, details available at: [http://www.anr.gov.ro/html/grup\\_tehnic.html](http://www.anr.gov.ro/html/grup_tehnic.html).

the access of Roma to operations financed by the Sectoral Operational Programme for Human Resources Development 2007-2013 (POSDRU). GTRL was a national partnership structure lacking legal registration, working under the jurisdiction of the POSDRU Monitoring Committee.<sup>66</sup> However, the work of the GTRL was not perceived as effective. During its June 2012 meeting, the POSDRU Monitoring Committee discussed the work of the GTRL and acknowledged that although its objective was to present proof that the funding of interventions for supporting the Roma and identifying corrective measures were going in the right direction, the GTRL did not have the capacity to offer the desired results to be presented to the European Commission, and was discontinued.

NAR is a member of the Inter-Institutional Committee for Partnership Agreement (CIAP), a consultative body consisting of ministerial departments, agencies, regional development agencies and civil society organisations, coordinated by the Ministry of European Affairs.<sup>67</sup> This committee will have to validate the various stages of drafting the subsequent Partnership documents. According to the official partnership documents, the partnership aims to:<sup>68</sup>

- set out key strategic objectives and priorities for interventions with reliance on future EU funds through wide consultations and transparent partnerships;
- facilitate agreement between social partners on a range of interventions, main outcome indicators, strategies for implementation, monitoring and evaluation endeavours and indicative financial allocations for each programme financed through EU funds allocated to Romania between 2014-2020;
- complement interventions financed from public sources in line with strategic objectives;
- ensure the participation and involvement of partners in order to establish and assume planned interventions, including through the provision of information necessary to substantiate such interventions based on the principle of multi-level governance.

Twelve Thematic Advisory Committees have also been formed to support the CIAP in the development of official programme documents and NAR is also represented among these (even if they often miss meetings). NAR is meant to promote Roma issues in particular as a member of such working groups, committees and consultative bodies, from presenting socio-economic analyses, through introducing Roma issues into the main priority axes of future structural fund operational programmes, to promoting an integrated approach to the programming and use of multiple funding sources in addressing Roma issues. According to the programme schedule published by the Ministry of European Affairs, several meetings of the CIAP and Thematic Advisory Committees should have been held in order to finalise documents by April 2013.

Considering the fact that NAR is a public body, it has to respect all the procedures applicable to civil servants' employment. Therefore vacancies are not restricted from the point of view of ethnicity, sex, age or other criteria. In practice, there are no affirmative action measures for hiring Roma by the NAR. Still, vacancies at NAR make reference to expertise in Roma issues, and familiarity with Romani language is considered an advantage. The bibliography and legislation that candidates are supposed to be familiar with are directly linked to Roma issues.

The reality is that the vast majority of NAR staff is of Roma ethnicity, many of them former Roma NGO activists or young professionals. Still, the NAR is not perceived to be a role model institution for employ-

66 The decision of the Monitoring Committee members on 22 October 2009, art. 9 of the Rules of Functioning of the Monitoring Committee for POSDRU and in accordance with Regulation no. 1081/2006 on the European Social Fund, European Council Regulation no. 1083/2006 laying down general rules for the European Regional Development Fund, the European Social Fund and the Cohesion Fund.

67 Romania, Memorandum, "Approval of actions and documents regarding the preparation for accessing and implementing European funding during 2014-2020" approved June 2012 (*Aprobarea acțiunilor și documentelor privind pregătirea accesării și implementării fondurilor europene în perioada 2014-2020*, aprobat de guvern la 13 iunie 2012).

68 Organizing and Functioning of the Partnership Framework for European funds programing for an intelligent, sustainable and inclusive programming 2014-2020 (*Organizarea și funcționarea cadrului partenerial pentru programarea fondurilor europene destinate unei dezvoltări inteligente, durabile și inclusive 2014-2020*, Annex II to the Memorandum, "Approval of actions and documents regarding the preparation for accessing and implementing European funding during 2014-2020"). For more information, on the CIAP documents, see <http://www.fonduri-ue.ro/ciap>.

ing Roma because ethnicity is not an official criterion of recruitment, given the national provisions of the Labour Code.

At present, there are certain debates within the Roma movement in Romania on the role of the NAR in relation to the NRIS and Roma issues in general. The NAR has been perceived as a weak institution in its relationship with ministries and is not considered a genuinely useful technical structure. Civil society remains confused about the actual position of NAR due to its ambiguous status as neither a significant government body, nor a representative structure for the Roma, since Roma NGOs have no voice in the nomination of the leadership structure of NAR and no consultations have been organised in this regard. Furthermore, despite the statements of NAR's president emphasising the Agency's involvement in the monitoring of NRIS implementation, in reality this task was assigned to (and remains the responsibility of) the Prime Minister's counsellor on Roma issues (see above).

## Strategy design and review

As regards consultations for the elaboration of the strategy, *"a distinction has to be made between the organisation of formal consultations and the actual consideration of recommendations formulated by civil society. There were several meetings held with a coalition of NGOs in preparation of the strategy during which a lot of documents were submitted, but the law does not stipulate more"*.<sup>69</sup>

After the adoption of the new NRIS in December 2011, almost no events were organised to discuss and analyse the new initiative, despite repeated criticisms expressed by civil society organisations regarding the government's lack of openness and availability to consider recommendations formulated by NGOs. The fact that the European Commission undertook an assessment and that this was published as late as mid-2012 made the governmental bodies responsible for the NRIS take very few steps towards its revision and implementation.

In practical terms, a couple of attempts to revise the revision of the NRIS should be noted. In autumn 2012, the president of NAR at the time mentioned plans to organise a series of regional meetings to gather information, suggestions and possible solutions to amend the new Strategy. In the end, just one meeting took place, in Tîrgu Mureş on 8 December 2012, which was the result of a collaborative effort between Liga Pro Europa Association and NAR. Approximately 30 professionals, including Roma NGO representatives, school mediators, experts on Roma issues, social assistance and public health bodies, school inspectorates etc. participated in the debate.

Participants agreed that there was a need to revise the NRIS as a public policy document in order to eliminate the measures and other provisions already in place through mainstream social interventions.

The next step for adjusting the NRIS was envisaged to be the simplification of the document in an attempt to ensure a logical connection between the definitions of social problems, contexts, scope, priorities, directions for action, objectives and impact indicators. However, public information on this initiative is not available, although it was expected that the calendar of consultations and the conclusion of meetings would be made public.

Secondly, in March 2013, NAR initiated a consultation process following the requests of the *"Cabinet's General Secretariat, asking for a revision of the Strategy by the end of March 2013, to be followed by its adoption by the Government"* and aimed at the *"revision of the document adopted in 2011, including its implementation mechanism, and setting priorities both for the Strategy and for the 2014-2020 programming"*.<sup>70</sup> The new president of NAR,<sup>71</sup> nominated after the appointment of the new Cabinet, reactivated the so-called Consultative Committee in an attempt to turn it into *"an operative group that will exchange information, contributing to*

69 Interview with Gelu Duminica, Executive Director, "Impreuna" Agency, Cluj Napoca: 14 March 2013.

70 Interview with Mariea Ionescu, NAR, Bucharest: 20 March 2013.

71 Daniel Vasile, leader of the Pro Europe Roma Party, President of NAR.

*solving the strategic problems, of national interest, of public policies for Roma*".<sup>72</sup> The members of the Consultative Committee are representatives of relevant ministries and government agencies, the National Council for Combating Discrimination and members of Parliament representing the Roma minority. Four sub-committees – on education, health, employment, regional development/housing – were set-up for the NAR President to consult with. So far, a select group of Roma NGOs have taken part in a series of direct consultations with NAR for the revision of the NRIS, but this process has not been transparent. A series of meetings have recently taken place (on 8, 13, 27-29 March, and 1-3, 11 April) and a first draft of the documents elaborated by each sub-committee was presented on 9 April 9 2013. However, a group of active non-Roma NGOs that took part in previous actions related to the NRIS was not invited to these meetings until early April 2013. NAR is currently continuing the consultation process with the participation of non-Roma NGOs, ministries, local authorities' associations, groups for social dialogue and members of universities in an attempt to speed up the finalisation of the NRIS's revision expected for June 2013.

In this context, a meeting of the Inter-Ministerial Working Group for NRIS implementation<sup>73</sup> took place and tackled the issue of speeding up the revision and implementation of the Strategy and dealt with the analysis of Ministries' submitted observations. The Inter-Ministerial Working Group, consisting of high-level government representatives, agreed that *"there are deficiencies with regard to the implementation of different components; moreover, the Strategy contains many measures, but the major challenges relate to their funding, therefore ... there is a need to directly involve the Ministry of Finance"*.<sup>74</sup>

As we have argued in the present report, the minutes of the Inter-Ministerial Working Group meeting support the conclusion that high-level government officials fail to regard the NRIS as an important public policy document and whether it satisfies legally stipulated standards of elaboration.

## The NRIS and Social Inclusion

The entire NRIS seems to be centred on the issue of social inclusion, with its scope defined thus: *"to ensure the social and economic inclusion of Romanian citizens belonging to the Roma minority by implementing integrated policies in the field of education, employment, health, housing, culture and social infrastructure."*

Still, when it comes to realities, the NRIS makes no reference to "The 10 Common Basic Principles of Roma Inclusion" adopted by the European Platform for Roma Inclusion.<sup>75</sup> The principles mentioned in the NRIS are almost identical to the ones promoted through the former versions of the NRIS from 2001 and updated in 2006. In fact, the involvement of civil society and the active grassroots participation of Roma have proved to be marginal so far.

72 NAR President, *order no. 22/2013* on re-activating the NAR Consultative Committee.

73 Inter-Ministerial Working Group for NRIS implementation. Minutes from meeting, 11 March 2013.

74 *Ibid.*

75 European Commission, *10 Common Basic Principles on Roma Inclusion adopted by the European Platform for Roma Inclusion* 24 April 2009, available at: [http://www.coe.int/t/dg4/youth/Source/Resources/Documents/2011\\_10\\_Common\\_Basic\\_Principles\\_Roma\\_Inclusion.pdf](http://www.coe.int/t/dg4/youth/Source/Resources/Documents/2011_10_Common_Basic_Principles_Roma_Inclusion.pdf)



Practice recommendations from the 10 Common Basic Principles of Roma Inclusion	Actual situation
Consult and involve NGOs, academics and Roma representatives in all stages of policy development.	Consultations were held pro forma only and did not lead to genuine debate. The mechanism for consultations and the permanent involvement of civil society in implementing and monitoring the NRIS, as acknowledged in the official document, is not functional. Governmental actions continue to be guided by ad-hoc actions or reactions rather than the requirements/pressure set by the European Commission with regard to making the NRIS an important public policy.
Rely on the expertise and dissemination networks of civil society.	Reliance on such expertise was marginal, and most NGOs' recommendations were cast aside. The entire process was non-transparent: although the adoption of the NRIS in December 2011 was announced immediately, documents were only made available to the public in January 2012.
Organise public debates throughout the policy-making process.	There were no meaningful public debates held during the preparation of the NRIS. The government took over the entire process, an action criticised by the most vocal Roma NGOs. The fact that a group of Roma and non-Roma NGOs submitted a document with clear proposals for the improvement of the NRIS, and participated in a meeting with government officials, was used afterwards to argue that consultations had taken place.
Reflect on measures concerning positive action to encourage Roma participation in public life and active citizenship.	The NRIS falls short of actively promoting affirmative action measures except in the field of education, where the already existing measures for secondary school and university students have been reiterated.
Promote employment opportunities for the Roma by including positive action measures in human resources development strategies, such as organizing training courses, traineeships or company visits aimed at Roma communities.	These are more or less reflected in the activities carried out with funding from the European Social Fund and structural funds. The majority of calls for proposals under the ESF have incorporated active employment measures and qualification courses, and these are reflected in the monitored outcomes of individual projects.

The NRIS is aimed at *“making local and central authorities, the Roma minority and civil society responsible for the increase of the level of social and economic inclusion of Romanian citizens belonging to the Roma minority”*. Such phrasing sounds promising, but there are doubts as to the ways in which the NRIS as a public policy document can make all these stakeholders participate and become *“responsible”*.

It is noteworthy that the NRIS is a policy document of the Romanian government and, as a result, there is an expectation that government bodies will take responsibility for transforming its provisions into actual interventions. It would be a mistake to expect Roma civil society to take responsibility for a comprehensive strategy to achieve the social and economic inclusion of members of the Roma community without governmental guarantees for a sound participation mechanism in the process of the elaboration, implementation, monitoring and evaluation of interventions. This is, in fact, what civil society organisations had asked the government for: an authentic process of consultations and participation.

In fact, civil society involvement is described in the NRIS very briefly: *“the active involvement of Roma ethnics in these actions is essential. To this end, starting in 2012, the NAR shall take actions for establishing a mechanism for consultations and permanent involvement of civil society in implementing and monitoring the Strategy for the inclusion of Romanian citizens of Roma ethnicity”*.

So far, the generous principle of the participation of Roma representatives, especially those of civil society, in the implementation, monitoring and evaluation of the Strategy has not been realised. At the central level, the Inter-Ministerial Working Group, established and coordinated by the then deputy prime minister, has brought together only high-level government representatives.

The NRIS mentions the establishment of so-called Ministerial Commissions for Roma, structures that existed during the previous period, but were invisible. There is virtually no publicly available information regarding the activities of these Ministerial Commissions for Roma, bodies that were supposed to have in their structures ministerial staff with responsibilities in Roma areas, representatives of NAR and also *“representatives of Roma non-governmental organisations with relevant expertise”*.

Also, so-called Technical Working Groups should be established sharing responsibilities with Ministerial Commissions for Roma for the monitoring of the *“enactment of measures under their specific domain and submitting, on a semi-annual basis, progress reports in order to assess the impact of actions for the inclusion of the Roma minority and, where appropriate, depending on the internal and international developments, to review and adapt the Government Strategy”*.

The NRIS also refers to already existing regional or local bodies where the participation of the Roma is enacted:

- County Offices for Roma, which have three to four experts *“among which one has to be a Roma ethnic”*;
- Joint Working Groups set up at the county level, *comprising representatives of ministries’ decentralized structures, members of Roma non-governmental organisations and delegates of Romani communities, including county/local councillors”*;
- Local Roma Experts – hired by local authorities and acting as key contact persons between public authorities and Romani communities and being responsible, among other things, for organising local initiative groups (consisting of representatives of Romani communities) and local working groups (consisting of representatives of local public bodies, members of Local Councils, NGO members, delegates of Romani communities etc.).

It would appear, at least in theory, that the participation of the Roma is defined in great detail in the NRIS. In practice, however, the situation seems to be more precarious. To be blunt, the actual participation of Romani communities’ representatives and Roma civil society structures is extremely weak. The NRIS states that *“NAR shall take actions for establishing a mechanism for consultations and permanent involvement of civil society in implementing and monitoring”* the NRIS, but this has not been coupled with concrete actions so far.

## Coordination

When considering the different layers of governance involved in the implementation of the NRIS, it is difficult to find signs of meaningful coordination. There are no clear distinctions between responsibilities and instruments through which different layers of governance might succeed in coordinating and complementing their actions with respect to NRIS implementation. The issue of coordination is more visible in the monitoring and evaluation of the NRIS, with several structures mentioned at this level:

- the National Agency for Roma, responsible for *“applying, coordinating, monitoring and evaluating”* NRIS measures.
- the Central Department for Monitoring and Evaluation, designated as the National Contact Point for the NRIS – a structure with overall responsibility for ensuring communication at different levels of governance (county offices, line ministries, inter-ministerial working groups/government) and monitoring the implementation of the NRIS, but with no clear functionality and operational resources to carry out its tasks.
- The Inter-Ministerial Working Group, a structure consisting of high-level government staff;
- Ministerial Commissions for Roma with a role in *“monitoring the enactment of measures under their specific domains and submitting, on a semi-annual basis, progress reports in order to assess the impact of actions for the inclusion of Roma”*.
- County Offices for Roma, at least in terms of officially aligning their respective missions to the role assigned through the NRIS and also working in close connection with County Commissions for Social Inclusion.

The NRIS states that *“Establishing communication channels within the network of monitoring departments is the first and foremost task of the Central Monitoring and Evaluation Department, which shall establish an inter-institutional system for communication and monitoring with regard to the implementation, monitoring and assessment of interventions intended for Roma integration, to include authorities ranging from central to local levels”*. There are no signs or public information available regarding this task having been achieved so far.

## Mainstreaming versus targeting

The issue of mainstream versus targeted policies for Roma in Romania is still the subject of public debate and disagreement. Most of the time, the two faces of policies accessible to Roma are seen as antagonistic and probably a more balanced approach would be the most appropriate.

The NRIS is not clear on the issue of mainstreaming or targeting, but states that *“the Government of Romania considers Roma social inclusion an issue that should be reflected in all fields of activity on the agendas of all central and local institutions,”*<sup>76</sup> without mentioning concrete steps and actions that could support targeted measures as pilot initiatives to be mainstreamed afterwards. As mentioned earlier in this report, the NRIS does not incorporate “The 10 Common Basic Principles of Roma Inclusion” adopted by the European Platform for Roma Inclusion.<sup>77</sup> The second principle states that the *“explicit, but not exclusive targeting of the Roma is essential for inclusion policy initiatives. It implies focusing on the Roma as a target group, but not at the expense of the exclusion of other people who share similar socio-economic circumstances. This approach does not separate Roma-focused interventions from broader policy initiatives. In addition, where relevant, consideration must be given to the likely impact of broader policies and decisions on the social inclusion of Roma people.”*

There are certainly areas of intervention where a targeted approach is necessary in order to pilot intervention models that might subsequently be implemented nationally, through mainstream policies. One such example is the health mediation programme, launched as a Roma civil society initiative, evolving as a targeted intervention (a partnership with public health structures) and turning into a mainstream policy, including the registration of the occupation as part of the Romanian professional occupations code (COR).

The NRIS does not clearly distinguish between general and specific measures for Roma. An analysis of the document reveals that several objectives and interventions are general ones and, in our opinion, should not be part of the NRIS at all. For example, in the field of education, the integration of topics on anti-discrimination or inclusive education etc. into school curricula seem general subjects that should not be the object of the NRIS per se, but that of mainstream education policies.

Existing Operational Programmes do not directly reflect Roma issues, nor is there a specific Priority Axis or Major Intervention Domain designed for Roma, except a reference to Roma as a target group. As for the Partnership Agreement for 2014-2020, data collection and the elaboration of social and economic analyses will continue into May 2013. Soros Foundation Romania and the Resource Center for Roma Communities have already submitted a document reflecting the actual situation of the Roma, with proposals for a list of problems and action measures to be taken into consideration in the elaboration of these social and economic analyses, to be followed by specific allocations in future Operational Programmes.

## Monitoring and Evaluation

The robustness of the monitoring and evaluation mechanism is subject to debate and difficult to assess as long as such a mechanism is based on the *“support and real involvement of civil society. It is envisaged that this will extend the partnership area through increased role and direct participation of NGOs and other structures at the national level with expertise in the implementation and monitoring of Roma programmes, of Roma NGOs and local initiative groups representing local Romani communities.”*<sup>78</sup>

In simple terms, monitoring and evaluation mechanisms are only relevant if the entire public policy cycle is followed through. However, as has been argued, the NRIS lacks fundamental elements stipulated by legislation regarding the process of elaborating public policy documents: policy problems are not clearly stated, there are too many directions for action, there are no clear priorities, no clear operational objectives,

76 NRIS, Introduction.

77 10 Common, Basic Principles on Roma Inclusion, available at: [http://www.coe.int/t/dg4/youth/Source/Resources/Documents/2011\\_10\\_Common\\_Basic\\_Principles\\_Roma\\_Inclusion.pdf](http://www.coe.int/t/dg4/youth/Source/Resources/Documents/2011_10_Common_Basic_Principles_Roma_Inclusion.pdf).

78 Damian Drăghici, presentation on the status of NRIS monitoring and evaluation, available at: [http://www.rndr.ro/INTRANET/Documentos/4%20Prezentare%20Damian%20Drăghici\\_329.pdf](http://www.rndr.ro/INTRANET/Documentos/4%20Prezentare%20Damian%20Drăghici_329.pdf).

envisaged outcomes are lacking, responsibilities are diffuse, there are very limited resources and mechanisms for funds allocations etc. As a result, without a significant revision of the NRIS, it is doubtful that any provision may be appropriately monitored and evaluated.

According to *Section IX – Mechanism for the Monitoring and Evaluation of the Government Strategy*, several bodies are meant to be involved in coordination and monitoring. The Central Monitoring and Evaluation Department seems to be the most important structure, together with the corresponding offices to be created within the relevant ministries.

Still, when looking at the monitoring and evaluation blueprint described in the official document, the Central Monitoring and Evaluation Department comprises high-level government staff (state secretaries) from the main ministries relevant for Roma issues, meant to be supported by ministerial monitoring and evaluation offices, County Offices for Roma and local public administration through local Roma experts. As a result, the involvement of Romani communities and civil society remains a concern.

As regards the coordination of the implementation of the NRIS, *Section XII – Further Stages and Responsible Institutions* states: *“the coordination of the implementation and the monitoring of the enactment of the Strategy – to be carried out by the Central Department for Monitoring and Evaluation”*. The NRIS does not clarify in exact terms how the Central Monitoring and Evaluation Department and the Inter-Ministerial Working Group<sup>79</sup> share responsibility for coordination and monitoring.

It is common knowledge that Romania is still lacking reliable data on the Roma minority living in Romania, including information about the number of Roma and their geographic spread. Also, Roma emigration is over-emphasised in the media and the lack of reliable data leads to overreactions. There is a great need for the collection of reliable information about the size of the Romanian Roma population, about the geographic distribution of Romani communities and about specific problems faced by different Romani communities. Such a data collection effort could produce baseline data for the monitoring of the NRIS's implementation. Also, all state institutions could be encouraged to collect disaggregated data that would allow them to improve the design of public policies and interventions.

## Funding the NRIS

**At the moment there is no clear commitment from the Romanian government for the sustainable implementation of the NRIS.** As the NRIS also states, the estimated cost of implementation foreseen for 2012-2015 is 234,710,000 RON, approximately 55.3 million Euro, *“a cost that should be incurred from state budget allocations, refundable and non-refundable external funds, the budgets of territorial-administrative units, the budget for unemployment insurance and from other sources, under the law, included in the budgets of the chief authorizing officers in charge of Strategy implementation”*.<sup>80</sup>

A simple calculation reveals an enormous irony in the financial forecasts of the NRIS: the estimated cost for 2012-2015 for a Roma population of about 600,000 Roma (preliminary 2011 Census data) yields a theoretical estimation of 23 Euro per year per person.

The adoption of the NRIS in December 2011, prior to the adoption of the 2012 state budget, led to the inclusion of different measures without clear sources of funding, repeated again for 2013 (see section 6.8 below). Also, the expected assessment of the NRIS by the European Commission enabled the Cabinet and line ministries to postpone any financial involvement for 2012 and 2013.

Practically, the sole NRIS measures implemented have been the long-standing interventions aimed at Romanian Roma in place for years. An example is represented by the affirmative action measures in educa-

79 Prime Minister, *decision no. 36/2011 on the Creation of the Inter-Ministerial Working Group for the implementation of the direction lines regarding Roma inclusion for 2011-2020*.

80 NRIS, IX. Budgetary Implications.

tion, whereby a number of seats are retained each academic year in secondary schools and universities to be occupied by Roma students.

Funding the NRIS means more than the allocation of funding for the functioning of the NAR's central and regional offices or for paying the salaries of health mediators through local authorities. At the same time, financial allocations for the budget of the national guaranteed minimum income programme aimed at the most disadvantaged is not an NRIS policy, but a mainstream welfare intervention. In short, it would be fair to say that there is no clear allocation of financial resources specifically for the implementation of the NRIS.

A new government is already in place and the state budget for 2013 has been adopted, and still there is no clear allocation for the funding of NRIS measures. Moreover, the possibility of such allocations has not yet been settled because it remains unclear to whom such financial allocations should be made, considering that there is no clear-cut sharing of responsibility for implementation.

Despite the encouragements formulated by the EC in its Communication of April 5<sup>th</sup> 2011 on *an EU Framework for national Roma integration strategies up to 2020*, the Romanian Government failed to promote effective measures that would have allowed the reallocation of funds still available under the Structural Cohesion Programme 2007-2013 towards actions addressing Roma inclusion, in line with priorities identified in the NRIS.

In fact, in 2012, successive blockages in the administration of operational programmes severely affected most beneficiaries of EU funds, including projects targeting Roma inclusion, as well as the capacity of the government to increase the absorption rate and to better target remaining funds, eventually if possibly towards the implementation of NRIS measures. The following could be mentioned:

- for calls foreseen under the Human Resources Development Operational Programme (POSDRU), the guidelines opened for consultation at the end of 2012 enlist Roma, youth and women among priority target groups for eligible interventions;
- one of the priorities provided by the National Rural Development Programme (NRDP) is the LEADER approach, which implies the strengthening of territorial coherence in the implementation of integrated actions, expected to lead to the diversification and development of rural economies through Local Action Groups (LAG). NRDP did not provide separate financial allocations for Roma, but the selection criteria for LAGs, depending on the local situation, prioritise groups with representatives of ethnic minorities. According to NAR, of 120 eligible projects, 95 LAGs are made up of representatives of ethnic minorities, most of them Roma.<sup>81</sup> The functionality of these LAGs has not yet been subject to evaluation to assess to what extent the Roma representation within these structures does support the allocation and use of funds to the benefit of Roma citizens or covers their priority needs.
- the inclusion within the Framework Document for the implementation of the Regional Development Programme 2007-2013 of a specific reference to integrated projects, a provision that appears insufficient as long as no calls are foreseen. Moreover, despite the amendment of Art. 7 of ERDF, which created an opportunity for the use of funds for building homes for marginalised communities, including Roma, Romanian authorities felt these amendments came too late to enable the actual implementation of measures during the present programming period (given the state of submissions of blueprints and integrated projects and the allocation of funds).
- the evaluation plan for POSDRU envisages particular ad-hoc evaluations on youth and Roma inclusion. Each of these assessments is to determine the efficiency, efficacy and relevance of interventions financed through structural funds and they are meant to formulate recommendations for the next planning period. Still, the timing of these actions is of utmost importance. A continuous delay in conducting realistic assessments on the work done so far (which has been the case until now both for youth and the Roma) would lead to the same situation where lessons from the past are not valued when developing new programmes.

81 National Agency for Roma, information provided during the 23rd International Steering Committee Meeting of the Decade for Roma Inclusion 2005-2015 (Zagreb, 24-25 September 2012).

The programming process for 2014-2020 is still in the consultation phase and there is still no financial commitment for Roma issues, even though discussions do mention the range of problems that the Roma face. In Romania it is the Ministry of European Affairs that coordinates the process of planning the future of EU funds for the 2014-2020 period. According to the *“Memorandum on the approved actions and documents concerning the preparation and implementation of accessing EU funds in 2014-2020”*, 12 Thematic Advisory Committees and the Inter-Institutional Committee for the Partnership Agreement (CIAP) were set up. Each of these structures has been seen, at least in political discourse, as a consultative body in which civil society representatives have the opportunity to contribute to the preparation of the Partnership Agreement. The work of the abovementioned committees follows a roadmap proposed by the Ministry of European Affairs for the elaboration of programme documents:

- Socio-economic analyses, analyses on developmental disparities (including SWOT analyses);
- Strategy/justification for thematic objectives established for financing (focusing on complementarities between interventions as well as connections with national and European strategies);
- Results indicators;
- Financial programming
- Implementation arrangements;
- Ex-ante evaluations and other specific requirements stipulated by relevant European regulations.

The socio-economic analyses have not yet been finalised or published, nor have consultations been initiated on investment priorities. Several Roma civil society organisations are participating in the elaboration of the documents, but their selection was non-transparent. Soros Foundation Romania and the Resource Center for Roma Communities submitted several documents useful for substantiating these socio-economic analyses and for setting up the main priorities for future funding.

Over this same period, the Ministry of European Affairs and other government bodies involved in the accessing and management of structural funds organised different public events focusing on the use of structural funds, the programming period, the elaboration of programme documents, the fulfilment of programming conditionalities and the allocation of the EU budget, with several organisations attending. Unfortunately, such events were pre-programmed and they were not a space for genuine debate on Roma problems. Instead, they were aimed at bolstering the visibility of the responsible agencies. For example, POSDRU organised several regional meetings to present the results of their programme, despite the fact that beneficiaries were in huge funding difficulties due to delayed reimbursements.<sup>82</sup> During this same period, the NGOs’ Coalition for Structural Funds initiated several public actions and submitted position papers to the relevant Romanian government bodies and the European Commission in order to present the difficulties that beneficiaries were experiencing.<sup>83</sup>

## Targeted funding for Roma inclusion

In 2012, NAR launched a call for grants<sup>84</sup> for projects in the domains covered by the NRIS, targeted at civil society organisations and public administration bodies and encouraging public-private partnerships. The total budget available was 850,000 RON (approx. 189,000 Euro) with a maximum allocation of 45,000 RON (approx. 10,000 Euro) from the programme budget (10% applicants’ own contributions). The project proposals were expected to be finalised in December 2012, but there is no public information available on this issue.

Within the 2013 budget, the NAR received a financial allocation<sup>85</sup> of 1,900,000 RON (431,818 Euro) for a call for grants just launched (18 April 2013) for Roma and non-Roma NGOs for projects aimed at Romani com-

82 See for example POSDRU – Principalul instrument pentru formare, ocupării incluziune socială din România continuă în regiunea București-Ilfov, press release, 19 November 2012, available at: [http://www.fseromania.ro/images/downdocs/comunicat\\_bi.pdf](http://www.fseromania.ro/images/downdocs/comunicat_bi.pdf)

83 NGO Coalition for Structural Funds, various documents, available at: <http://www.ce-re.ro/coalitiaong>.

84 NAR, funding call, available at: <http://www.anr.gov.ro/docs/finantari/20120402130809.pdf>

85 Telephone interview with the Head of the Economic Department of NAR: 7 March 2013.

munities,<sup>86</sup> with a maximum allocation of 50,000 RON (approx. 11,300 Euro) from the programme budget (10% applicants' own contributions).

As is evident, the level of funding available is rather low: only around 40 projects can be financed in 2013, a situation worsened by the fact that alternative sources of funding for Roma programmes are scarce. The foreseen Swiss funds and EAA Grants will be open for competition and operational only towards the end of the year.

Still, even if these small grant schemes are not designed to strengthen applicants' institutional and organisational capacities, they can still be regarded as positive support in what appears to be a generally negative environment for civil society, particularly if the selection process will be a fair one.

As regards structural funds available through the European Social Fund, there are no major intervention domains or priority axes dedicated to strengthening the capacity of Roma organisations. Calls for proposals under POSDRU targeted social inclusion measures, vocational training, participation in education, social economy etc. The Open Society Fund network continues its support for Roma NGOs through network programmes on Roma issues (the Roma Initiatives Office and Making the Most of EU funds for Roma).

Romanian authorities have not yet proved that they have any clear understanding about a strategy to ensure the access of small organisations to ESF-funded projects. The Management Authorities of EU funds decided to finance projects that were far beyond the capacities and capabilities of small NGOs, who are unable to apply for bank loans to cover their contributions in big-budget projects.

Civil society organisations were considered to be possible beneficiaries only on certain axes of the Operational Programme for Human Resource Development (POSDRU), and in some cases beneficiaries of the Operational Programme for the Development of Administrative Capacity (PODCA).

Several Roma NGOs in Romania received support from the Open Society Fund – Making the Most of EU Funding for Roma programme in order to cover their cash flow needs. At the moment, the majority of NGOs implementing projects under POSDRU have significant debts, and the Fiscal Authority has already blocked their bank accounts for not paying social insurance contributions and taxes on time. There has been no policy passed to protect NGOs implementing projects from the current Romanian EU funding crisis. In the meantime, NGOs' debts are accumulating and the Fiscal Authority is charging penalties on delayed payments that keep increasing.

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86 NAR, funding call, 18 April 2013, available at: [http://www.anr.gov.ro/docs/finantari2013/anr\\_ANUNT.pdf](http://www.anr.gov.ro/docs/finantari2013/anr_ANUNT.pdf).

## 2. ANTI-DISCRIMINATION

### The right of Roma to identity

The right to identity is a prerequisite for enjoying the benefits associated with citizenship: civil, social and political rights, access to public services such as public health, education, social services and benefits, social housing etc., and the right to access public information and to engage with public authorities in various matters. The issue of *lack of registration and identity papers* among Roma was addressed mainly in the pre-accession period, with EU funding, under the multi-annual EU-Phare programme 2004-2006, with a dedicated Identity Grant Scheme<sup>87</sup> of 3.3 million EUR.

Six projects were financed under the Phare RO0004.02.02 Programme<sup>88</sup> – *Fund for the improvement of the Roma situation*, tackling the absence of identity papers (5,200 ID papers and 1,500 birth certificates were issued) and residence-related problems (47 property documents and 30 cadastre files were issued) in Romani communities. Soros Foundation Romania data from November 2006,<sup>89</sup> showed that the lack of residence- or property-related documents affected 20% of Roma living in urban areas and 30% of Roma in the countryside. The same report revealed that 3% of Roma had never had a birth certificate issued, thus facing one of the most extreme forms of exclusion – the lack of legal identity.

Since the adoption of the Strategy, numerous Roma and non-Roma NGO representatives have repeatedly highlighted the lack of evidence base for the strategy and the lack of a baseline study that could enable decision-makers to ground policy measures in accurate data. The results of the 2011 Census have not been published yet, nor is there information available on the situation of the population affected by the lack of identity papers or residence-related documents.

The current NRIS continues to address the issue of registration under the *Social infrastructure, community administration and development* chapter, indicating that the Ministry of Administration and the Interior wishes to prioritise “continuing the process of identifying persons lacking civil status and identification documents in order to have them solved”. This measure has been translated into the related Plan of Measures and stipulated as a permanent activity of the Ministry and local authorities, subject to annual evaluation.

The NRIS’s Plan of Measures mentions that a budget for this activity is “not applicable”<sup>90</sup> which is a clear indication that the measure *per se* is a monitoring type activity only, since it does not specify any targeted intervention to address the problem of registration, once identified. There are no available data to date on the situation of Roma still *lacking identity papers*<sup>91</sup> or on the level of successful interventions at the local level to address the issue.

Representatives of the Romanian National Council for Combating Discrimination (NCCD, or the “Equality Body”) have reported that there were no registered complaints on discrimination in the area of education

87 Phare 2005 Programme, Sector Programme Fiche 2004-2006 *ACCELERATING THE IMPLEMENTATION OF THE NATIONAL STRATEGY FOR IMPROVING ROMA CONDITION* available at: [http://ec.europa.eu/enlargement/fiche\\_projet/document/2004-016-772.01.01%20Sector%20programme%20fiche%20Minorities.pdf](http://ec.europa.eu/enlargement/fiche_projet/document/2004-016-772.01.01%20Sector%20programme%20fiche%20Minorities.pdf).

88 Fleck, G. et al., *Metodologie pentru solutionarea problemei lipsei actelor de stare civila, de identitate si locative*, elaborate in cadrul componentei de cercetare a Asistentei Tehnice pentru programul Phare RO 2004/016-772.01.01.01

89 Soros Foundation Romania. 2006. *Barometer of Roma Inclusion*, Bucharest,

90 NRIS, Annex, Plan of Measures; F. Social Infrastructure; F.3. Community, administration and development.

91 The indicators or final report of the Phare 2005 programme are also unavailable.



or health on the ground of lack of ID papers. According to the representative of the NCCD, proposals to deal with registration should seek to identify measures that would allow the issuing of ID papers, regardless of proof of residence.<sup>92</sup> So far, no measures have been taken to tackle, for example, the problem of delayed birth registrations, and the procedure through court is tedious and lengthy. Many Romani adults do not have a stable residence and the current legislation does not facilitate the issuing of ID papers. The lack of property-related documents prevents some Roma from providing authorities with documents related to their legal residence status, especially when living in informal settlements.<sup>93</sup>

A report of the European Roma Rights Centre (ERRC) published in December 2012 highlights the harsh discriminatory impact of forced evictions in Romania, in particular a case of 56 Roma families – including some 270 people and at least 106 minors – moved from Cluj city centre, where they lived for over 20 years, to Pata Rât, a polluted industrial area and the location of the city's landfill. The stigma associated with living in this area has had a strong impact on the evicted. A significant number of residents lack personal documents since their eviction: 50.7% of these residents do not have a national ID for their new address and 20.1% of individuals report not having public health insurance. According to the ERRC, residents report widespread discrimination on the basis of their residence. One Romani woman reported completing all stages of a job interview with a cleaning company only to be told that she would not be hired when she reported Pata Rât as her address. Another Romani woman reported that once the staff of a clinic saw that she lived in Pata Rât, they removed the clean dressing to be used and replaced it with a dirty, used one. The situation is particularly precarious for the Roma living in improvised housing. These individuals report that the local authorities instructed them to build their own shelters in Pata Rât, but they have no documentation or official permission for this accommodation, which further decreases the likelihood of being provided adequate alternative accommodation in case of another eviction.<sup>94</sup>

## Fight against racism

There were no special measures taken by the government to combat racism and anti-Gypsyism in the reporting period. There is some debate in Romanian society on this issue, but there is no public awareness on the benefits of Roma integration into society. According to the head of the NCCD, Roma themselves often fail to see the benefits of their integration. Generally speaking, the Roma are aware of discrimination and take a stand when subjected to discrimination.

According to the President of the NCCD,<sup>95</sup> the current Ponta government has assumed responsibility for the fight against discrimination and racism. The Prime Minister himself has delivered public statements<sup>96</sup> condemning racism and all other forms of discrimination. Similarly, on some occasions, the Romanian President has also made positive remarks related to Roma such as acknowledging and condemning the Holocaust against the Roma minority,<sup>97</sup> but he was also the subject of NCCD sanctions as a result of racist statements made in public. It is, therefore, very difficult to make the case for high-level officials serving as role models in promoting anti-racism.<sup>98</sup>

92 Interview with Mr. Istvan Haller (member of the NCCD): 13 December 2012.

93 *Ibid.*

94 European Roma Rights Centre, *Taken from the city, Romanian Roma evicted to a rubbish dump*, December 2012, available at: <http://www.errc.org/cms/upload/file/romania-report-pata-rat-17-dec-2012-en.pdf>,

95 Interview with Mr. Asztalos Csaba Ferenc, president of the NCCD; 13 December 2012.

96 Prime minister Victor Ponta issued a statement in the context of an act of intimidation by a group of unidentified individuals against the president of the NCCD and he condemned any form of intimidation, violence, racism and discrimination in relation to the incident. Statement available at [http://www.gov.ro/primul-ministru-victor-ponta-condamna-actele-de-violenta-la-adresa-presedin-telui-cnccd\\_\\_1a118416.html](http://www.gov.ro/primul-ministru-victor-ponta-condamna-actele-de-violenta-la-adresa-presedin-telui-cnccd__1a118416.html)

97 Romanian president, 'Statement on the occasion of the International Commemoration day of the Victims of the Holocaust' press release, 27 January 2013, available at: [http://www.presidency.ro/index.php?\\_RID=det&tb=date&id=13571&\\_PRID=search](http://www.presidency.ro/index.php?_RID=det&tb=date&id=13571&_PRID=search).

98 Interview with Mr. Asztalos Csaba Ferenc.

While the Romanian government's affirmative action measure in education aimed at Roma students has been considered a positive development,<sup>99</sup> it has not paved the way for introducing affirmative action measures in public institutions. What is important – according to the head of NCCD – is that no measures have been taken by politicians to limit the activities of independent institutions, such as the NCCD, as in previous years. The same is true of preventative measures: the existing places reserved for Roma students in the public education system have been maintained. In connection with the promotion of non-discrimination principles, based on models from other countries where universities, for example, do not receive public funding unless they adopt anti-discrimination policies, universities should be encouraged to introduce anti-discrimination courses in cooperation with the Equality Body and NGOs. However, the budgetary allocations for various institutions are undermined by corruption, which leads to the impossibility of improving the situation of the Roma (the case of the National Agency for Roma), the head of the NCCD reports. The Romanian government<sup>100</sup> has failed to introduce anti-discrimination measures into the regulations of public institutions over the last year (e.g. the case of Hungary, where universities are not eligible to receive public funding unless they adopt anti-discrimination strategies).

One step forward would be to encourage the introduction of special anti-discrimination courses in pedagogy modules at universities. Some steps have been taken in this regard: the National Institute for Magistrates has introduced required reading in the field of non-discrimination in the admission exams bibliography and in that for the promotion of police officers, prosecutors, judges etc. Such measures do not cost money, can be implemented during a crisis period, do not impose budgetary constraints on hiring new staff, and can make use of the NCCD's and NGOs' available body of knowledge.

The president of NAR reports that there have been no visible public campaigns promoted in the media, but there have been some training programmes organised by the National Agency for Roma and NGOs, with European Social Fund (ESF) support, in Romani communities on the special places for Roma students in public education.

It is worth mentioning that the Equality Body implements programmes and targeted actions on non-discrimination. In its regular newsletter, the NCCD provides information about its main activities, some related to Roma issues. None of these activities in 2012 were directly connected with the implementation of the Strategy on the social inclusion of the Roma. Instead, they were organised in cooperation with non-governmental organisations as part of different policy frameworks.

For example, in partnership with the Policy Center for Roma and Minorities, the Equality Body organised a public debate about diversity and Roma involving students and teachers.<sup>101</sup> Similarly, the NCCD took part in the implementation of the project "Together through art and culture" involving Roma students, organised debates and roundtables as part of the project "Roma between past and present" in cooperation with the Agency for Community Development "Împreună" and co-organised a workshop on "Interculturality and discrimination in the Romanian healthcare system" with the Association for Social Inclusion and Development and the Gr. T. Popa medical school in Iași.<sup>102</sup> On the other hand, as part of its own project initiatives, the Equality Body made public its annual nationwide survey on "Perceptions and attitudes towards discrimination in Romania" in March 2012. The survey included a comprehensive section discussing perceptions and experiences of discrimination against the Roma minority in Romania. A project entitled "10 years of non-discrimination" has been initiated by the NCCD in 17 schools across Romania with the aim of providing assistance on preventing discrimination to teachers developing initiatives for their students' civic, cultural and professional mentoring.<sup>103</sup>

99 *Ibid.*

100 In 2012, Romania had three different governments, led by Emil Boc, Mihai Razvan Ungureanu and Victor Ponta, respectively.

101 NCCD, e-news no. 5, available at [http://www.cncd.org.ro/files/file/E-news%20CNCND%20nr\\_%205.pdf](http://www.cncd.org.ro/files/file/E-news%20CNCND%20nr_%205.pdf).

102 NCCD, e-news no. 6, available at [http://www.cncd.org.ro/files/file/E-NEWS%20CNCND%20nr\\_%206.pdf](http://www.cncd.org.ro/files/file/E-NEWS%20CNCND%20nr_%206.pdf).

103 NCCD, e-news no. 5, available at [http://www.cncd.org.ro/files/file/E-news%20CNCND%20nr\\_%205.pdf](http://www.cncd.org.ro/files/file/E-news%20CNCND%20nr_%205.pdf).

## Institutional discrimination

The president of the NCCD believes that *institutional discrimination cannot be confirmed*: in his view, there needs to be a high number of reported cases to draw such a conclusion. While there are some registered cases of ethnic segregation in education, this “is not a phenomenon”. What is problematic is the quality of education that Romani children have access to. Roma school participation has increased, mostly because of the “Milk and Roll” programme.<sup>104</sup> A new public policy that could further improve school enrolment would be the introduction of free school meals. *After-school* programmes might deepen differences and discrimination against Romani children as not all parents would be able to afford such a programme, according to the head of the NCCD.

There have been registered cases of discrimination in healthcare, but this has also not been considered a systematic phenomenon. In the opinion of the head of the NCCD, medical staff in the public healthcare system are familiar with both anti-discrimination provisions and also the NCCD’s institutional role.

A member of the NCCD reported that no steps have been taken towards organising meetings with *local public authorities* akin to those organised by the European Commission during the reporting period. Local representatives, when asked what had been done for their Romani communities in the field of education, healthcare, employment or housing, responded with complaints that “the existing tailored European funding does not allow them to launch such programmes”.

The 2012 NRIS envisages a set of objectives and measures in the field of education linked to ensuring equal access to quality education and promoting inclusive education by preventing and eliminating segregation, as well as by fighting ethnic discrimination. The Strategy lists measures such as positive measures for Roma students of different ages, the introduction of subjects on the prevention and combating of discrimination into school curricula, teacher training on subjects related to the prevention of and fight against discrimination as well as campaigns on fighting discrimination in education.<sup>105</sup> Subsequent actions are included in Annex 1 of the NRIS, detailing the monitoring of actions on desegregation and the implementation of administrative regulations on the prohibition of ethnic segregation in schools.<sup>106</sup>

In the area of *Education*, the segregation of Romani children as a form of discrimination was initially acknowledged in 2004, when the Minister of Education issued an internal notification.<sup>107</sup> It was only in 2007 that a ministerial order officially prohibiting Romani children’s school segregation and a related methodology for preventing and eliminating school segregation were adopted.<sup>108</sup> Reports from non-governmental organisations on school segregation have repeatedly highlighted that the order was not properly implemented at the local level.<sup>109</sup> In fact, following a continuous number of reported segregation cases of Romani children, the cabinet of the Ministry of Education decided to adopt a new notification with the aim of reinforcing the provisions of the 2007 order against school segregation.<sup>110</sup>

The Ministry of Education has not released any official information so far on the progress of desegregation and the impact of the measures aimed at prohibiting the segregation of Romani children. There is no information on the implementation of the measures set in the Strategy on Roma Inclusion in the area of education either.

104 The universal social programme “Milk and Roll” (“Cornul si laptele”), still in place, was introduced a decade ago, according to which the all children in grades I-VIII, regardless of their social situation, receive a roll and yogurt or milk on a daily basis with the aim to raise the participation rate of children in formal education and to improve beneficiaries’ nutritional intake.

105 NRIS; Chapter VII Directions for Action, A. Education.

106 NRIS Annex 1 Plan of Measures, A. Education, point no. 4 and point no. 11.

107 Ministry of Education – Cabinet of the State Secretary; Notification no. 29323/2004 for the prohibition of Roma children’s segregation in education [2004].

108 Ministry of Education, Order no. 1540/2007 on the prohibition of Roma children’s segregation in education and on the approval of the Methodology for preventing and eliminating Roma children’s school segregation, published in the Official Gazette no. 692 of 11 October 2007.

109 Romani CRISS and UNICEF Romania, Surdu, L./*Report on Monitoring the measures against school segregation in Romania*, 2008, available at: <http://www.unicef.ro/wp-content/uploads/monitorizarea-aplicarii-masurilor-impotriva-segregarii-scolare-in-romania.pdf>.

110 Ministry of Education, Cabinet of the State Secretary, Notification no. 28463/2010 on preventing and eliminating the segregation of Roma children in preschool education [2010].

Even though the definition of *racial or ethnic segregation* is not explicit in the current anti-discrimination legislation, the jurisprudence of the NCCD has referred to segregation as a form of discrimination in education. The NCCD has acknowledged that the segregation of Romani children in education constitutes a “severe form of discrimination”. Furthermore, the Ministry of Education issued and disseminated a notice in 2004,<sup>111</sup> followed by an order<sup>112</sup> in 2007 prohibiting the organisation of groups or classes, regardless of the reasons claimed, leading to ethnic segregation. However, the administrative fines stipulated by the law are not dissuasive for local authorities or school management, despite the measures enacted by the NCCD against them.<sup>113</sup>

The NCCD sanctions local authorities in cases of discrimination in *education*. There have been certain registered cases of Romani children’s segregation in schools, but the sanctions applied were extremely low at 8,000 RON (approx. 1,775 EUR) and this did not discourage schools from segregating Romani students. The NCCD also sanctioned school inspectorates for not taking measures against schools practicing class-level racial segregation.

So far, Romanian legislation has failed to properly and clearly define segregation as a form of discrimination. The NCCD plans to propose an amendment to the anti-discrimination legislation in this sense and include a definition of segregation as a severe form of discrimination. Applicable sanctions are also planned to undergo changes, increasing the maximum level of sanctions from 8,000 RON to 20,000 RON (from 1,770 to 4,444 Euro). With very few exceptions, courts fail to mandate the payment of damages in cases of discrimination. However, court rulings have included symbolic compensation for damages of 1 (one) RON, at the request of Roma NGOs.

Romani CRISS, the main active Roma NGO reporting cases of segregation on the basis of anti-discrimination legislation, has regularly raised concerns about the fact that the Equality Body, despite finding that the law has been violated, has never applied effective and dissuasive sanctions against school authorities, but tended to formulate warnings or recommendations without any concrete positive consequences of their decisions. In some cases, the investigations carried out by the Equality Body proved inefficient, or the decisions lacked any substance in clarifying the segregation issues at hand.<sup>114</sup>

The Romanian government has maintained affirmative action measures in the field of education with no additional costs since the early 1990s, aimed at Roma students in secondary and tertiary education. However, most Romani children drop out of school during primary school. Therefore there is a need for school-based social programmes addressing this age group. A member of the NCCD is of the opinion that a system of merit-based scholarships for children coming from poor communities, such as Roma ones, should be put in place and this would likely increase participation rates in education.

In the area of *Health and Housing*,<sup>115</sup> the 2012 Strategy on Roma inclusion completely lacks specific measures aimed at addressing discrimination, while in the area of *Employment* the strategy provides only for “the promotion of programmes designed to raise employers’ awareness of discrimination at work, equal opportunities, psychological harassment and social dialogue”.<sup>116</sup>

Last year, the NCCD requested that the Ministry of Health elaborate guidelines for the prevention of ethnic segregation in hospitals. Some hospitals operate rooms that are ‘accidentally’ occupied mainly by Roma

111 Ministry of Education, *Notification no. 29323/2004 prohibiting Roma segregation* [2004], available at [www.edu.ro/index.php/articles/3449](http://www.edu.ro/index.php/articles/3449).

112 Order no. 1540/2007.

113 Interview with Mr. Asztalos Csaba Ferenc.

114 Romani CRISS, *Drepturile omului în practică. De la discriminarea romilor la abuz al responsabililor cu aplicarea legii (2008-2009)* [Human Rights in Practice. From discrimination against Roma to law enforcement officials’ abuse (2008/2009)], 2011 available at: <http://www.romanicriss.org/PDF/Raport%202008-2009%20rom.pdf>.

115 In the area of Housing, the Strategy refers to legislative amendments in order to regulate the means to guarantee the quality of housing and to increase social housing by identifying solutions for disadvantaged, vulnerable groups or groups exposed to discrimination.

116 NRIS; Chapter VII Directions for Action, B. Employment.

patients.<sup>117</sup> The Ministry of Health has not yet responded to this request.<sup>118</sup> Several cases have been lodged before the NCCD in relation to the issue of Romani children's segregation during hospitalisation.<sup>119</sup>

In *Employment*, the only actions taken by the responsible institutions have been to carry out information campaigns and to organise job fairs for Roma, which have not achieved a high level of participation. The main explanation for this is that very few Roma are employed as a result of such activities and, even in cases of success, many are unable to keep their jobs for more than six months.

In the field of *Housing*, a member of the NCCD, citing extensive experience with government representatives, reported that the latter claim they cannot promote 'positive discrimination' for Roma in the field of housing because "there are few existing social housing units". In the case of Miercurea Ciuc municipality, where Roma were forcibly evicted from rented flats and moved next to a sewerage plant, the municipality explained its actions by saying that "they cannot solve the housing problem of the Roma because that way the Hungarians would be discriminated against". The same NCCD representative added that local authorities shared a strong reluctance to deal with Roma exclusion in the field of housing.

In 2012, the ERRC raised concerns in its written observations to the UN Human Rights Council about the Romanian government's failure to take steps to ensure that citizens of Roma ethnicity were able to access social housing. The Roma population continues to face institutional barriers in securing tenure, are subject to discriminatory forced evictions and are deprived of adequate alternative housing once evicted.<sup>120</sup> According to the Decade Watch review undertaken as part of the Decade of Roma Inclusion, very little has changed in respect to Roma housing when compared to social housing for the majority population.<sup>121</sup>

National law does not regulate the procedure for forced evictions. There is very little oversight in case of evictions and procedures are absent.<sup>122</sup> Local authorities carry out forced eviction of both formal and informal communities situated on both private and public land<sup>123</sup> often in a manner that violates human rights, i.e. without due notice, consultation and information. Romanian law places a moratorium on evictions between 1 December and 1 March of each calendar year,<sup>124</sup> but this provision has not been respected in the case of Roma, as illustrated by the December 2010 eviction of Roma families from Coastei Street in Cluj.<sup>125</sup>

In cases when Romanian public authorities have relocated individuals, they have consistently failed to provide quality, adequate alternative housing.<sup>126</sup> Although international human rights law stipulates the provision of alternative adequate housing in such cases, Romanian national law fails to do this.<sup>127</sup> Relocation plans hardly ever take into account the hazardous nature of the areas to which Roma are relocated. In some cases, Roma have been moved to highly polluted areas, in close proximity to toxic waste or to areas generally unsuitable for human life, raising concerns about the violation of their right to health. Forcibly relocated Roma are often left without proper access to basic living conditions and proper sanitation.<sup>128</sup>

117 Interview with Mr. Istvan Haller.

118 *Ibid.*

119 Romani CRISS, 'Segregarea copiilor romi in spitale contestata in premiera in Romania' press release, 21 December 2011, available at: <http://www.romanicriss.org/PDF/Comunicat%20de%20presa%20segregare%20copii%20spital%20Marie%20Curie%20dec%202011.pdf>.

120 European Roma Rights Centre, 'Written Comments of the ERRC concerning Romania to the Human Rights Council, within its Universal Periodic Review', 2012, available at: <http://www.errc.org/cms/upload/file/romanian-un-upr-submission-9-july-2012.pdf>.

121 Stoian, I. et al. (2010) *DecadeWatch Romania 2010 Report - Mid Term Evaluation of the Decade of Roma Inclusion*, Bucharest, 2010 (Roma Civic Alliance of Romania), available at: [www.romadecade.org/decade\\_watch\\_romania\\_2010](http://www.romadecade.org/decade_watch_romania_2010).

122 *Ibid.*

123 For example ERRC and others (2011), 'Forced Eviction of Roma from Coastei Street', January 2011, available at: <http://www.errc.org/cms/upload/file/romania-pata-rat-17-january-2011.pdf>.

124 Code on civil procedure, art. 578, index 1.

125 *Ibid.*, 44.

126 ERRC (2011) 'Standards Do Not Apply: Inadequate Housing in Romani Communities', available at: <http://www.errc.org/article/standards-do-not-apply-inadequate-housing-in-romani-communities/3808>, 46.

127 Stoian, I. et al. (2010) *DecadeWatch Romania 2010 Report - Mid Term Evaluation of the Decade of Roma Inclusion*, Bucharest, 2010 (Roma Civic Alliance of Romania), p. 42.

128 *Ibid.*, 41.

There is no indication that the Romanian government will take adequate steps to address the housing situation of the Roma through the 2012 Strategy on Roma inclusion.

## The Role of the NCCD in the elaboration and implementation of the NRIS

The NCCD is a public institution, a quasi-judicial body and an autonomous state authority under the control of Parliament, set up under EU law.<sup>129</sup> According to the anti-discrimination legislation,<sup>130</sup> the NCCD is the implementing body of the equality law and also responsible for the harmonisation of laws and administrative regulations linked to the elimination of discrimination. The NCCD conducts investigations. Most importantly, the Equality Body elaborates and applies sanctions in line with anti-discrimination legislation, and monitors the implementation of its decisions. It also offers assistance to victims of discrimination through assisted guidance in the process of filing a formal complaint.

The NCCD issues formal responses to complaints in the form of legally binding decisions or recommendations; monitors cases of discrimination; provides expert interventions in court cases on discrimination; offers counselling to the victims of discrimination through assisted guidance during its proceedings; can mediate discrimination cases and has the power to investigate, ascertain and sanction discriminatory actions. The Equality Body is also responsible for preventing discrimination through a wide range of activities, including awareness raising campaigns on human rights, on the effects of discrimination and on the promotion of equal rights, training programmes for civil servants, state and non-state actors and the publication of studies, research volumes and other materials on non-discrimination etc.<sup>131</sup>

According to the NCCD's president,<sup>132</sup> the institution does not have the power to screen government strategies, actions or programmes. However, he emphasised that the institution was invited by the National Agency for Roma to participate in inter-ministerial consultations on the newly adopted Strategy for Roma inclusion.<sup>133</sup> On the other hand, the Equality Body has its own strategy, which will be reassessed in 2013.<sup>134</sup> Compared to other public institutions, the NCCD has some leverage among anti-discrimination NGOs, even though there have been allegations of political interference formulated by some NGOs especially in cases against high-level politicians who made prejudicial public remarks against the Roma.

In the opinion of a member of the NCCD, *combating discrimination should constitute the backbone of the Strategy for Roma inclusion*. When formulating affirmative action measures in education or housing, authorities should inform and prepare in advance both the Roma minority and the majority population about the intended measures in order to prevent possible acts of intolerance against the Roma at the community level. What the current strategy lacks is a focus on the prevention of discrimination. The NCCD's projects on preventing discrimination have been blocked due to lack of funding. The government has been receiving European funding, but has chosen to channel this into general issues. What the NCCD has done to combat discrimination has been to organize specialized training programmes in partnership with human rights NGOs for police officers, magistrates and judges on anti-discrimination legislation and diversity, with a special focus on Roma issues.

As regards the *prevention* of discrimination, the NCCD has targeted magistrates and justice administrators through specialized training, with results noticeable in court decisions, which have been improving year after year. When government ordinance no. 137/2000 is invoked during a trial, judges consult the NCCD's opinion and always take this into consideration.

129 Council Directive 2000/43/EC, implementing the principle of equal treatment between persons irrespective of racial or ethnic belonging, transposed into Romanian national law through government ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination, amended and consolidated in 2006.

130 Romania, *Government ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination*, amended and consolidated in 2006 (law no. 324/2006), available at <http://www.ncnd.org.ro/legislatie/Legislatie-nationala/ORDONANTA-nr-137-din-31-august-2000-15/>.

131 *Ibid.*

132 Interview, Mr. Asztalos Csaba Ferenc.

133 *Ibid.*

134 NCCD, *Strategy for the implementation of measures for preventing and combating discrimination, 2007-2013*, the Official Gazette no. 674 3 October 2007.

Not all institutions with competences in the field of anti-discrimination function properly: the Ombudsman is totally absent in Romanian society, although – by its mandate – it should have been at the heart of defending citizens' rights. The Ombudsman has made no public statements about cases of Roma exclusion in the field of housing, the Baia Mare residential segregation case or about MEP George Becali's racist comments.

The Romanian Equality Body is cited as an institution responsible for implementing Strategy-related measures.<sup>135</sup> Despite the positive fact that the 2012 Strategy on Roma inclusion envisages a set of measures aimed at tackling discrimination and the school segregation of Romani children,<sup>136</sup> one of the most striking aspects is the fact that the NCCD is entirely ignored as a potential partner of the Ministry of Education, of school inspectorates and of other educational establishments for the implementation of measures aimed at preventing and combating discrimination against the Roma.

Unfortunately, a similar situation exists in respect to measures in the area of *Employment, Housing and Health*, where the role and involvement of the Equality Body is completely absent. Moreover, in the area of *Health and Housing*,<sup>137</sup> the NRIS lacks specific measures aimed at addressing non-discrimination, while in the area of *Employment* it expands only on "the promotion of programmes designed to raise employers' awareness of discrimination at work, equal opportunities, psychological harassment and social dialogue".<sup>138</sup> Annex 1 of the Strategy refers to the Ministry of Labour and other decentralised authorities as the main implementers of such programmes and does not mention any role for or cooperation with the NCCD.<sup>139</sup>

The role of the Equality Body in cooperating on anti-discrimination issues appears to be clearer in regard to the measures outlined in the area of *Child Protection* as well as *Justice and Public Order*. The Strategy envisages programmes aimed at the prevention of and fight against the discrimination of Romani children, including through the promotion of partnerships between NGOs and local child protection bodies. The NCCD is named as a responsible institution alongside the Ministry of Labour, the National Agency for Roma, UN agencies in Romania and social partners in such partnerships.<sup>140</sup>

The NCCD appears to stand alone as a responsible institution in the implementation of measures outlined by the Strategy in the area of *Justice and Public Order*. The Plan of Measures refers to the organisation of campaigns to promote the respect for human rights and fundamental freedoms generally, and the right to non-discrimination in particular; the development of information programmes for Roma leaders and public institution managers and NGOs on how to identify and properly solve discrimination cases; the development of courses, seminars, roundtables and the editing and printing of publications and materials on the prevention and combating of discrimination; and the initiation of legal and civic education programmes as well as of programmes on the prevention of discrimination for members of the Roma minority.

One of the major obstacles indicated by the president of the Equality Body as regards the implementation of programmes or projects on non-discrimination was the lack of proper funding. Over the recent period, the NCCD has mainly focused on providing training programmes in partnership with human rights NGOs focusing on Roma issues aimed at law enforcement officials, especially police officers, judges and prosecutors.<sup>141</sup>

There is no clarity in the measures of the Strategy on how the Equality Body might link its own activities to those of other institutions, on how it should engage in collaborations with other institutions, for example with child protection authorities, or on the reporting framework of implemented measures. This shortcoming of the Strategy seems to reinforce current trends as there is no available information either from the NCCD, the National Agency for Roma or other responsible institutions on the status of their programmes implemented in 2012 in the area of non-discrimination in child protection and justice and public order.

135 NRIS, Chapter XII Further Stages and Responsible Institutions; Central level, a2) (...) National Council for the Combating of Discrimination.

136 NRIS, Annex 1 Plan of Measures, A. Education, point no. 4 and point no. 11.

137 In the area of Housing, the Strategy refers to legislative amendments in order to regulate the means to guarantee the quality of housing and to increase social housing by identifying solutions for disadvantaged, vulnerable groups or groups exposed to discrimination.

138 NRIS, Chapter VII Directions for Action, B. Employment.

139 NRIS, Annex 1 Plan of Measures, B. Employment, point no. 7.

140 NRIS, Annex 1 Plan of Measures, F. Social Infrastructure, F1 Child protection and Annex 1 Plan of measures, F.

141 Interview with Mr. Asztalos Csaba Ferenc.

## Gaps in the implementation of ECHR judgments and the EU Race Directive

### *The implementation of Roma-relevant ECHR cases*

Collective complaints are applicable under Romanian legislation. There are situations when Roma or non-Roma NGOs file complaints against racist public statements that make reference to the Roma community as a whole and the NCCD can also initiate its own investigations when racist statements refer to groups of citizens. Romanian legislation sets no limitations on the filing of collective complaints, and the NCCD has received complaints signed by hundreds of individuals.

The European Court of Human Rights (ECHR) found Romanian authorities violated the principle of non-discrimination in relation to minority rights and has ruled on racially motivated incidents in several cases. Following two rulings of the ECHR in 2005 related to the consequences of racially-motivated violence, perpetrated between 1990 and 1993 against Roma villagers in the form of allowing inadequate living conditions, followed by the destruction of their homes and combined with the generally discriminatory attitude of the authorities and their sustained failure to put an end to breaches to applicants' rights (*Moldovan and others v. Romania 1 and 2*),<sup>142</sup> three other similar cases were ruled on by the Court in the following years (*Gergely v. Romania*, *Kalanyos v. Romania* and *Tănase v. Romania*). In November 2012, other applicants from Hădăreni won court cases at the ECHR, in the case of *Lacatus and others v. Romania*, on the basis of the same violations of art. 3 and 8, art. 6 and art. 14 in conjunction with art. 6 and 8 of the Convention.<sup>143</sup>

The ERRC has submitted a number of communications to the Council of Europe's Committee of Ministers<sup>144</sup> concerning the lack of developments regarding the implementation of the court rulings in the cases of *Moldovan and others v. Romania (1)*, *Moldovan and others v. Romania (2)*, *Kalanyos and others v. Romania* and *Gergely v. Romania* (collectively referred to as the "Moldovan group"). The government has failed to address, first and foremost, the housing situation of the Roma in Hădăreni. The housing problems of more than half of the Roma victims have not been adequately dealt with. Over a period of several years there has been absolutely no activity on the ground and the government's action plans demonstrate authorities' inability to take concrete steps under a set timeline in order to comply with their very precisely formulated obligations in the Court's rulings.<sup>145</sup>

Following its 1144<sup>th</sup> meeting in June 2012, the Committee of Ministers took note of the cases of *Moldovan and others (cases 1 and 2)*. However, the new organisational and financial framework for the implementation of the remaining measures for Hădăreni have still not been adopted and the Committee has urged authorities to speed up the adoption of this framework, to provide the Committee with a calendar for their implementation as well as to offer a detailed assessment of the impact of the measures taken so far in this locality. As regards the rulings in the *Kalanyos and others v. Romania* and the *Gergely v. Romania* cases, the Committee has invited authorities to provide a detailed assessment of the impact of the measures taken for the localities concerned in these rulings as soon as possible.<sup>146</sup>

142 Relying in particular on art. 3 (the prohibition of inhuman or degrading treatment) and art. 8 (the right to privacy of private and family life and the home), applicants complained about the destruction of their home in September 1993 by a mob and the poor and cramped conditions in which they had been forced to live afterwards. Furthermore, relying on art. 6 § 1 (the right to a fair trial), applicants also complained about the fact that the courts had failed to provide reasons for the difference in damages ruled for the three widows of the men killed during the attack. The applicants also submitted that the domestic courts and other official authorities had referred to them in disparaging and discriminatory terms in the course of the proceedings to which they had been a party, in breach of art. 14 (the prohibition of discrimination) in conjunction with art. 6 and 8.

143 ECHR, *Lacatus and others v. Romania*, (Application no. 12694/04), 13 November 2012, available at: [http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{"fulltext":\["Lacatus v. Romania"\]}](http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{).

144 ERRC, Case of *Moldovan and Others v Romania*; village of Hadareni, submissions available at: <http://www.errc.org/cikk.php?cikk=3581> and <https://wcd.coe.int/ViewDoc.jsp?id=1818051&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383>.

145 *Ibid.*

146 Council of Europe, Committee of Ministers, Pending cases: current state of execution, *Moldovan and others v. Romania*, available at: [http://www.coe.int/t/dghl/monitoring/execution/Reports/pendingCases\\_en.asp?CaseTitleOrNumber=Moldovan&StateCode=ROM&SectionCode=](http://www.coe.int/t/dghl/monitoring/execution/Reports/pendingCases_en.asp?CaseTitleOrNumber=Moldovan&StateCode=ROM&SectionCode=)



In response to the government's failure to implement the measures in the Moldovan rulings and the subsequent general measures (the so-called Hădăreni programme), the ERRC and Romani CRISS have supported several applicants in Moldovan 1 and Moldovan 2 as well as other members of the Roma community in Hădăreni in initiating domestic legal proceedings against the Romanian government.<sup>147</sup> The case is currently pending in front of the Romanian High Court of Justice.

In 2012, the National Agency for Roma commissioned a mission report from the Roma NGO the "Împreună" Agency for Community Development<sup>148</sup> aimed at assessing the impact of the measures taken in the Hădăreni programme, planned for implementation between 2006-2008 by the Romanian government, as a means to put in place ECHR decision no. 1 of July 2005 in the *Moldovan and others v. Romania* case. This assessment concluded by highlighting the symptoms of an unresponsive state not fulfilling its obligations arising from the ECHR's decision.

The "Împreună" Agency's field report outlined enduring gaps in the programme's implementation and included a series of conclusions and recommendations for both public institutions and civil society, such as:

- Institutional ambiguity: the authors of the report revealed that none of the institutions involved assumed their role in implementing the intervention programme. The lack of coordination between the institutions responsible, coupled with the lack of accountability of high-ranking officials, engendered the following obstacles.
- The major priority of the programme should have been the rebuilding of the houses destroyed at the time of the inter-ethnic conflict, instead of the refurbishment of the local school and cultural centre. The latter were not affected by the conflict and they were in better condition than the destroyed houses of the Roma beneficiaries.
- Even though reported as accomplished, there have been no investments made into the local *community development component* of the programme. The local working group could not contribute to the local agenda, no elected Roma representative exists in the local council and the conflict between Roma families and the rest of the community remains unresolved, which undermines the prioritisation of reconstruction.
- As regards *Information, civic education and the prevention and combating of discrimination*, the majority of the population does not know about the Hădăreni programme developed as a result of the ECHR rulings. Those aware of the provisions believe that the school should not have been built from the funds allocated for the Roma, since such investments could have been made possible with EU funding anyway. The local community has expressed racist comments and dissatisfaction in relation to the remedies offered to the Roma.
- The issues at the heart of the success of the intervention have also not been addressed: there has been a complete lack of action to stimulate the local economy, the plausible root cause of the conflict being the unequal distribution of resources and poverty across the locality.
- As regards the *Health* component: there is no healthcare unit in the locality and some of the Roma inhabitants recall the racist behaviour of the former medical doctor in the community. There is need for a comprehensive assessment of the health condition of the population affected by the conflict as well as the need for solutions to offer free medical care to those affected by diseases linked with the conflict.

147 ERRC, *Memorandum concerning the Implementation and State of General Measures in the Rulings of the "Moldovan group" cases*, available at: <http://www.errc.org/cms/upload/file/second-communication-to-the-committee-of-ministers-on-judgment-implementation-moldovan-kalanyos-gergely.pdf>.

148 Information from the draft mission report provided through an interview with Gelu Duminiță, executive director of the "Împreună" Agency for Community Development, Bucharest, November 30th 2012. The official report is to be published in April 2013.

## The implementation of the EU Race Directive<sup>149</sup>

The EU Race Directive (2000/43/EC) and the EU Framework Directive (2000/78/EC) have been transposed into Romanian legislation through government ordinance no. 137/2000.<sup>150</sup> In order to ensure that the anti-discrimination legislation is compliant with EU law, ordinance no. 137/2000 was subsequently amended in 2002, 2003, 2004 and 2006.<sup>151</sup> In order to comply with the requirements for an independent specialised equality body at the national level, the 2006 amendments of the anti-discrimination legislation stipulated that the NCCD be a quasi-judicial body, an autonomous state authority under parliamentary control.<sup>152</sup>

As regards the implementation of the *EU Race Directive's* provisions, sanctions applied tend to be immaterial, therefore insufficiently dissuasive. Another issue is that although the Romanian legislation is considered to provide all required legal tools in the form of full access to courts and complete jurisprudence in the field of racial discrimination, there is still room for improvement, e.g. through the mainstreaming of the equal treatment and non-discrimination principles and of the prevention dimension in public policy.

Expert reports<sup>153</sup> have indicated that the Romanian anti-discrimination law has a number of flaws that contravene EU law. The anti-discrimination law defines discrimination, but without prohibiting exceptions and justifications for direct discrimination. Against this background, in the areas of housing, access to social services and goods, the law allows for the formulation of exceptions to direct discrimination if resulting 'restrictions (e.g. refusals) are objectively justified by a legitimate aim and the methods used to reach such a purpose are adequate and necessary'.<sup>154</sup>

The possibility of allowing for justifications for direct discrimination in the field of housing and access to social services and goods is a breach of the Race Directive, which does not allow for such a possibility<sup>155</sup> through art. 2 in defining direct discrimination and through art. 3 in defining the scope of the Directive.

The provisions related to the *burden of proof* are also not in full compliance with the Directive and are under threat of being further diluted. The 2006 amendments to the Romanian anti-discrimination law introduced the concept of '*sharing the burden of proof*', by which 'the person interested has the obligation to provide facts which allow for the presumption of the existence of direct or indirect discrimination and the person against whom the complaint is filed has the duty to prove that these facts do not amount to discrimination'.<sup>156</sup> While the NCCD's interpretation of this provision has been to comply with the Directive in most cases, judicial interpretations have varied and some courts have interpreted it as placing an unreasonable burden on the victim, in contradiction with the substantive provisions of the Directive. However, not even the case law of the NCCD is fully compliant with the *acquis*. Rather than proceeding according to art. 8 of the Race Directive, which stipulates that the plaintiff has "to establish facts" and that it is for the respondent "to prove that there has been no breach", Romanian law provides for "*a duty for the plaintiff to prove the existence of facts*".<sup>157</sup>

Shortly before the conclusion of the present report, a draft bill amending the anti-discrimination law, including *amendments to the burden of proof* in front of the national Equality Body, has been approved by

149 Council Directive 2000/43/EC on implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, 29 June 2000.

150 Ordinance no. 137/2000 regarding the prevention and sanctioning of all forms of discrimination, published in Official Gazette no. 431, September 2000.

151 Government ordinance no. 137/2000 regarding the prevention and sanctioning of all forms of discrimination, approved and modified by law no. 48/2002 concerning the adoption of government ordinance no. 137/2000; government ordinance no. 77/2003 for the amendment of government ordinance no. 137/2000; law no. 27/2004 concerning the adoption of government ordinance no. 77/2003 for the amendment of government ordinance no. 137/2000; law no. 324/2006 for the amendment of government ordinance no. 137/2000.

152 Law no. 324/2006.

153 European Network of Legal Experts in the field of Non-discrimination, Report on measures to combat discrimination, Directives 2000/43/EC and 2000/78/EC, Country Report Romania, Iordache, R. 2012. 'The State of affairs up to January 1st 2012'. Accessed from [http://www.non-discrimination.net/content/media/2011-RO-Country%20Report%20LN\\_final.pdf](http://www.non-discrimination.net/content/media/2011-RO-Country%20Report%20LN_final.pdf).

154 Art. 10, law no. 324/2006.

155 *Ibid.*, 72.

156 Government ordinance no. 137/2000, Art. 20 (6).

157 *Ibid.*, 72.

Parliament.<sup>158</sup> Thus, art. 3 of law no. 61/2013 (amending art. 27(4) of government ordinance no. 137/2000) stipulates that “the interested person will present facts from which the perpetration of direct or indirect discrimination may be inferred and the respondent has the burden of proof to show that there has been no breach of the principle of equal treatment”.

Furthermore, the government has initiated another legislative amendment to the anti-discrimination legislation, a draft emergency ordinance launched for public consultations on 16 March 2013. This proposal comes in response to the European Commission’s notification to the Romanian government concerning a series of provisions that breach the EU Race Directive. The amendments include an increase in the value of sanctions applied in cases of discrimination against individuals (1,000-30,000 RON) as well as against groups or communities (2,000-100,000 RON). The draft law also proposes to eliminate all currently existing exceptions in the anti-discrimination law considered to be “adequate and needed, justified by a legitimate goal”, a provision that prevents the citation of anti-discrimination provisions in accessing administrative, juridical, healthcare and other services, goods and facilities. An official adoption of this new legal framework is expected to take place after the publishing of the present report.

A major gap in the current anti-discrimination law is its failure to explicitly define segregation in education as a form of discrimination. As a result, this form of discrimination is not included in the special section of the law regulating acts of discrimination to be sanctioned with administrative fines. This barrier has been invoked by representatives of the Equality Body as well, who also share the opinion that the anti-discrimination legislation should be amended in this regard.<sup>159</sup>

A positive aspect of the Romanian anti-discrimination law is related to the legal standing of non-governmental organisations as interested parties in combating discrimination. Art. 28 stipulates that “Human rights non-governmental organisations have legal standing in cases involving discrimination against a community or a group of persons pertaining to their field of activity. These organisations also enjoy legal standing in cases involving discrimination against an individual, if the latter delegates the organisation to that effect. When associations act on behalf of victims, they need to provide a written request demonstrating that the victim has mandated them to represent him/her in court or in front of the NCCD in that particular case. No other special provisions regarding victims’ consent are stipulated. When discrimination against a community or a group of persons is perpetrated, NGOs only need to file a copy of their by-laws to state their associational objective in protecting human rights, in combating anti-discrimination or in protecting a particular vulnerable group. Roma NGOs have used this legal provision to represent cases of discrimination against individuals, groups of persons or communities in front of the NCCD or in court.<sup>160</sup>

## The Protection of Romani children

As regards the *fundamental rights of Romani children*, the measures of the Romanian Strategy for Roma inclusion focus mostly on education and healthcare. In the *Education* field, the following issues have been formulated: children’s preschool and school attendance and the prevention of absenteeism. However, the quality of education Romani children receive has not been included as an indicator to be monitored. A partially monitored indicator is Romani students’ national test results. As regards access to healthcare services, the Strategy stipulates the organisation of immunisation campaigns, and registration with GPs etc. However, these measures in the field of education and healthcare are virtually the same as the ones that were being delivered before the adoption of the strategy.

Research results reported by the ERRC in 2011 and estimates provided by child protection authorities and NGOs on fieldwork results carried out in children’s homes, revealed that Romani children are overrepre-

<sup>158</sup> Law no. 61/2013 for the amendment of government ordinance no. 137/2000.

<sup>159</sup> Interview with Mr. Asztalos Csaba Ferenc.

<sup>160</sup> Romani CRISS – Roma Center for Social Intervention and Studies, information on cases available at [www.romanicriss.org](http://www.romanicriss.org), or the NCCD, *Report on the implementation of the Race Directive in Romania*, available at <http://www.cncd.org.ro/noutati/cauta/Raportul-privind-implementarea-Directivei-rasiale-in-Romania-pentru-perioada-2003-2010-101/>.

sented in public child protection facilities in Romania. Various factors contribute to the overrepresentation of Romani children in state care, including overlapping social and economic factors aggravated by ethnic discrimination and the social exclusion of Roma. The most common factors are poverty-related, such as parents' lack of employment, inadequate housing and healthcare, household size, child abandonment in maternity wards and migration. A lack of ethnically disaggregated data renders existing policy ineffective in reducing the overrepresentation of Romani children in state care. There are a number of gaps in Romanian legislation and policy that reinforce this situation: there is no legal definition of child endangerment, although situations that may lead to the denial of parental rights are described. Clear procedural guidelines for assessing child endangerment are lacking, which probably has a negative impact on Romani children and families.<sup>161</sup>

There is evidence of institutional discrimination against Romani parents in their dealings with Romanian child protection authorities, including domestic courts. Romani parents reported prejudicial behaviour displayed by courts and stated that judges were dismissive and disrespectful towards them.<sup>162</sup>

Romania also fails to provide adequate protection to Romani children placed in institutional care. Some Romani children in state care have been subject to physical abuse, ill treatment and various forms of discrimination. They also experience discrimination in their access to public services outside care homes, such as education and healthcare. Discrimination may be experienced for various reasons, including their ethnicity and their status as institutionalised children. Furthermore, a disproportionately high number of Romani children in state care have been enrolled in special education, which negatively impacts their education and development. Additionally, it is common for institutionalised Romani children to distance themselves from or lose their ethnic identity due to the lack of programmes promoting Roma identity and the lack of Roma care workers in children's homes.<sup>163</sup>

The 2012 Strategy on Roma inclusion does not substantially address these aspects. The Strategy comprises a subsection on Child Protection and stipulates as a priority the launching of programmes for the prevention and fight against discrimination affecting Romani children, including through the promotion of partnerships between NGOs and local child protection agencies. However, these measures are formulated in generic terms, preventing the formulation, implementation, monitoring and assessment of clear and targeted actions.

Further actions are related to preventing child abuse and neglect as well as to factors that lead to the separation of children from their families, social interventions aimed at preventing and fighting the "street children" phenomenon as well as raising awareness about the rights of children.<sup>164</sup>

Annex 1 of the Strategy provides details of measures to be enacted, including a programme of 41,900 RON (<10,000 EUR) for the prevention and combating of discrimination against Romani children and for the creation of partnerships with state and non-state actors, implemented by the GEDEON Association in partnership with the Ministry of Labour and Social Protection. The Annex also refers to a campaign to raise awareness of children's rights with a budget of 4,298,665 RON, funded by ACDOP. While providing explicit funding and targeted projects within the framework of the Strategy is positive and welcome, results achieved so far remain unclear in the absence of a public progress report on child protection interventions.

161 ERRC, *Life Sentence: Romani Children in State Care in Romania*, June 2011, available at: <http://www.errc.org/cms/upload/file/life-sentence-romani-children-in-state-care-in-romani-20-june-2011.pdf>

162 *Ibid.*

163 *Ibid.*, 64.

164 NRIS, Chapter VII Directions for action, F. Social infrastructure, f.1. Child protection.

## Romani women's rights

In Romania, *multiple discrimination* is regulated by anti-discrimination legislation, the law on equal opportunities and on the treatment of men and women (law no. 202/2002, republished)<sup>165</sup> and by the Labour Code<sup>166</sup>. The anti-discrimination law, in para. 6 of art. 2, states that: "any distinction, exclusion, restriction or preference based on two or more grounds (...) constitutes an aggravating circumstance in establishing liability". The anti-discrimination law does not explicitly define multiple discrimination, although its observance clearly indicates a narrower sense, i.e. situations where discrimination occurs on the basis of two or more grounds operating separately. Most importantly, the law clearly stipulates the liability of the perpetrator when perpetrating discrimination based on two or more grounds.<sup>167</sup>

The Government Strategy for the social inclusion of the Roma minority establishes women's pivotal role in their families and communities, and stipulates investments into their education and qualification as well as their employment through involving them in the education of children and other activities that can improve families' welfare, family cohesion and the development of future generations.<sup>168</sup>

This quote from the 2012 NRIS defines the basis for including "the principle of equal opportunities and gender awareness" as well as the principle of non-discrimination as governing principles of the Strategy. Unfortunately, the principle of gender equality<sup>169</sup> is not clearly defined as a crosscutting concern in all areas addressed by the Strategy, nor is it transposed into subsequent measures addressing multiple discrimination among other issues.

No particular progress in addressing the discrimination of Romani women is visible in Romania. A series of programmes for tackling gender issues have been implemented by Roma NGOs and the National Agency for Roma, with ESF funding. Awareness raising campaigns have been carried out in some traditional communities, for example by facilitators hired by the National Agency for the Roma in their ESF projects, but no data on the outcomes of these have been made available to date to enable an assessment of changes in perceptions regarding Romani women's rights in Romani communities or in Romanian society.

There have been ESF-funded projects carried out by Roma NGOs aimed at stimulating Roma leadership in the trade union movement or in the drafting of public policies for Romani women, but these have not led to policy interventions geared towards combating discrimination against Romani women. Another issue has been greater attention paid to supporting women's movements emphasise the intersections of gender and ethnicity.<sup>170</sup> A similar case is the "principle of equal opportunities and gender awareness", formulated as a governing principle of the Strategy, but which remains unsubstantiated as a clear cross-cutting issue in all areas addressed in the Strategy and subsequent measures.<sup>171</sup>

## Human trafficking

In 2012, the ERRC raised concerns in its written observations to the UN Human Rights Council about the Romanian government's lack of action towards addressing the high vulnerability of citizens of Roma ethnicity towards trafficking. While laws have been passed for the protection of trafficked Roma individuals, adequate implementation has been lagging.<sup>172</sup>

165 Law no. 202/2002, republished, defines multiple discrimination in art. 4 (h) as "any discrimination deed based on two or more discrimination criteria".

166 Romanian Labour Code, Article 5 para. 3: "the acts and deeds of exclusion, distinction, restriction or preference based on one or more of the criteria stipulated in para. (2) that aim at or result in not offering, restricting or hindering the recognition, use or exercise of the rights stipulated in the labour legislation constitute direct discrimination".

167 Being discriminated against on two or more grounds constitutes an aggravating circumstance in the establishment of liability, subsequently resulting in a higher administrative fine.

168 NRIS, Chapter VI Principles.

169 NRIS, Chapter VI Principles; point 5 The principle of equal opportunities and gender awareness.

170 Interview with Mrs. Nicoleta Bitu, executive director, Romano Butique: 10 December 2012.

171 NRIS Chapter VI Principles; point 5 The principle of equal opportunities and gender awareness.

172 ERRC *Written Comments of the ERRC concerning Romania to the Human Rights Council*, within its Universal Periodic Review, July 2012, available at: <http://www.errc.org/cms/upload/file/romanian-un-upr-submission-9-july-2012.pdf>.

According to ERRC research, Roma are over-represented among the victims of trafficking from Romania. According to a range of stakeholders interviewed, Roma constitute a majority of the persons trafficked for begging, forced labour and sexual exploitation.<sup>173</sup>

The assessment of the actual impact of government action in the field of Roma person's trafficking has been significantly hampered by public institutions' refusal to collect ethnically disaggregated data about the victims of this crime. In its reports on human trafficking, the Romanian government tends to focus on the high number of alleged Roma traffickers<sup>174</sup> and has failed to recognise Roma as highly vulnerable victims. The lack of disaggregated data also calls into question the veracity of the government's claims concerning the Roma origin of many traffickers.

Romanian law enforcement has also failed to take the necessary steps towards combating trafficking and protecting victims through their non-prosecution. Although the current legal framework does stipulate non-prosecution clauses,<sup>175</sup> ERRC evidence suggests that it is common among law enforcement personnel to bring criminal charges against victims to "promote cooperation" with them.<sup>176</sup> This policy in fact prevents victims from cooperating with police on a large scale and reduces victims' trust in the police, crucial for combating trafficking.<sup>177</sup> Moreover, victims who altered their stories as a result of threats have been prosecuted for perjury.<sup>178</sup> The focus on Roma in preventative and protective services is extremely low. Very few Roma were reported to access victim prevention and protection services and the general social protection system fails to reduce the extreme vulnerability of Roma to trafficking.<sup>179</sup>

There is little hope that the 2012 Strategy for Roma inclusion will have an impact on or will tackle the issue of Roma trafficking as there are no clear actions or measures aimed at this policy area.

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173 ERRC, *Breaking the Silence: Trafficking in Romani Communities*, 2012,, available at: <http://www.errc.org/article/breaking-the-silence-trafficking-in-romani-communities/3846>, 12.

174 *Ibid.*

175 Romanian Criminal Code, art. 46; Law on the prevention and the combating of human trafficking, art. 20.

176 ERRC(2011) *Breaking the Silence*.

177 *Ibid.*

178 Romanian Criminal Code, art. 46.

179 ERRC *Written Comments of the ERRC to the Human Rights Council*, July 2012.

## 3. EDUCATION

### School desegregation

School segregation in Romania is prohibited by ministerial order.<sup>180</sup> Although a new law on education entered into force in February 2011<sup>181</sup> and despite numerous cases of segregation documented by human rights organisations, the new law does not explicitly ban school segregation. Ministerial order no. 1540/2007 does not provide for any specific sanctions in case of refusals to implement it, with the exception of the administrative sanctions stipulated in the law on teaching personnel. Thus, one might say that protection from segregation in Romania has a lower status than that offered by a law, as it is regulated by a document with weaker legal power than laws. The failure to provide for anti-segregation measures in the law on education could also be seen as an indicator of the Romanian government's commitment to bring to an end this form of discrimination.

As of 26 March 2013, the website of the Ministry of Education contains no data on segregation. Ministerial order no. 1540/2007 provides for the obligation of schools and of county inspectorates to report annually on the situation regarding segregation on a case-by-case basis, including on the measures proposed and implemented in each situation. The Ministry of Education should include this information in a separate section of its annual report concerning the state of education. As of 26 March 2013, no report on the state of education in Romania had been made available. Moreover, no such information is available on the websites of the county school inspectorates. This situation shows that the provisions of ministerial order no. 1540/2007 are not effective and makes the case for a regulation of this issue through a stronger legal document. No instances of a public official being sanctioned for failing to implement the provisions of this ministerial order have been reported by the authorities.

Data collection and data availability are important concerns as regards the design and implementation of policies towards the Roma. The lack of data impedes policy planning, policy monitoring and evaluation as well as the incorporation of feedback into the policy cycle to re-adjust existing policies. In spite of relatively detailed data on the qualification level of teaching personnel, types of schools, school dropout rates, student-teacher ratios, school endowment and infrastructure etc. in each county, no ethnically disaggregated data are available.<sup>182</sup> Also, no school-level data on segregation, on measures proposed and on progress achieved so far are available despite the provisions of the ministerial order.

No baseline data are available on school segregation in Romania. The only data available are from research undertaken by NGOs as part of their projects. The section below describes the extent of segregation in the Romanian education system.

180 Ministerial Order no. 1540 of July 19th 2007 regarding the banning of school segregation of Roma children and the approval of the methodology for preventing and eliminating school segregation of Roma children issued by the Ministry of Education, Research and Youth, published in the Official Gazette no. 692 of October 11th 2007 (ministerial order no. 1540/2007). Earlier, segregation was banned through a notification. The difference between these two documents is that while the notification is similar to a recommendation, the order is an internal document imposing responsibilities and those who do not comply with its requirements might be administratively held accountable.

181 Law no. 1/2011 on national education published in the Official Gazette no. 18 of January 10th 2011.

182 Ministry of Education, 'School Map', available at: <http://harta.bdne.edu.ro> (accessed 26 March 2013).

According to an Open Society Institute report,<sup>183</sup> data collected by the Ministry of Education in 2006 suggested that between 37.9% and 45.4% of primary schools in Romania were segregated at the time. The table below cites the exact figures provided by the Ministry of Education.

Table 1. The number of ethnically segregated pre-schools and schools (2006)

		Pre-school	Primary education (1-4)	Lower secondary (5-8)	Secondary over-all (general, professional, vocational) (9-12)
<b>Total number of segregated schools</b>		162	315	112	17
<b>Number of Roma enrolled in segregated pre-schools and schools, as a proportion of all Roma enrolled (estimates) (per cent)</b>	<b>Boys</b>	42.14	52.67	37.88	39.10
	<b>Girls</b>	43.68	52.80	41.15	45.43

Source: OSI, Equal Access to Quality Education for Roma, 2007, p. 362

The source does not mention the definition used in classifying schools as segregated. In addition, the Ministry of Education appears to use these figures as baseline.

A study conducted in 2008 monitoring the governmental measures against school segregation in 134 schools indicated that 67% of all schools in the sample separated Romani children from their non-Roma peers, either at the school or class level.<sup>184</sup> The sampling of schools was non-probabilistic and the results are not representative for the whole education system. The definition of a segregated school or class used by the report is a share of Romani pupils exceeding 50% at either school or class level, which is different from the definition provided by the Ministry of Education. Regardless of its weaknesses and merits, this study showed that segregation was a widespread phenomenon.

A 2010 study conducted at the request of the organisation the "Together" Community Development Agency (Agenția de Dezvoltare Comunitară "Împreună") in 100 institutions of education – 77 schools and 23 kindergartens – in 70 communities indicated that 31% of these institutions were segregating Romani children.<sup>185</sup> In 16 cases, school segregation overlapped with residential segregation. The difference regarding the incidence of segregation in these two studies is high and might be explained by the differences in the sampled institutions since the operational definitions of segregation used in the two cases were similar.

Another 2010 study<sup>186</sup> undertaken on behalf of Romani Criss, using two representative samples of Roma at the national level<sup>187</sup> and based on a survey, observation and focus groups, offered a more complex image of segregation in Romania. 64.5% of the children in grades I-IV were reported to study in segregated classes and 53% of Romani students in grades V-VIII.<sup>188</sup> In rural areas, 68.6% of Romani students were in segregated classes and 47.6% in urban areas. Furthermore, 58.7% of Roma students in rural areas studied in segregated schools and 43.5% in urban areas. The table below summarises these findings.

183 Open Society Institute (2007) *Equal Access to Quality Education for Roma*, vol. 1, Budapest.

184 Surdu, L. (2008) *Monitorizarea aplicării măsurilor împotriva segregării școlare în România*, Romani Criss, UNICEF, Bucharest: MarLink, 19, available at: <http://www.unicef.ro/wp-content/uploads/monitorizarea-aplicarii-masurilor-impotriva-segregarii-scolare-in-romania.pdf>.

185 Dumnică, G. and Ivasiuc, A. (2010) *A School for All? Access of the Roma Children to Quality Education*, Bucharest: Vanemonde.

186 Surdu, L., Vincze, E. and Wamsiedel, M. *Roma school participation, non-attendance and discrimination in Romania*, UNICEF (Bucharest: Vanemonde, 2011) available at: [http://www.unicef.org/romania/Roma\\_school.pdf](http://www.unicef.org/romania/Roma_school.pdf).

187 One has to be cautious about the representativeness of the samples as the items were selected only from compact Romani communities, thus excluding Roma living in mixed areas.

188 Surdu, L., Vincze, E. and Wamsiedel, M. *Roma school participation, non-attendance and discrimination in Romania*, UNICEF (Bucharest: Vanemonde, 2011), 95, available at: [http://www.unicef.org/romania/Roma\\_school.pdf](http://www.unicef.org/romania/Roma_school.pdf).



Table 2. The segregation of Romani children by school, by class and by area of residence

		Roma majority	Equal numbers of Roma/non-Roma	Non-Roma majority	DK/NA
At class level	Rural	30.7	37.9	28.5	2.9
	Urban	27.4	20.2	47	5.4
At school level	Rural	27	38.7	29.6	4.7
	Urban	29	14.5	46	10.5

Source: Surdu, Vincze and Wamsiedel, 2011, p. 96

Data indicate that there is a correlation between Romani language use and segregation. Thus, 64% of Romani children from Romani-speaking families studied in segregated classes, as compared to 48.3% of Romani children from Romanian-speaking households.

As regards preschool education, the segregation pattern was similar to that in primary schools. In 59.5% of cases Romani children attended segregated kindergartens. When it comes to segregated classes in kindergartens, segregation reached almost 60%. Although this study also used an operational definition of segregation – segregation meaning schools and classes with Roma students exceeding 50% –, different from that provided by the Ministry of Education, this study provides the most detailed information on the segregation of Roma pupils in the Romanian education system to date. It is important to note that participants were self-identified as Roma.

International organisations have also provided data on the incidence of segregation in Romania. In 2012, the Roma Education Fund, a donor organisation supporting educational projects targeting Roma students in Central and South Eastern Europe, estimated that between 13% and 45% of Roma pupils in Romania studied in segregated schools.<sup>189</sup>

A 2012 United Nations Development Programme report based on Roma survey results from 2011, sponsored by the UNDP, the World Bank and the European Commission, found that 22% of Romanian Romani children aged seven to 15 attended segregated schools and only 6% of non-Roma children aged seven to 15 living in close proximity to Roma households attended regular schools where the majority of their schoolmates were Roma.<sup>190</sup>

Data available on school segregation do not reveal regional disparities or predominant trends as regards different types of segregation in Romania. A disturbing factor is the lack of data on the ethnic composition of student bodies in special schools. NGOs have reported cases of Romani children's unjustified placement in special schools for the mentally disabled, but no rigorous research has focused on the situation in these schools. The Ministry of Education has no ethnically disaggregated data on children attending special schools.<sup>191</sup>

The desegregation measures initiated by the Ministry of Education consist of projects funded by the European Social Fund, in which the Ministry is a partner. One example of a desegregation project is "Strategic steps for the improvement of the access to education of Romani children", implemented by Romani Criss between 2009 and 2012 in partnership with the Ministry of Education. The objective of the project was the development of desegregation plans in 90 schools in four development regions of the country (north-west, centre, south-east and Bucharest-Ilfov) in an attempt to implement the methodology of the aforementioned order no. 1540/2007. However, no results have been made public about how many schools elaborated and implemented desegregation plans, and there have been no reports on the number of

189 Bercus, C. (2012) *Addressing educational gaps of Roma children by making the best use of European Structural Funds*, paper presented at the 2nd Annual Convention against Poverty and Social Exclusion, Brussels, available at: [http://www.euconf.eu/convention2012/en/registration/presentations/day2/plenary/17.00\\_4\\_Bercus.pdf](http://www.euconf.eu/convention2012/en/registration/presentations/day2/plenary/17.00_4_Bercus.pdf).

190 Brüggemann, C. *Roma Education in Comparative Perspective. Analysis of the UNDP/World Bank/EC Regional Roma Survey 2011*, Roma Inclusion Working Papers, (Bratislava 2012) United Nations Development Programme,

191 Personal communication from Prof. Gheorghe Sarau, adviser on Romani language within the Ministry of Education, 23 March 2013, on file with the author.

Romani children integrated into mainstream schools. Although the Romanian government presented this initiative in international fora as a “serious progress”,<sup>192</sup> no measures were initiated by the Ministry and funded from the state budget for the elimination of segregation in schools.

Since the Ministry of Education has no official data on the extent of segregation, it is impossible to gauge the potential progress achieved on desegregation. The causes of this situation, as defined by a representative of the Ministry of Education,<sup>193</sup> are mainly the following:

- the limited capacity of the Ministry of Education to collect data – at the time of this statement there was no map of educational segregation of Romani children;
- the lack of a mechanism to monitor school segregation cases;
- legal documents’ inefficacy in banning segregation due to absence of adequate sanctions;
- school evaluations do not include items relevant for school segregation;
- limited awareness and knowledge of documents banning school segregation among school principals and teaching personnel due to recurrent changes within the system, those trained earlier being replaced by new staff;
- lack of pressure from local communities, especially Romani parents, to prevent segregation as the latter fail to express dissatisfaction with the situation.

Data provided by different research initiatives of NGOs and international organisations have been inconclusive in this respect because samples used have not been nationally representative and the definitions of segregation used by researchers have also differed from that provided by the Ministry of Education.

It is imperative that the Ministry of Education start collecting ethnically disaggregated data at the school, county and national level and make it available to the public. Without such data, no progress on the implementation of desegregation measures can be measured and reports remain empty discourse.

## Inclusive education

The Romanian government defines<sup>194</sup> inclusive education as “a permanent process of improving the school, aimed at exploiting existing resources, especially human ones, to support the participation in education of all persons in the community.” The inclusive school is defined as an “education unit in which education for all children is ensured and it represents the most effective means for combating discriminatory attitudes.” One might note significant differences between the Romanian government’s definition of inclusive school and the definition used by international actors in the field. UNESCO defines inclusive education as

*“a process of addressing and responding to the diversity of needs of all learners through increasing participation in learning, cultures and communities, and reducing exclusion within and from education. It involves changes and amendments in content, approaches, structures and strategies, with a common vision which covers all children of the appropriate age range and a conviction that it is the responsibility of the regular system to educate all children.”*<sup>195</sup>

While UNESCO states the responsibility of the system to educate all children, the Romanian government focuses on the more effective use of its existing resources, particularly teachers, and on supporting partic-

192 Romania National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, December 3, 2012, Human Rights Council Working Group on the Universal Periodic Review, Fifteenth session Geneva, 21 January–1 February 2013.

193 This fact was recognised by Liliana Preoteasa, General Director for pre-university education within the Ministry of Education in her statement at the roundtable “Provocări actuale privind accesul la o educație de calitate a copiilor romi” [Challenges regarding access of Roma children to quality education], organised by the Roma Education Fund and UNICEF, Bucharest, May 29, 2012. For a summary of the roundtable discussions, see Roma Education Fund Romania, Policy Brief no. 4, *Segregarea Școlară a romilor – boala cronică a sistemului de educație* [Roma school segregation – a chronic disease of the education system], available at: <http://romaeducationfund.ro/publications/policy-papers/>.

194 According to Annex 1 of government decision no. 1251/2005 on measures to improve the learning, training, compensation, recovery and special protection of children/students with special educational needs in the special and special integrated educational system, Official Gazette no. 977/2005.

195 UNESCO *Guidelines for inclusion: Ensuring Access to Education for All* (Paris: 2005.)

ipation in education for all. These definitions have a direct bearing on education policies promoted by the government, which recurrently put responsibilities for participation and learning on children and their families and not on the system, which remains unprepared to deal with the specific needs of individual children.

In 2012, no significant changes in making the educational system more inclusive were noticeable in Romania. One reason might be, as explained by one expert in education,<sup>196</sup> the need for developing new school curricula according to the new law on education, then to follow up with new textbooks that might include information on the Roma and other minorities. The support manual for teachers is still in use and secondary school students have been offered extracurricular courses on the Holocaust. The extracurricular competition “Diversity” involving pupils from grades II to XII is still being implemented.

## Discrimination in education

It is important to highlight that the anti-discrimination legislation does not define segregation. The National Council for Combating Discrimination (NCCD) promoted a number of amendments to the anti-discrimination legislation. These were adopted by the Government through an emergency ordinance, but the NCCD did not consult with civil society organisations and it failed to include a definition of segregation among the new amendments.

Although school segregation has not been clearly defined as a form of discrimination, it is believed to be covered by the provisions of anti-discrimination legislation. Since its establishment, the National Council for Combating Discrimination has investigated and formulated decisions on a number of segregation cases at its own initiative or referred to it by NGOs.<sup>197</sup> Human rights groups and experts have been critical of the efficiency of the NCCD for its approach to combating segregation, however. The Centre for Legal Resources, a Bucharest-based NGO, criticised the NCCD’s practice of issuing warnings and recommendations instead of fines when it identified discrimination, especially to authorities and public institutions or legal persons in its shadow report to the Human Rights Council.<sup>198</sup> The Centre considered that these practices did not provide for an effective remedy in discrimination cases.

Criticism of the NCCD was also related to its management and working style, the standards applied in its decisions, the justifications formulated for its decisions and assessments during field visits, its limited use of the definition of segregation provided by the Ministry of Education, the weak deterrent effect of the sanctions imposed, the ineffectiveness of its work in combating school segregation and public information campaigns.<sup>199</sup>

The National Strategy for the implementation of measures for the prevention and combating of discrimination for 2007-2013 was approved by the President of the NCCD through order no. 286/2007. Article 16 provides for measures aimed at promoting equality in education, such as: the promotion of civic education, awareness campaigns on anti-discrimination legislation, the prevention of segregation through the development of programmes implementing non-discrimination principles in education, the development of desegregation programmes, advocacy for including anti-discrimination subjects in the curricula and measures to improve communication between teachers, Roma parents and students. Most of these measures are to be implemented by the NCCD in cooperation with the Ministry of Education.

196 Prof. Gheorghe Sarau, personal communication, 23 March 2013, on file with the author.

197 According to an NCCD report, released in 2011, nine cases of discrimination in education were solved, three of which resulting in a warning; *Annual report 2011 – National Council for Combating Discrimination*, pp. 23, 49, 50, 51 and 58.

198 Human Rights Council, Working Group on the Universal Periodic Review, Fifteenth session, Geneva, 21 January – 1 February 2013, *Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Romania*, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/179/03/PDF/G1217903.pdf?OpenElement>.

199 Moisa, F. (2012) *Romania policy review*, in Rostas, I. (ed.) *Ten Years After: A History of Roma School Desegregation in Central and Eastern Europe* (Budapest: Central European University Press or Rostas, I. 2012) *Judicial Policy Making: The Role of the Courts in Promoting School Desegregation*, in Rostas, I. (ed.) *Ten Years After: A History of Roma School Desegregation in Central and Eastern Europe* (Budapest: Central European University Press).

Although generous, these measures have so far been implemented mostly through projects with a limited participation and scope, thus failing to have significant systemic effect.<sup>200</sup>

In 2012, the NCCD dealt with four complaints on Roma school segregation/discrimination in education. As reported by a member of the NCCD's Steering Board,<sup>201</sup> the complaint was withdrawn in two cases, in one case the NCCD found that a school was segregating Romani students at the class level and applied a fine of 2,000 RON to the school and the same fine to the county inspectorate.<sup>202</sup> In the fourth case, the NCCD decided that the refusal to accept a Romani student in the school was justified by the student's medical condition and not ethnic origin.<sup>203</sup>

Cases of discriminatory treatment against Romani pupils in the education system continue to be reported by organisations working in the field. A 2011 study conducted on behalf of Roma Education Fund Romania among students in grades V to VIII in schools in three regions in Romania, relying on three sub-samples of Romani students, non-Roma students and school graduates, found that Romani students were more often seated at the back of classrooms than their non-Roma peers.<sup>204</sup>

A 2012 study conducted by Save the Children Romania revealed that discrimination against Roma in schools also takes the form of physical abuse, Romani pupils being subjected to physical violence perpetrated by their teachers more often than their non-Roma peers. Using a representative sample of the Romanian school-age population, the study found that 14% of Romani children reported that they had been beaten by their teachers as compared to only 6% of their non-Roma peers. One should not be surprised that a larger share of Roma students declared feeling "tense", "upset", "emotionally vulnerable" or "shy" in school and perceived school as an unfriendly environment.<sup>205</sup>

## Roma and special education

No information on the wrongful placement of Romani children in special education is available. As a consequence, no measures have been taken to address the potential problems associated with this phenomenon. No data exist on the number of Romani students in special education and, therefore, no information on progress in this field can be estimated.

It is noteworthy that the overrepresentation of Romani pupils in special schools in Romania has not been documented as a major issue as in other Central and Eastern European countries. In Romania, the pattern seems to have been different, with Romani pupils being segregated by school and by class in mainstream education. The only data available on special schools provided by the Ministry of Education date back to 2006 and they show a decreasing pattern in the number of students enrolled in special schools and an increase in the number of students from special schools integrated into mainstream schools. No data on students' ethnicity was provided.

200 For a list of projects implemented, see Institutul de Stiinte ale Educatiei. 2012. *Raport național privind măsurile întreprinse pentru punerea în aplicare a Convenției și Recomandărilor asupra luptei împotriva discriminării în domeniul educației (1960)*, Bucharest, available at: <http://www.ise.ro/raport-national-privind-masurile-intreprinse-pentru-punerea-in-aplicare-a-conventiei-si-recomandarilor-asupra-luptei-impotriva-discriminarii-in-domeniul-educatiei-1960>.

201 Istvan Haller, personal communication, 26 March 2013, on file with the author.

202 NCCD decision no. 559/ 2012.

203 NCCD decision no. 388/2012.

204 Ivan, C., Rostas, I., Mihalache, C. (2012) *Parasirea timpurie a scolii: cauze si efecte*, Bucharest: Roma Education Fund Romania, p. 9.

205 Salvați Copiii România *Abuzul și Neglijarea Copiilor* (Bucharest 2013), available at: [http://www.salvaticopiii.ro/upload/p0002000100000002\\_Studiu%20-%20abuzul%20si%20neglijarea%20copiilor.pdf](http://www.salvaticopiii.ro/upload/p0002000100000002_Studiu%20-%20abuzul%20si%20neglijarea%20copiilor.pdf)

Table 3. Children transferred from special schools to mainstream schools (1999-2006)

School year	Students enrolled in special schools	Students integrated in mainstream schools
1999-2000	53,446	1,076
2000-2001	48,237	5,659
2001-2002	37,919	10,779
2002-2003	27,359	11,493
2003-2004	28,043	13,749
2004-2005	27,945	14,179
2005-2006	28,873	14,193

Source: OSI, Equal Access to Quality Education for Roma, 2007, p. 411

## Compulsory education

There is scarcity of data regarding the participation of Roma youth in education. The Ministry of Education does not publish disaggregated data on the ethnic origin of children enrolled in compulsory education. According to Ministry of Education estimates, over 200,000 Romani students were enrolled in the education system in the 2008-2009 academic year.<sup>206</sup>

The Romanian government has been implementing specific programmes funded from the state budget or co-financed with EU funding aimed at facilitating the access to education and at decreasing the dropout rate among disadvantaged groups, including the Roma. These programmes are not specifically designed for Roma, but Romani students do benefit from these measures. The “Milk and Roll” programme provides a glass of milk and a piece of pastry to each pupil enrolled in public kindergarten, primary and lower secondary school, up to grade VIII. The programme has been implemented since 2004.

Another programme implemented by the government that facilitates disadvantaged groups’ access to education provides students with packs containing free school materials. According to ministerial order no. 4385/2012, in the 2012/2013 academic year the maximum value of each pack of school materials is 25 RON (cca. 6 Euro)/pack/pupil for students in primary school (grades 0 to IV) and 30 RON (cca. 7 Euro)/pack/pupil for students in grades V through VIII. This support is available to pupils from families where the per capita monthly net income (for July 2012) is less than 50% of the gross minimum wage.

Since 2004, the government has provided financial support amounting to 200 Euro per family to families of students from disadvantaged areas for purchasing a computer. Data on the share of Romani families accessing these funds are not available.

The “Second chance” programme implemented by the Ministry of Education makes it possible for those who have never been enrolled in public education or for those who dropped out prior to completing compulsory education to continue their education until grade VIII, and to subsequently enrol into a vocational training programme to obtain a qualification. No ethnically disaggregated data are available on the impact of this programme. Consequently, it is not possible to assess changes in the outcomes of these programmes for 2012. As noted by one expert,<sup>207</sup> the problem seems to arise from the lack of *timely* access to relevant information on these programmes.

There are a number of projects implemented with EU funding aimed at reducing the dropout rate and at increasing the school participation of Roma pupils. The National Agency for Roma, Roma Education Fund Romania, Romani Criss and other institutions in partnership with the Ministry of Education have imple-

206 Ministry of Education, Research, Youth, and Sport, *Raport de activitate ianuarie–iulie 2009: Iulia Adriana Oana Badea-Secretar de Stat pentru învățământul în limbile minorităților naționale și relația cu Parlamentul [Activity report January-July 2009: Iulia Adriana Oana Badea – Secretary of State for Education in the Languages of National Minorities and Liaison with the Parliament]* (Bucharest: Ministry of Education, Research, Youth, and Sport, 2009), p. 6. This information is based on reports from inspectors for Roma issues within the County School Inspectorates. The absence of a methodology for collecting data reduces the accuracy of the estimation.

207 Prof. Gheorghe Sarău, personal communication, 23 March 2013, on file with the author.

mented or are implementing a range of projects focusing on preventing school dropout. No centralisation of measures taken or of results achieved through these projects has been carried out.

## Preschool education

In order to address Romani children's poor preschool attendance, the Roma Education Fund, in cooperation with local and international partners (the International Step by Step Association, Fundación Secretariado Gitano, the Slovak Governance Institute, the World Bank and the United Nations Development Programme), and with support from the European Commission implemented a project aimed at nurturing early childhood development in Romani communities. The project was based on data from the 2011 UN-DP-WB Roma Survey, which indicated that while the national average preschool attendance was 77.1%, 63.4% among non-Roma children living in close proximity to Roma, Romani children's preschool enrolment rate was only 36.8%.<sup>208</sup>

According to information provided by Prof. Sarau, the share of Romani students enrolled in preschool education per academic year has stood at around 10%.<sup>209</sup> The new law on education provides for a preparatory year prior to starting compulsory education. This provision is meant to ensure equal chances in education (article 23, para. 3b). Prof. Sarau regards this new provision as a positive one as it is expected to give a chance to Romani children not having been enrolled in preschool to catch up with their peers who have attended preschool. No data are available yet to assess the impact of this policy provision as it is in its first year of implementation.

## Other issues: vocational training, parental awareness, teacher training, school mediation

Between 2004 and 2012, the government implemented the national programme for social protection called "Money for high school" [Bani de liceu], designed to support the access to secondary education of children from disadvantaged socio-economic backgrounds. In 2012, the programme was replaced by a scholarship system covering access to secondary school – the "Gheorghe Sincai" scholarship programme – as well as vocational training – the "Constantin Brancusi" scholarship programme. The monthly amount provided to children from disadvantaged families is 180 RON/student (cca. 40 Euro).<sup>210</sup>

As regards parental awareness of the importance of education, the 2012 edition of the Global Campaign for Education, implemented by Salvati Copiii and the Ministry of Education, aimed at sensitising public opinion on the importance of education and infant care. The campaign involved the participation of children and adults in its activities.<sup>211</sup>

According to information provided by Prof. Sarau,<sup>212</sup> due to the global economic crisis, the number of Roma school mediators employed within the education system has decreased over the last two years from around 500 to 400 despite the fact that each year 30 to 60 new school mediators are trained. The same trend is visible as regards the presence of Romani language teachers: their number has decreased from around 520 to approximately 400-420 over the same period, although 50 teachers able to teach Romani language and Roma History and Traditions continue to be trained every year. Prof. Sarau emphasised that

208 Roma Education Fund. *A Good Start: Mainstreaming the Access of Disadvantaged Romani Children to Quality Early Childhood Education and Care, A Good Start's Implementation Model*, 26, available at: <[http://www.romaeducationfund.hu/sites/default/files/publications/ags-policypaper1\\_2013-marcus\\_vegleges\\_.pdf](http://www.romaeducationfund.hu/sites/default/files/publications/ags-policypaper1_2013-marcus_vegleges_.pdf)>.

209 Prof. Gheorghe Sarău, personal communication, 23 March 2013, on file with the author.

210 Institutul de Științe ale Educației, *Raport național privind măsurile întreprinse pentru punerea în aplicare a Convenției și Recomandărilor asupra luptei împotriva discriminării în domeniul educației (1960)*, (București, Septembrie 2012) 31, available at: <http://www.ise.ro/raport-national-privind-masurile-ntreprinse-pentru-punerea-in-aplicare-a-conventiei-si-recomandarilor-asupra-luptei-impotriva-discriminarii-in-domeniul-educatiei-1960>.

211 *Ibid.*, p. 26.

212 Prof. Gheorghe Sarau, personal communication, 23 March 2013, on file with the author.

the dismissal of Roma school mediators and Roma teachers was disproportionate, considering that their wages were lower than the national minimum wage.

A positive practice within the Romanian education system has been the long-standing affirmative action measure targeting self-declared Roma students entering grade IX and tertiary education. Since 1992, the Romanian government has provided special places to Roma students applying for university, and later extended this policy to Roma students entering grade IX. To date, between 2,800 and 3,400 Roma students have been admitted into grade IX on special places, while over 600 Roma students have been admitted to public university throughout the country, including to PhD programmes.<sup>213</sup>

In its 2012 report, the Roma Education Fund focused on teacher absenteeism in Romania. The authors highlighted an interesting fact, namely teachers from non-Roma schools registering more hours of absence due to participation in extracurricular and training activities than teachers from Roma schools. On the other hand, teachers in Roma schools were found to register higher absenteeism due to 'participation in other professional activities' as compared to those in non-Roma schools.<sup>214</sup>

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213 Institutul de Științe ale Educației (2012), p. 49.

214 Roma Education Fund, *Inequity and Inequality: Teacher Absenteeism, Romani Pupils, and Primary Schools in Romania*, August 2012, available at: [http://www.romaeducationfund.hu/sites/default/files/publications/ref\\_ta\\_screen\\_doublepages.pdf](http://www.romaeducationfund.hu/sites/default/files/publications/ref_ta_screen_doublepages.pdf).

## 4. EMPLOYMENT

In the field of employment, 2012, as the first year of NRIS implementation, was marked by very few results and measurable achievements as regards employment for Roma and by even less effective policy developments in the field, partly because the EC recommendations for the revision of the NRIS have not been addressed yet.

### Measures to increase the demand for labour

In Romania (due to its labour market specificities), the global economic crisis has been reflected by the unemployment rate for 2009-2010 in particular, with minor improvements in 2012.

Table 1. Unemployment rate in Romania 2008-2012

Year/month	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
2008	5.9	5.9	5.8	5.9	5.9	5.9	5.8	5.6	5.6	5.8	5.7	5.8
2009	6.3	6.5	6.5	6.5	6.6	6.7	7	7	7.1	7.2	7.3	7.4
2010	7.4	7.4	7.6	7.3	7.2	7.3	7.2	7.3	7.1	7.2	7.3	7.2
2011	7.3	7.2	7.1	7.5	7.4	7.4	7.4	7.5	7.5	7.4	7.5	7.4
2012	7.4	7.3	7.3	7.2	7.2	7.1	7.0	6.9	6.9	6.8	6.7	6.7

Source: Eurostat

It is necessary to acknowledge that the employment pattern is different in Romania compared to other EU member states because:

- the share of employees is very low (65-67% in 2011 in Romania compared to over 80% in other EU countries);
- there are major differences between urban and rural areas, with only 36% of people from rural areas in employment;
- there is a particularly high proportions of self-employed workers (33-35% of total employment, peaking at 64% in rural areas), including unpaid family workers;
- self-employment is closely linked to employment in agriculture, especially in rural areas – 33% (National Statistical Institute, Social tendencies, 2011).

These data offer only a glimpse of the real situation as regards unemployment (with many cases of unemployment unregistered) and of the difficulties of dealing with this socio-economic phenomenon.

The employment situation of Roma in Romania is not subject to systematic data collection efforts by government agencies, whether quantitative or qualitative, and data collection by public institutions, except for the Census, tends to ignore ethnicity, based on the argument that this would violate personal data protection legislation. However, data collection legislation allows for the collection of sensitive data for clear statistical purposes (law no. 677/2001 on the protection of persons regarding the use of personal data and the free movement of personal data). In addition, the implementation of EU-funded projects mandates the collection and reporting of project beneficiaries' personal data to managing authorities.



## The situation of Roma employment in Romania

The recent study “The situation of Roma in Romania, 2011. Between social inclusion and migration”<sup>215</sup> has shown that: 10% of respondents worked continuously over the previous two years, 6% worked periodically, for long periods of time, 32% worked sporadically and 52% had not worked at all during the previous two years. Also, of all unemployed persons (70% of women and 52% of men), 8% of men and 1% of women declared themselves to be unregistered unemployed and only 2% of men reported to have been declared unemployed, registered with NAE.

The vast majority of unemployed Roma declared that they were housekeepers (49% of men and 78% of women) or received social assistance (15% of men and 5% of women), were retired (13% of men and 9% of women), were students (6% of men and 3% of women) or were in receipt of disability benefit (3% of men and 2% of women). Unemployment and especially unregistered unemployment is very common in Romani communities, particularly in the most impoverished ones.<sup>216</sup> Of all unemployed persons, 56% declared that they would like to work (23% were already searching for a job) and 40% declared that they did not want to work. Of the 23% who were in search of a job, more than half (55%) had used informal methods to do so (asking friends, relatives), 46% had directly approached potential employers and only 39% had used professional services (33% contacted NAE and 6% contacted private recruitment agencies or NGOs).

In 2011, the unemployment rate among Roma was 48.6%<sup>217</sup> compared to 7.4%<sup>218</sup> for the majority population (both numbers are calculated according to the International Labour Organization’s definition). 58% were young people under 25, 47.5% were between 25 and 55 and 32.8% were older than 55. Of the 36.3% who declared to have worked for at least one hour during the last week (the definition of the International Labour Office), 57% said that they were self-employed, 9% were working in the public sector, 9% in the private sector and 2% contributed to their family’s economic activities.

	Roma from Romania (2011) <sup>219</sup>	Romania (2011) <sup>220</sup>
Employment rate	36.3%	58.5%
Unemployment rate	48.6%	7.2%
Activity rate for young people (15-24)	73.5%	23.8%
Professional status – employees	24.1%	67.3%
Professional status – self-employed with or without employees, other	59%	31.5%
Part-time employment	65.4%	10.4%

Source of data: Preoteasa A, Șerban M, Tarnovschi D. (2012). *The Roma situation in Romania, 2011. Between social inclusion and migration*, Soros Foundation Romania, 2011, and Romanian Statistical Institute, 2012

The differences between the Roma and the majority population are considerable if we compare unemployment rates (extremely high among the Roma); young people’s activity rates (almost triple among the Roma, which means that Romani youth start working at a young age and drop out of school to do so); the share of self-employed (“at the threshold of vulnerability, being associated with the category of under-employed persons. The lack of unemployment agreements and, thus, of social security or health insurance includes this

215 Preoteasa A, Șerban M, Tarnovschi D. (2012). *The Roma situation in Romania, 2011. Between social inclusion and migration*, Soros Foundation Romania, 2011. The data were collected for a representative sample of self-identified Roma from Romania.

216 Unemployment data presented above were gathered using the Labour Force Survey categories (employed is considered to be a person who has worked at least one hour during the previous two weeks).

217 Preoteasa A, Șerban M, Tarnovschi D. (2012). *The Roma situation in Romania, 2011. Between social inclusion and migration*, Soros Foundation Romania, 2011. The data were collected for a representative sample of self-identified Roma from Romania. Unemployment data presented above were gathered using the Labour Force Survey categories (employed is considered to be a person who has worked at least one hour during the last two weeks).

218 Romanian National Statistical Institute, press release, April 2012.

219 Preoteasa A, Șerban M, Tarnovschi D. (2012). *The Roma situation in Romania, 2011. Between social inclusion and migration*, Soros Foundation Romania, 2011. The data were collected for a representative sample of self-identified Roma from Romania. Unemployment data presented above were gathered using the Labour Force Survey categories (employed is considered to be a person who has worked at least one hour during the last two weeks).

220 Romanian Statistical Institute, ‘Employment and unemployment in 2011’, main results, press release, April 2012.

population in a category with high social exclusion risk<sup>221</sup>); and the share of part-timers (a good indicator of the fragility of Roma employment).

According to the “Legal and equal for Romani communities”<sup>222</sup> initiative (the Institute for the Quality of Life, 2010), the negative stereotype that “Roma don’t want to work” is shared even “among those who should facilitate their relationship with the formal labour market: NAE representatives and local authorities. The general perception is that the Roma have the poorest qualities, behaviour at work etc.”

Conclusion: The Roma population in Romania is in a very vulnerable situation in terms of access to employment compared to the overall population. Roma have a low level of involvement in the formal economy; they work mainly in agriculture, construction and industry (mostly in unqualified jobs); they face discrimination in accessing jobs; and they have, on average, very low levels of education (illiteracy is widespread, with 25% of Roma adults being functionally illiterate).

## Measures to increase the demand for labour – National Agency for Employment

One of the strategic objectives of the Romanian government (according to the website of the Ministry of Labour) for 2012 was to increase the employment rate and decrease the unemployment rate. Law no. 76/2002 regarding the unemployment insurance system and the stimulation of employment contains measures designed to respond to labour market problems and aimed at boosting employment rates. This law states clearly that the institutions responsible are: the Ministry of Labour, Family and Social Protection (Ministry of Labour), the National Agency for Employment (NAE), other ministries and bodies of central government, trade unions and employers’ associations, prefectures and local authorities and the National Commission for the Promotion of Employment.

The Ministry of Labour is the central administrative body responsible for the implementation of Romanian government policies and strategies in the field of employment, family, equality and social protection. NAE is the institution that administers the unemployment insurance budget and is the main implementer of policies, strategies, plans and programmes on employment and professional training and qualifications for the unemployed.

According to law no. 76/2002 regarding the unemployment insurance system and the stimulation of employment, there are two types of measures:

1. **Measures for preventing unemployment:** training programmes offered by employers to their employees, part of the costs of which may be reimbursed from the unemployment insurance budget; out-placement services that are granted in case of mass layoffs.
2. **Measures for stimulating labour:** these services are provided by employment agencies – NAE’s branches and other public or private service providers, but only if they are accredited by NAE:
  - mediation;
  - information and professional counselling;
  - qualification training courses;
  - wage subsidies;
  - the stimulation of labour mobility;
  - consulting services and assistance for starting a business.

221 Preoteasa A, Șerban M, Tarnovschi D. (2012). *The Roma situation in Romania, 2011. Between social inclusion and migration*, Soros Foundation Romania, 2011. The data were collected for a representative sample of self-identified Roma from Romania. Unemployment data presented above were gathered using the Labour Force Survey categories (employed is considered to be a person who has worked at least one hour during the last two weeks).

222 Research Institute for the Quality of Life (2010). *Legal and equal for Romani communities*. Research Institute for the Quality of Life, Bucharest: Expert, 2010. This report was coordinated by Soros Foundation Romania in the framework of the project “L@EGAL 2 – European investment for the future of the Roma from Romania”, financed by EU funds as an initiative of the Resource Center for Roma Communities (RCRC) in partnership with the Resource Center for Training in Social Professions (CRFPS), “PRO VOCAȚIE” and Soros Foundation Romania.

Also, according to law no. 116/2002 for the prevention and combating of social marginalisation, NAE provides certain services for young people aged 16 to 25 who live in difficult conditions and are on the verge of being professionally excluded. This category has the right to receive free mediation and professional counselling, but they can also benefit from a maximum two-year so-called 'solidarity contract'. This means that they can be employed and their employers receive a subsidy whose amount depends on the period of the employment contract (see further details below).

The National Agency for Employment is an institution subordinated to the Ministry of Labour, Family and Social Protection.<sup>223</sup> This public agency has 42 branches – one in each county, plus Bucharest. At the local level there are a total of 70 agencies and 141 work points, eight regional training centres for adults and a national centre for training NAE personnel. NAE provides services for the unemployed and its main aim is to increase employment rates and reduce unemployment rates. NAE is the main service provider, but it is also the institution responsible for implementing most of the strategies and public policies that deal with the labour market and the labour force. NAE is the key public institution that delivers public work schemes and is also the main provider of assistance for job searches and vocational training for the unemployed.

NAE's main tasks are to: *"orient the unemployed and mediate between them and employers; organize, provide and fund training services for the unemployed; administer the Unemployment Insurance Fund; draft the unemployment insurance budget; draft laws in the field of employment, vocational training and the social protection of unemployed persons; organize services that establish, pay and record social benefits; implement programs financed by the European Social Fund; develop annual activity plans.*

Each year, NAE presents a programme for labour force activation. In 2012, its design was based on the Government Programme for 2009 to 2012 and the European Union's strategic objectives in the light of the Europe 2020 agenda.

The general objectives of the programme for labour force activation in 2012<sup>224</sup> were:

- to increase the employment rate and to promote social inclusion;
- to establish a balanced labour market, to increase the employment rate among young people and Roma ethnics;
- to facilitate the transition from unemployment to employment; and
- to improve and consolidate the professional skills of jobseekers.

Also, its specific objectives worth mentioning in the present report were:

- to fight the effects of unemployment through specific activities carried out by public employment services (NAE) designed for people in search of work;
- to facilitate access to the labour market for persons belonging to vulnerable groups and to guide them towards training programmes adapted to their respective educational levels so that they receive a qualification;
- to correlate the professional training needs of the labour force with the demands of the labour market;
- to insure equal chances on the labour market by facilitating the non-discriminatory labour market access for all, regardless of their social status, gender, religion, ethnic belonging etc.; and
- to maintain a low level of unemployment despite continuous layoffs by raising the quality and the security of employment, at the same time offering new opportunities for professional training in line with the demands of the labour market.

223 Romania, Law no. 202/2006 on the organisation and functioning of the National Employment Agency and government decision no. 1610 on the status of NAE. See <http://www.anofm.ro/prezentare-general-a-actualizat> for more details on NAE.

224 NAE, *Activity Report for 2012*, available at <http://www.anofm.ro/node/3070>.

The programme for labour force activation in 2011<sup>225</sup> had, apart from all the above, three other main objectives:

- “subsidizing labour costs for temporary employment in local development works as an alternative to a sustainable job, giving long-term unemployed the chance to re-enter the labour market at least for a limited period of time;
- *developing and improving the National Agency for Employment so it can implement EU-funded projects;*
- *strengthening collaborative relationships among county-level Public Employment Services”.*

According to NAE’s 2012 annual report, 323,510 people found a job,<sup>226</sup> 853,447 received NAE services and 12,179 were employed as a result of the training courses attended, all due to the programmes implemented by NAE and its branches.

The main measures implemented by NAE (according to law no. 76/2002 and law no. 116/2002) in 2012<sup>227</sup> were:

### For job seekers

#### 1. Mediation services (for permanent and fixed-term contracts)

NAE offered free mediation services for old and new vacancies by: providing information on available jobs and linking jobseekers to employers; developing a mediation plan for individual jobseekers; organising general job fairs or specialised job fairs for specific groups (students, university graduates, women, Roma, disabled persons etc.) in line with the demands of the labour market; shortlisting suitable candidates.

#### 2. Information and professional counselling

NAE offered free information and professional counselling services to jobseekers by offering them information about the labour market and about the evolution of occupations, assessments and self-assessments in order to better guide them in their professional paths. These services were offered by specialised centres organised within NAE’s local offices as well as other centres from the public and private sector, contracted by NAE.

#### 3. Qualification training courses

NAE offered jobseekers initiation, training, retraining and specialization in certain professions. Such services were free of charge for the unemployed, recent graduates and jobseekers, refugees or persons enjoying different forms of international protection, foreign citizens or stateless persons employed or receiving income in Romania, persons who could not get a job after repatriation or release from prison, people working in rural areas, people registered with NAE as having no income or incomes lower than the reference social indicator. For other categories, these services were not free of charge.

#### 4. Wage subsidies – subsidies for employees

*Stimulation of re-employment* – by providing allowances for unemployed people before the discontinuation of their unemployment benefit, thereby attempting to prevent long-term unemployment. People who get employed (standard working hours) while receiving unemployment benefit are eligible to receive a tax-free monthly income representing 30% of the unemployment benefit for the entire period of their entitlement to unemployment benefit, a measure maintained even if their contract with the first employer ends, but they manage to find different employment.

*Stimulating the employment of recent graduates* – Graduates and graduates of special schools, aged 16 and over, registered with NAE, are eligible to receive a first employment benefit equal in value to the social indicator when signing an employment contract (standard working hours) for a pe-

225 NAE, *Activity Report for 2011*, available at: <http://www.anofm.ro/node/3096>,

226 The NAE’s reporting format does not allow us to calculate either the number of people still in employment 12 months after they received NAE services or whether they were hired full-time or not.

227 NAE, *Activity Report for 2012*.

riod exceeding 12 months. People who have graduated and are registered as unemployed, but manage to get hired on a 12-month contract, receive a particular monthly subsidy during their entire period of entitlement for unemployment benefit.

Employers who hire graduates of educational institutions for an indefinite period are exempt, for a period of 12 months, from paying contributions to the unemployment insurance budget, but only if they keep the person employed for at least three years. During those three years, graduates can pursue a form of training organised by the employer, who in turn can apply for the reimbursement of the costs of professional training from the unemployment insurance budget.

5. **Labour mobility – by providing premiums for moving**

People who, while receiving unemployment benefit, become employed in a municipality located over 50 km from their permanent residence are eligible to receive a relocation benefit from the state budget. People who, while receiving unemployment benefit, become employed and decide to relocate to be closer to their work place are eligible to receive a similar benefit.

6. **Consulting services and assistance with becoming self-employed or with starting an independent business**

This service is available free of charge for: unemployed persons (legal, marketing, financial, management methods and effective techniques and other consulting services) on a one-off basis; students seeking loans from the Unemployment Insurance Fund (legal, marketing, financial, management methods and effective techniques and other consulting services).

7. **Custom assistance for youth at risk of social marginalisation – by signing contracts of solidarity and providing specific services, including subsidies to employers who hire people from this category, a measure that may be seen as a transitional public work scheme.**

8. **Other active measures – for people on the verge of dismissal**

Employers have the obligation to inform NAE if they plan to restructure their economic activity and dismiss a considerable number of people. NAE will provide information about: their legal rights as unemployed, mediation, professional training and professional re-orientation.

Urban/Rural – The NAE's 2012 Program for labour force activation<sup>228</sup> mentioned the "145 Program, aimed specifically at 145 municipalities from rural areas" and the "43 Program, aimed specifically at 43 municipalities." These municipalities were selected due to their high levels of unemployment and low levels of economic development, with services aimed at these municipalities especially – NAE estimated that 12,680 persons would access a job (3,760 from rural areas and 8,920 from urban areas).

The targets to be fulfilled for each NAE county branch are distributed using the following criteria: the number of registered unemployed; county-level unemployment rate and the structure of unemployment; possibilities for socio-economic development in each county; the absorption capacity of the labour market according to the predominant industries in the county.

*For employers, to stimulate the hiring of unemployed persons*

1. Subsidies for employers to hire persons belonging to disadvantaged groups or persons who have difficulties in accessing the labour market: recent graduates hired for at least three years, persons with disabilities; unemployed aged over 45; unemployed in jobless households or lone parent families; unemployed with less than three years left until reaching retirement age.
2. Lending in favourable conditions in order to create new jobs.
3. Certain advantages – employers who hire unemployed persons for at least six months receive a discount on their contributions to the unemployment insurance budget.

All measures implemented by NAE in 2012 were aimed at increasing the employment rate, but there were no special measures to increase the demand for employees with low levels of skilling. The shared aim of the 2011

and 2012 Programs for labour force activation was to guide and help jobseekers and to offer training courses in order to improve their professional skills. The NAE annual report does not provide any information on the skilling level of people who benefited from its services, but makes references to their levels of education.

According to the Program for labour force activation in 2012 and its implementation report, NAE's services were provided nationally, with some measures aimed at certain urban and rural areas.<sup>229</sup> Nowhere in the official documents could we find references to interventions in the micro-regions, particularly the most disadvantaged ones.

Each year NAE presents the program to the Romanian government. The targets presented for 2011<sup>230</sup> and 2012<sup>231</sup> were reported to have been mostly achieved.

For 2012, the targets of the program were lower as compared to those of 2011, one of the possible explanations being the overall economic situation and the lower gross domestic product of Romania, as revealed by the following table:

*Table 2. General results of the implementation of the Program for labour force activation in 2011 and 2012*

	2011	2012
<b>Total number of persons in receipt of active measures to boost employment</b>	908,337	853,447
– mediation	902,603	850,629
– consulting services and assistance with starting a business	6,070	2,773
– custom assistance for youth at risk of social marginalization	2,013	1,346

Source of data: NAE annual reports with the results of the programme for labour force activation (2011<sup>232</sup> and 2012<sup>233</sup>)

In 2012,<sup>234</sup> NAE officially reported 853,447 beneficiaries of active measures meant to boost the employment rate (see Table 2.), so the target of 845,000 persons was reached. For the other targets the results could not be matched because they were reported on a different day. According to NAE's official report, 323,510 people were employed, which represents 97.44% of the set target (332,000). So, 37.91% of the people who benefited from active measures implemented by NAE obtained a job. NAE reporting does not allow us to determine how many jobs were part-time or full-time, respectively, nor can we determine how many of these newly employed individuals were able to keep their jobs for more than 12 months.

Of the 853,447 people who benefited from active measures in 2012, 12,179 of those who attended qualification courses (1.42%) found a job, more than initially planned for 2012 (11,600). According to NAE's official response to our questions,<sup>235</sup> in 2012 38,881 persons (estimated to be 41,130 at the beginning of 2012) took part in professional qualification courses organised and financed by NAE (68.6% of persons were involved in training courses organised directly by NAE within its own training centres). All of these measures were implemented in all 41 counties and Bucharest.

However, there are no independent studies to verify these findings reported by NAE and, as has been shown, the general results for 2012 surpassed the targets. Only a closer examination of Table 3. below can offer a clear image of the situation, especially in terms of the measures that reached the Roma also.

229 See the presentation of the "145 Programme, especially for 145 municipalities from rural areas" and "43 Programme, especially for 43 municipalities from rural areas".

230 NAE, *Activity Report for 2011*

231 NAE, *Activity Report for 2012*.

232 NAE, *Activity Report for 2011*.

233 NAE, *Activity Report for 2012*.

234 *Ibid.*

235 NAE, written response, 5 February 2013. We sent our request to carry out an interview with NAE's representatives, but they preferred to respond to our questions in writing. Unfortunately, they failed to respond to many questions.

Table 3. Types of measures financed directly from the unemployment insurance budget for 2011 and 2012

Measures		Persons programmed to be employed at the end of 2012 <sup>236</sup>	Results Persons employed in 2012 <sup>237</sup>	Roma employed in 2012 <sup>238</sup>	Persons programmed to be employed at the end of 2011 <sup>239</sup>	Results Persons employed in 2011 <sup>240</sup>
<b>A. For jobseekers</b>						
A.1 mediation	A.1.1 permanent contracts	189,000	<b>178,647</b>	<b>2,850</b>	181,550	203,867
	A.1.2 fixed-term contracts	89,000	<b>92,769</b>	<b>1,780</b>	71,200	102,339
A.2 information and professional counselling		35,300	<b>56,950</b>	<b>958</b>	38,250	61,254
A.3 qualification training courses		11,600	<b>12,179</b>	<b>64</b>	13,150	14,773
A.4 wage subsidies to employees	A.4.1 stimulating re-employment <sup>241</sup>	17,100	<b>15,823</b>	<b>30</b>	20,100	19,223
	A.4.2.1 graduates	8,180	<b>5,421</b>	<b>4</b>	10,290	6,574
	A.4.2.2. relocation premiums – graduates	3,435	<b>3,828</b>		4,490	3,538
A.5 labour mobility	A.5.1 persons employed in a locality more than 50 km away from their permanent residence	1,155	<b>554</b>	<b>1</b>	1,525	1,058
	A.5.2 persons employed in another locality from where they relocated	1,835	<b>1,368</b>		1,600	2,121
A.6 consulting services and assistance for starting a business	advisory services and assistance for starting an independent activity or a new business	400	<b>242</b>		710	264
A.7 custom assistance for youth at risk of social marginalization	persons in receipt of solidarity contracts according to law no. 116/2002 <sup>242</sup>	1,335	<b>1,221</b>	<b>45</b>	1,285	1,874
A.8 other active measures		455	<b>3,428</b>	<b>59</b>	125	2,012
<b>B. For employers to stimulate the hiring of jobseekers</b>						
B.1 subsidies for employers and employees	B.1.1 unemployed over 45	14,335	<b>15,587</b>	<b>53</b>	13,420	19,817
	B.1.2 lone unemployed parents	965	<b>345</b>		1,230	495
	B.1.3 unemployed, with less than 3 years until retirement	270	<b>204</b>		315	266
	B.1.4 disabled graduates	230	<b>184</b>		250	233
B.2 lending in favourable conditions		30	<b>0</b>		50	0

Source of data: NAE annual report, with the results of the programme for labour force activation (2011<sup>243</sup> and 2012<sup>244</sup>)

236 ANOFM, *Realizarea Programului de ocupare a fortei de munca al ANOFM pentru anul 2012*, (Employment Programme 2012). available at: <http://www.anofm.ro/node/3758>.

237 *Ibid.*

238 NAE response, 5 February, 2013.

239 NAE, *Activity Report for 2011*, available at: <http://www.anofm.ro/node/3096>.

240 *Ibid.*

241 Those employed prior to the discontinuation of the unemployment benefit are eligible to be subsidised by the state with the amount of the unemployment benefit for the duration of unemployment benefit eligibility.

242 NAE reimburses a certain amount of their incomes to the new employers.

243 NAE, *Activity Report for 2011*.

244 NAE, *Activity Report for 2012*.

Table 4. The beneficiaries of NAE's active measures and their results (2011 and 2012)

Unemployed category	Active measures implemented in 2012	Results 2012 Employed people	Active measures implemented in 2011	Rezultate 2011 Noi angajați
Urban	362,544	170,789	444,581	217,598
Rural	345,167	113,233	463,756	148,515
Under 25	162,576	59,320	181,068	73,113
Women	313,619	112,531	395,330	145,304
With primary school education	127,959	38,594	195,824	52,162
With lower secondary school education	153,798	60,510	215,423	83,406
Vocational training, complementary education or apprenticeship	141,420	71,198	182,753	92,987
Secondary school graduate	188,917	75,459	208,169	91,611
Post-secondary training or technical foreman	17,450	5,695	18,966	7,596
University degree	78,167	32,566	87,202	38,351
Inactive	456,432	198,826	576,403	247,841
Unemployed on benefits	250,476	82,848	330,200	115,296
Jobseekers	803	2,348	1,734	2,976
Long-term unemployment under 25	11,336 (4,161 femei)	2,606 (1,091 femei)	13,164 (5,187 femei)	3,813 (1,531 femei)
Long-term unemployed over 25	39,464 (16,506 femei)	5,091 (1,896 femei)	41,565 (17,031 femei)	10,665 (3,892 femei)
<b>Roma ethnics</b>	<b>48,453</b>	<b>5,274</b>	<b>50,149</b>	<b>5,492</b>
<b>Total</b>	<b>707,711 active measures</b>	<b>284,022 employed</b>	<b>908,337 active measures</b>	<b>366,113 employed</b>

Source of data: Annual reports of NAE with the results of the Programme for labour force activation (2011 and 2012)<sup>245</sup>

According to the data presented in the above tables, NAE implemented certain measures that qualify as a first work experience programme: recent graduates (most of them young people with little or no work experience) (A.4.2.1, A.4.2.2) and persons on solidarity contracts (A.7). The total number of those who found a job in 2012 in these categories was 10,470. If we compare data for 2012 with data from 2011, it becomes evident (Table 3.) that these initiatives undermined efforts to reach targets.

In 2012, NAE implemented the "Special programme for pupils and students", which supported employment for a maximum 60 days for pupils and students during the holidays. Its aim was to provide pupils and students with the possibility of getting some work experience and income. We do not have further information about this initiative. Another facility for young people provided by the state through NAE is favourable loans (financed from the unemployment insurance budget), granted to individuals under 30 in order to create new jobs through the establishment or expansion of small- and medium-sized companies. No such loans were granted in 2012. Apart from lending, NAE also provided consulting services and assistance for starting businesses. In 2012, 242 persons benefited from this measure (the target was 400).

Some of the measures implemented by NAE are designed to eliminate employment barriers, including discrimination upon (re)entering the labour market. Here we are referring to employees' wage subsidies (A.4.1 stimulating re-employment) and subsidies for employers and employees (B.1.1, B.1.2, B.1.3, B.1.4). These are measures that target employees, but employers also through a reduction of social security contributions owed for certain categories of employees entering the labour market. Also, we have to mention here the qualification courses that NAE offered (in its own qualification centres and in the ones contracted).

According to NAE,<sup>246</sup> its main responsibilities in the context of the Romanian NRIS are: *adapting professional qualification courses (offered by NAE structures) to labour market demands; and offering professional counselling to persons in difficult situations, including to Roma, in order to support their integration into society (help*

245 *Ibid.*

246 NAE response 5 February 2013.



them identify possible financing sources in order to start a business or to find a job; help them with writing a CV and coaching them for job interviews; facilitate their access to social housing etc).

The targets for 2020 are: to increase the number of employed Roma by 60,000 and increase the number of employed Romani women by 25,000. These targets are also part of the Romanian NRIS, but there is no baseline data on the current situation.

According to the 2012 Programme,<sup>247</sup> the number of Roma supposed to benefit from NAE's services was 48,453, which represents 6.85% of the total number of people who benefited from NAE's services, an improvement compared to 2011 (5.52%). It is true that in 2012 the number of Roma who were employed (5,274) was slightly lower than in 2011 (5,492) (see Table 4.). The same improvement was noticeable in the number of Roma employed as a result of measures implemented by NAE also (from 1.5%, a value calculated from the total number of employed people in 2011, to 1.86% in 2012). We have to say that in the context of labour market participation of Roma (see the beginning of this section), this increase is insignificant.

Moreover, if NAE sticks to these figures – increasing the number of Roma employed by such a small rate – it will be impossible to reach the target stated in the Romanian NRIS (60,000). The distribution of the services offered by NAE that the 5,274 Roma benefited from prior to being employed was the following:

- 4,630 received mediation services (A.1.1. employed on permanent contracts – 2,850 and A.1.2. employed on fixed-term contracts – 1,780);
- 958 persons received information and professional counselling (A. 2.);
- 64 persons attended free qualification training courses (A.3.);
- 30 employees received wage subsidies (completion of wages) as a result of finding a job before the expiry of unemployment benefit (A.4.1.);
- Four recent graduates received monthly benefits for the entire duration of entitlement to unemployment benefit (A.4.2.);
- One person received the labour mobility subsidy (A.5.);
- 45 persons enjoyed solidarity contracts according to law no. 116/2002 (A.7.);
- 53 persons received employers' subsidies (B.1.);
- 59 persons received other assistance (A.8.).

In their response,<sup>248</sup> NAE emphasised the fact that in 2012 38,881 persons completed qualification courses, of whom 12,179 then found employment (31.3%). Also, 1,227 Roma participated in these qualification courses (3.1% of those who accessed this service), of whom 64 found a job in 2012 (5.2% from the total number of Roma who attended these courses).

Therefore, comparing the percentages, we can conclude that:

- Roma are far from being important beneficiaries of the training courses organised by NAE;
- training courses as they are currently organised are not efficient for the Roma population (the qualifications do not correspond with the most Romani workers' educational attainment levels and there is a lack of financial compensation throughout the training period<sup>249</sup>).

These results contradict statements made by the NAE, in which the institution has highlighted that they are focusing their efforts on helping the inclusion of vulnerable groups into the labour market, including Roma (see also the evaluation of the special measures for Roma).

247 NAE, *Activity Report for 2012*.

248 NAE response, 5, February 2013.

249 Research Institute for the Quality of Life (2010). "Legal and equal for Roma communities". Research Institute for the Quality of Life, Bucharest: Expert, 2010. This report was coordinated by Soros Foundation Romania in the framework of the project "L@EGAL 2 – European investment for the future of the Roma from Romania", financed by EU funds as an initiative of the Resource Center for Roma communities (RCRC) in partnership with the Resource Center for Training in Social Professions (CRFPS), "PRO VOCAȚIE" and Soros Foundation Romania

There are certainly cases of people who received multiple services – mediation or/and job counselling services and training courses. The same is applicable to Roma and it is impossible for the moment to find out how many Roma benefited from all of the above services provided by NAE.

During the 2007-2013 period, the Operational Programme for Human Resources Development (POSDRU) has operated at least three major intervention areas, financing projects providing tailored job search assistance combined with training courses and even support for the social economy.<sup>250</sup> Several of these projects are targeting Romani communities and most of them are implemented by NGOs. Unfortunately, the way the POSDRU Management Authority reports implementation results does not allow us to offer complete information on the number of Roma beneficiaries involved (until now) in such projects or on where these projects are being implemented.

The sole reference to such numbers is available in the draft 2012 National Strategic Report,<sup>251</sup> published for consultations by the Ministry of European Funds and which reflects the achievements of the operational programmes, with June 30<sup>th</sup> 2012 as the cut-off date. The report states that: *“Between 2007 and June 30th 2012, within the active social inclusion field, 58 projects were financed with a focus on facilitating the access to the labour market of persons belonging to vulnerable groups, effective payments reaching 54.3 million Euro. In qualification/requalification and professional retraining programmes, 12,383 persons belonging to vulnerable groups were reported, of whom 1,620 persons of Roma ethnicity, 1,361 people with disability and 911 dependent persons. 63% of participants in these qualification/requalification programmes received certifications.”*

One of these projects was *“Fem.RRom”*,<sup>252</sup> which aimed to improve the access of Romani women to the labour market and to support the social economy by promoting and developing integrated services, creating cooperatives for women, ensuring access to formal education and supporting the development of specialised and customised employment services. The project started in 2010 and it was planned to last for three years. The project, funded through POSDRU, was implemented by the Ministry of Labour as the main beneficiary, in partnership with the National Agency for Roma, two Romanian NGOs (Pakiv Romania and Euro Proiect Bihor Association) and six other partners from Greece and Portugal: the Municipal Company of Community Services of Menemeni (DIKEM) – Greece, Dyktio Rom (Roma Network) Greece, Bolt International Consulting – L. Katsikaris & Co. Limited Partnership – Greece, DIASTASI Training and Consulting Services Greece and ISCTE – Instituto Superior de Ciências do Trabalho e da Empresa din Lisabona (Higher Institute for the Sciences of Work and Enterprise) – Portugal. The project was implemented in Bucharest and three other development regions: north-west, south-west (Oltenia) and the central region.

Another POSDRU-funded project is the Resource Center for RCRC project called *“Support for the Development of Roma Communities in the north-west and centre Regions, Romania”*,<sup>253</sup> implemented between 2008-2011 with approximately 3000 Roma benefiting from a mix of services and approximately 1500 receiving a professional qualification diploma (through courses or the certification of informally acquired skills). The project was a partnership between the RCRC, NAE and two Regional Adult Professional Training Centres (*Centrul Regional pentru Formarea Profesionala a adultilor*) in Cluj Napoca and Brasov.

## Special measures targeting Roma

According to the 2012 programme for labour force activation, NAE was involved in implementing the Romanian NRIS,<sup>254</sup> all documents stating that the employment of Roma was considered a priority in 2012. As

250 Axis 5, KAI 5.1 *Developing and implementing active measures on employment* (198 million Euro for 2007-2013); Axis 6, KAI 6.1 *Developing the social economy* (429 million Euro initial allocation for 2007-2013); Axis 6, KAI 6.2 *Improving the access to and the participation of vulnerable groups in the labor market* (101 million Euro initial allocation for 2007-2013).

251 Raport Strategic National 2012 [Strategic national report 2012] (RSN 2012), p. 55, issued for public consultations by the Ministry of European Funds, in January 2013, available at: <http://www.fonduri-ue.ro/documente-suport/rapoarte-strategice/rsn-2012>.

252 See <http://www.femrrom.ro/> for more details.

253 See [www.romacenter.ro](http://www.romacenter.ro) for more details.

254 NAE response,, 5 February 2013.

an institution involved in the implementation of the Romanian NRIS, NAE focused its resources on the “140 Programme for special communities with important numbers of Roma, to be coupled with actions implemented by public employment services, such as Caravans of Roma employment, to take place in communities with large Roma populations (within the boundaries of the budget allocated to each county agency), job fairs and the development of cooperation with Roma representatives”. Unfortunately, the document does not make it clear what kinds of measures NAE implemented in Romani communities especially, a lack of precision that is also noticeable in the implementation report of the programme mentioned above, and also in the response we received from NAE on 5 February 2013.<sup>255</sup>

### *The 140 Programme*

The 140 Programme was targeted at 2,000 Roma, supposed to be employed by the end of 2012, i.e. almost half of the total number of Roma hoped to be in employment by the end of last year. There is no other information about the 140 Programme (neither in NAE’s response<sup>256</sup>, nor on NAE’s website or in its report). However, 2,152 persons were employed as a result of the implementation of the 140 Programme:<sup>257</sup>

- 1,862 persons received mediation services (A.1.1. permanent employees – 1,156 and A.1.2. fixed-term employees – 706);
- 214 persons received information and professional counselling (A. 2.);
- 31 persons attended qualification courses (A.3.);
- 15 persons received wage subsidies (completion of wages) for becoming employed prior to the expiry of the unemployment benefit (A.4.1.);
- 16 persons enjoyed solidarity contracts according to law no. 116/2002 (A.7.);
- 14 persons received employers’ benefits subsidies (B.1.).

### *Job fairs for Roma*

In 2012, NAE’s local branches organised nine such events in nine municipalities in six counties (Arges, Botosani, Brasov, Dambovita, Giurgiu and Prahova) with a high percentage of Roma inhabitants.<sup>258</sup> The participation of employers was poor: 367 potential employers were contacted and 58 participated, offering a total of 431 jobs. The job fairs were attended by 306 Roma, of whom 86 were selected for job interviews and 40 Roma were subsequently employed. The report does not offer information about the levels of education and qualification that these individuals had.

### *The Caravan of Roma employment – special measure*

The “Caravan of Roma employment” started in 2005 and lasted until the end of 2010. In 2012 the Ministry of Labour and NAE decided to restart this initiative. There is no specific information on the initiative in existing NAE reports for 2012, but considering earlier descriptions, we can say that the programme was designed to bring the services offered by NAE’s branches closer to Romani communities, in rural areas especially.

Through this intervention, NAE hoped to: identify inactive persons looking for a job; guide and register them; offer them free information and professional counselling; disseminate information about the services provided by NAE’s branches to unemployed persons registered with NAE; identify problems and obstacles that persons from rural areas and Romani communities were confronted with so that NAE could adapt its measures to their needs; establish and consolidate collaboration with all interested stakeholders at the local level in order to attempt to increase employment rates.<sup>259</sup> The “Caravan of Roma employment” focused on municipalities with a high numbers of Romani people living there, and which were selected based on official statistics and information from the county offices for Roma.

<sup>255</sup> *Ibid.*

<sup>256</sup> *Ibid.*

<sup>257</sup> *Ibid.*

<sup>258</sup> *Ibid.*

<sup>259</sup> All information comes from a press release issued by Ilfov Employment Agency in December 2012 (no exact date is mentioned in the press release). No information about this programme is available on the NAE website or in its preliminary report.

In 2010, the Research Institute for the Quality of Life carried out an evaluation of the general and special schemes implemented by NAE for Romani communities in Romania. This piece of research, based on data provided by the county branches of NAE and interview and focus group data with Roma, concluded that the services provided by NAE were not at all successful and adapted to the needs of members of Romani communities.

*“The working manner was assessed as bureaucratic, inefficient, most actions being carried out purely pro forma. The offer of programs for labour market inclusion was unrealistic and its impact limited. Employers’ interest was limited, their participation in such programs superficial also.*

*The qualitative research showed that the Roma are aware of their poor chances, they understand the mechanisms which push them into this adverse situation, for which they hold themselves accountable. Interestingly, they often mention their children to potentially be the ones to break this vicious cycle of little education and labour market exclusion. The initiatives for labour market inclusion have less chances of success for the older generation, but the programs for educational inclusion and the training programmes may have a decisive impact for the younger generation.” (Legal and equal on the labour market for Romani communities, 2010, Research Institute for the Quality of Life, Bucharest: Expert).*

## Public work schemes

The Romanian Ministry of Labour, Family and Social Protection is implementing several social assistance programmes targeting children, adults and families in vulnerable situations. There are three main programmes, none of which directly target the Roma:

- Benefits in cash: for children; for raising children; for families on very low incomes; for disabled persons; the guaranteed minimum income, aimed at reducing poverty, especially extreme poverty; heating allowance; financial aid and emergency aid.
- Grants for NGOs.
- Support programmes for the development of social services – child protection; the protection of disabled persons’ rights; the protection of elderly people’s rights; the protection of victims of domestic violence; the protection of homeless people; supporting youth over 18 leaving the public child protection system (deinstitutionalised youth) in their integration into society; the protection of other vulnerable groups.

The guaranteed minimum income programme (social assistance) is one of the main programmes implemented by the Ministry of Labour aimed at promoting social inclusion and fighting poverty. In the framework of this programme, the Romanian government offers monthly cash transfers to people who can prove that their income falls under a per capita net monthly income level, calculated based on a formula approved by the government.

Persons able to work, but who have no income from wages or other activities, have the following obligations: to prove, on a monthly basis, that they are registered at the Employment Agency (NAE) as unemployed, that they did not turn down any job offer, that they did not refuse to take part in programmes designed to increase their chances of getting a job (tailored job search assistance, service trainings or participation in a training programme); to participate in community work on a monthly basis at the mayor’s request; to have paid local taxes for the previous year. Unfortunately, this is a mainstream measure and there is no clear figure on the number of Romani beneficiaries since the Ministry of Labour does not collect ethnically disaggregated data, considering this to be against personal data protection legislation. However, the guaranteed minimum income programme is not a genuine public work scheme, but a social assistance programme aiming to provide families with a minimum income to survive. It does not provide for beneficiaries’ attendance of training and qualification programmes, nor does it support other opportunities for finding a real job. The programme also means free access to the healthcare system, but we have to consider that the actual health insurance system is being restructured and authorities are considering introducing co-payments.

## Public sector employment

Romania does not have affirmative action measures for supporting the employment of Romani individuals in the civil service (as civil servants or contractual staff). According to law no. 188/1999 on the status of the civil servant, the latter is defined as a person elected or appointed to hold a public office in line with the following criteria: to be a Romanian citizen, to be able to speak and write in Romanian; to be older than 18, to have full legal capacity; to be in good health; to have been educated to the level legally required by the public office to be held; to have no criminal record; to have not been dismissed from a public office or from other employment for disciplinary reasons.

According to the response<sup>260</sup> of the National Agency of Civil Servants<sup>261</sup> (ANFP), public servants are entitled to: paid annual vacation plus other paid leaves and benefits, access to healthcare services, prosthetics, old-age pension and other state social benefits according to law no. 188/1999. *“The same normative act states that the professional qualification of civil servants is a right and an obligation, so all public institutions have to budget for professional training.”*<sup>262</sup> There is no official public record regarding the number of hours attended and the number of beneficiaries going to such training courses other than the ones organised by ANFP.

According to ANFP,<sup>263</sup> there were 215 professional development programmes organised in 2012, with 4,200 civil servants receiving training. Also, ANFP organised specialised training for senior civil servants, with 42 persons graduating from such courses. According to ANFP’s response,<sup>264</sup> they have a similar approach to the one practiced by NAE, namely they *“do not collect data regarding the ethnic origin of civil servants”*.

The relationship between contractual staff and their employers is regulated by the Labour Code. Employers (with more than 21 employees) are required by law to organise trainings for their employees once every two years. The Labour Inspectorate <sup>265</sup> has to verify the implementation of the Labour Code, but no data is collected about the number of beneficiaries of such courses organised by Romanian employers.

As can be seen from the data presented above regarding the situation of Roma (and out of) the labour market, 9% said that they were active in the public sector (they had worked at least one hour during the week prior to asking). Only a small number are civil servants (mostly the ones working in County Offices for Roma or as Roma experts in local authorities – see the Structural Requirements section): the rest work as contractual staff benefiting from no special treatment.

## The benefits of Roma integration for Romanian society

To our knowledge and according to our research, the Romanian government has done nothing to raise awareness and to build public understanding about the benefits of Roma integration for society as a whole over the last five years. In 2010, the World Bank presented the study<sup>266</sup> *“Economic Costs of Roma Exclusion”* and drew some sobering conclusions:

1. *“The vast majority of working-age Roma lack sufficient education to participate successfully in the labour market. As a result, European countries are losing hundreds of millions of Euros annually in productivity and in fiscal contributions to the governments. [...] Lower bound estimates of annual productivity losses range from 231 million Euro in Serbia, 367 million Euro in the Czech Republic, 526 million Euro in Bulgaria, to 887 million Euro in Romania.*

<sup>260</sup> ANFP response.

<sup>261</sup> Law no. 188/1999 on the status of the civil servant.

<sup>262</sup> ANFP response.

<sup>263</sup> *Ibid.*

<sup>264</sup> *Ibid.*

<sup>265</sup> Romanian Labour Inspectorate, see <http://www.inspectmun.ro/site/Legislatie/legislatie.html> for more details

<sup>266</sup> World Bank, *Economic Costs of Roma Exclusion*, 2010, available at: [http://siteresources.worldbank.org/EXTROMA/Resources/Economic\\_Costs\\_Roma\\_Exclusion\\_Note\\_Final\\_RO.pdf](http://siteresources.worldbank.org/EXTROMA/Resources/Economic_Costs_Roma_Exclusion_Note_Final_RO.pdf).

2. *Toward inclusive growth: bridging the education gap is also the economically smart choice to make:*
  - *Better educated Roma can expect much higher earnings. Compared to Roma with primary education, Roma who complete secondary education can expect to earn 83% more in Bulgaria, 110% more in the Czech Republic, 144% more in Romania, and 52% more in Serbia.*
  - *The annual fiscal gains from bridging the employment gap are much higher than the total cost of investing in public education for all Roma children; by a factor of 7.7 for Bulgaria, 7.4 times for the Czech Republic, 2.4 times in Romania, and 3.3 times in Serbia.*
  - *The share of Roma among the working-age populations will rise as majority populations in Eastern and Central Europe are aging rapidly. Equal labour participation among the Roma is essential to shoulder the nationally rising costs of pensions, health and other costs of aging."*

The non-governmental sector has been much more involved in this issue and has tried to address and make visible the situation of Romani communities with limited resources, insisting also on the benefits of Roma integration for Romanian society as a whole. Unfortunately, these efforts have proved insufficient and recent events (publicity made around the issue of "Roma migration towards/invasion of" Western countries) have only accentuated anti-Roma feelings (Roma are resented as the main beneficiaries of the guaranteed minimum income programme and other social transfers).

## Special actions for Roma concentrated in rural areas

The current Romanian NRIS's main employment-related objective is the stimulation of employment growth for persons belonging to the Roma minority and increasing investment attractiveness (NB: it is not clear whose investment and for what). An important part of the measures presented in the action plan for employment are already being implemented by NAE:

- entrepreneurship in local communities with large Roma populations for activating local partnerships and for resolving the complex problems of local communities;
- the identification of job opportunities based on 'flexicurity' for vulnerable groups, especially women belonging to the Roma minority (flexible jobs, but with social security coverage), income-generating activities and small family businesses, apprenticeships and tutoring programmes, together with ensuring support for accessing education and healthcare services: nurseries and kindergartens, "after-school" programmes;
- the adaptation of NAE's training programmes offered through NAE's subordinated training centres to labour market requirements;
- the granting, according to law, of facilities to entrepreneurs and employers hiring persons belonging to the Roma minority;
- the introduction of a micro-finance scheme for disadvantaged groups, including the Roma, to facilitate the creation of businesses particularly for involving Romani women;
- the provision of professional counselling services to persons facing hardship, including to members of the Roma minority, in view of social reintegration; the identification of financing sources for initiating independent activities, offering assistance for drawing up a CV and participating in an interview, finding a job and facilitating access to social, public or private housing units;
- the organisation of courses teaching persons belonging to the Roma minority how to elaborate a business plan and start a business, business management training, project management training;
- the encouragement of business initiatives based on social responsibility, by facilitating access to information, together with providing assistance and counselling for attracting sources of financing/loans and implementing business plans/projects;
- the diversification of job offers for vulnerable groups in line with their qualifications; and
- 20. support, according to relevant legislation, for SMEs owned by Roma persons, through a system of profitable loans. All results to these measures will be reported by NAE.

(NB: training programmes for Roma have not been adapted – see the results discussed above; in 2011, 50 loans in favourable conditions were planned to be issued, and in 2012 this number went down to 30. However, no loans were issued in either 2011 or 2012).

As for the Romanian NRIS, there are provisions specifically for rural areas that have the aim of stimulating the agricultural activities of Romani communities and the participation of national minorities in the process of developing local strategies.<sup>267</sup>

These measures are to be funded through the European Agricultural Fund for Rural Development (EAFRD). Unfortunately, we could not identify measures that take into consideration the geographical dimension and problems of impoverished Roma living in rural areas apart from the “Caravan of Roma employment” and job fairs for Roma, (both implemented by NAE – see the discussion of their results above). There are no available data about the results of these provisions, so we cannot make any assessment. They are more like dream plans than something tangible. The Romanian NRIS mentions no tangible budget (only EU funds and state budget).

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<sup>267</sup> The NDPR Lead axis stipulates, among the selection criteria, a specific criterion according to which five points are awarded when the public-private partnership of the local action group includes representatives of national minorities.

## 5. HEALTHCARE

### Inequalities in access to healthcare faced by Roma

Since 1990, the Romanian healthcare system has been in constant crisis. Analysts of the World Health Organisation (WHO) and the European Union have suggested that the health of the general population and the performance of the health system are stagnating on the basis of most demographic and morbidity indicators.<sup>268</sup> In addition, the mechanisms created through the reform of the public healthcare sector in have been seen to limit the access of the population to public healthcare services and these barriers affect the more disadvantaged, impoverished citizens the most.

The NRIS emphasises and proposes only partial solutions to the health-related problems faced by Romani communities. In addition, the voice of civil society has not been strong enough to influence political decisions regarding the prioritisation of interventions aimed at the health needs of Romani communities. On the other hand, the lack of reliable data regarding the health status of Roma has forced authorities to take measures without reliable evidence.

As argued by the WHO in their analyses of health policies, poverty is considered a source of social exclusion as it prevents individuals from exercising their fundamental rights to satisfy basic human needs – including access to food and hygiene, medical care as well as the procurement of essential medication. The *Report on poverty and social inclusion in Romania in 2009*, published by the Ministry of Labour and Social Protection, revealed that around eight million Romanians lived in absolute poverty and that three million were experiencing severe poverty. The highest poverty rates were registered among the Roma, with over three quarters of Roma living in poverty in 2003.<sup>269</sup>

Furthermore, some of the data in the aforementioned report have been confirmed by a study carried out by Doctors of the World USA in Romania,<sup>270</sup> which in turn has drawn attention to the fact that the some Roma face extreme poverty and the range of problems arising from it. According to this latter study, mortality and morbidity rates are significantly higher among the Roma than in the general population. The incidence of tuberculosis (TB), HIV/AIDS and viral hepatitis is disproportionately higher among Roma living in Central and Eastern Europe, a phenomenon caused, reinforced and worsened by poverty, discrimination and cultural intolerance. Poverty rates among the Roma are estimated to far exceed national averages,<sup>271</sup> with mortality rates serving as the most widely cited indicators of poor living conditions.

Poverty and social exclusion affect Roma individuals' health status, which tends to be far worse than that of the majority population. The poor living conditions that Romanian Roma experience frequently lead to the lack of vitamins, malnutrition, anaemia, dystonia and rickets. These conditions affect the Roma disproportionately. Data on mortality rates disaggregated by ethnicity are not available in Romania, but the few

268 Bleahu, A. (2006) *The mechanisms of exclusion from healthcare services, with a focus on the Roma issue*, Calitatea Vieții, XVII, no.1-2, p 25-39, Editura Academiei Române.

269 The Ministry of Labour and Social protection, Social Inclusion Programmes Directorate. *Report regarding poverty and social inclusion in Romania in 2009*, available at <http://www.mmuncii.ro/pub/imagemanager/images/file/Domenii/Incluziune%20si%20asistententa%20sociala/raportari/Raport%20incluziune%202009.pdf>.

270 Mercury Research, *Tuberculosis partnership project Romania*, Bucharest 2006.

271 United Nations Development Programme, Regional Bureau for Europe and the Commonwealth of Independent States *The Roma in Central and Eastern Europe, Avoiding the Dependency Trap, A Regional Human Development Report, The Roma in Central and Eastern Europe*, (Bratislava, UNDP, 2003).



available studies have revealed an estimated life expectancy of 63-64 years for the Roma as opposed to 70 for ethnic Romanians.<sup>272</sup> Infant mortality is four times higher among the Roma.<sup>273</sup> UNDP data have shown that over 40% of Romani children in Romania are poorly fed and malnourished.<sup>274</sup>

High infant mortality rates are strongly correlated with Romani women's reproductive indicators.<sup>275</sup> In 2004, only 16% of Romani women reported using a modern method of contraception, compared with 38% of majority women.<sup>276</sup> Moreover, UNDP data have shown that around 23% of Romani women have no knowledge about contraception: abortions are the standard contraceptive procedure among this group of women (the total induced abortion rate for women aged 15-44 was 4.6 per 1000 Romani women, compared to 2.1 for Romanians and 1.2 for ethnic Hungarians).<sup>277</sup> Two thirds of the women who had an abortion reported to have had over five abortions during their fertile years.<sup>278</sup> This situation is related to many factors, e.g. the lack of or poor knowledge about modern contraception methods, poor access to modern contraceptives due to lack of resources, a shortage or lack of availability of modern contraceptives.

Health indicators are worrying for the Romanian Roma population, especially as regards infectious diseases. TB infection rates are of great concern especially, with Romania recording the highest incidence of TB in Central and Eastern Europe,<sup>279</sup> including the highest incidence of new cases of TB in children in all of Europe.<sup>280</sup> According to the WHO, the number of new cases of TB among the Roma in Bucharest was 1023.7/100,000 in 2001.<sup>281</sup> Considering the fact that a key factor in the spread of TB is poor housing, especially crowded living conditions, it is not surprising that the Roma are the most exposed to diseases associated with poverty and deprivation.

## Access to basic social security and healthcare

The national legislative framework guarantees Romanian citizens' equal right to participate in social and economic life and to enjoy social protection under certain conditions, to have access to education, to healthcare and to training. Equality of rights is a core value of the European Union, enshrined in Romanian legislation also, and an essential condition to realise European and national objectives of economic growth, labour market participation and social cohesion.<sup>282</sup> The Romanian constitution<sup>283</sup> (art. 34) recognises equal rights and the right to health protection for all citizens regardless of ethnicity, sex, religion, age and sexual orientation.

As far as basic social security and healthcare coverage is concerned, Romania operates a public health insurance system as the main financing mechanism for protecting the health of its citizens. Public health insurance provides access to a set of basic services for insured citizens in exchange for a monthly contribution paid to the National Health Insurance Fund. According to law no. 95/2006<sup>284</sup> regarding the reform of the healthcare sector, a person enjoying health insurance coverage has the following rights:

- "to choose the healthcare service provider as well as the health insurance house that issues the insurance within the boundaries of the present law and the frame contract;

272 Mercury Research (2006) *Tuberculosis partnership project Romania*, Bucharest.

273 Braham, M. *Untouchables: A study about the Roma population in Central and Eastern Europe*. (Geneva: UNHCR, 1993).

274 United Nations Development Programme, Regional Bureau for Europe and the Commonwealth of Independent States (2003). *The Roma in Central and Eastern Europe, Avoiding the Dependency Trap, A Regional Human Development Report, The Roma in Central and Eastern Europe*, (Bratislava: UNDP, 2003)

275 Population Action International. Reproductive risk index, available at: <http://www.populationaction.org>.

276 Ministerul Sănătății, Banca Mondială, UNFPA, USAID, UNICEF (2005), *Studiul Sănătății Reproductive: România, 2004. Raport Sintetic*, Buzău: Alpha MDN.

277 *Ibid.* 124.

278 *Ibid.* 125.

279 WHO (2003) *Global Plan to Stop TB*, available at: [http://www.who.int/tb/publications/global\\_plan\\_to\\_stop\\_tb/en/index.html](http://www.who.int/tb/publications/global_plan_to_stop_tb/en/index.html).

280 Presentation at TB international day, Romanian NTP, March 2002, handed over at DOW during a field trip.

281 WHO (2003).

282 Council of the European Union, *Council Conclusions on Common values and principles in European Union Health Systems*, 22 June 2006, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:146:0001:0003:EN:PDF>

283 The Romanian Constitution, art. 34, available at: [www.cdep.ro](http://www.cdep.ro).

284 Romania, Official Gazette no. 372, 28 April 2006.

- to be signed up on the lists of a GP of his/her choice if he/she satisfies all conditions of the present law, but taking responsibility for the transportation costs if signing up with a GP in a different locality;
- to change his/her GP not earlier than six months after signing up;
- to receive medical care, medication, sanitary materials and medical equipment without discrimination, within the limits set by the boundaries of the law;
- to attend prophylactic check-ups in accordance with conditions stipulated by the frame contract;
- to receive preventative medical care and interventions promoting health, including the early discovery of diseases;
- to receive medical services in outpatient clinics and hospitals that have contracts with health insurance houses;
- to receive emergency medical care;
- to receive certain forms of dental care;
- to receive physiotherapeutic treatment and recovery;
- to have access to medical equipment;
- to receive domiciliary medical care;
- to be guaranteed confidentiality regarding personal data, especially as regards diagnosis and treatment;
- to have the right to information about medical treatments;
- to have access to sickness leaves and health insurance allowances according to the law; and
- every insured person has the right to be informed at least once a year, through health insurance houses, about the services he/she has the right to, about the level of personal contributions and the mode of payment as well as about his/her rights and duties.

Furthermore, a person enjoying health insurance coverage has the following obligations:

- to pay health insurance and co-payments;
- to present to institutions delivering healthcare services documents that prove his/her insured status;
- to sign up with a GP;
- to inform his/her GP of any changes in his/her health status;
- to attend prophylactic and regular check-ups;
- to inform his/her GP and the health insurance house of any changes in his/her identity data or of changes in his/her insurance category;
- to strictly follow doctors' treatments and recommendations; and
- to have a civilized demeanour with medical personnel.

Taking into account the aforementioned rights and obligations, one may make a distinction between preventative medical services (aimed at preventing illness, the early detection of disease and maintaining good health) and curative ones (insured persons have the right to curative medical services that restore health, prevent complications, ensure recovery or at least reduce suffering). Furthermore, one may distinguish between the medical services available to different groups of citizens, i.e. a minimal set of services available to all citizens, regardless of insurance status and a basic set of medical services available to those who enjoy insured status. This minimal set of services includes medical and surgical emergencies, epidemic control, services included in the national programme for immunisations, the monitoring of pregnancy and post-partum care period and family planning.

The switch to a health insurance system represented, for political decision-makers, a response to the challenges faced by the healthcare system. However, policymakers switched to a health insurance system without taking into account the results of numerous analyses and scientific studies showing a continuous increase of poverty among the Romanian population. A study published by the Ministry of Labour, Family and Social Protection on poverty and social inclusion in Romania revealed that the number of persons who directly received at least one form of social protection measure in 2009 was 9,729,100, i.e. 45.3% of the Romanian population. Furthermore, the increase in the number of unemployed went up sharply in 2009: at the beginning of that year 403,441 persons were registered as unemployed by the County Agencies for Labour and by the end of the year 709,383 were registered as unemployed, a significant increase of 305,942

persons.<sup>285</sup> The most recent figures available suggest that the number of unemployed also continued to rise during 2010, reaching 725 000 unemployed.<sup>286</sup>

Hardship and the economic changes that Romania has experienced (successive waves of privatisation, the closure of enterprises, job loss etc.) have led to a significant decline in standards of living in the general population, but especially among the most vulnerable groups. The latter have found it impossible to access healthcare services due to the lack of health insurance, which must be purchased either as an employee or through direct payment to the single national health insurance fund. In addition, there is another category of citizens who, although insured, cannot afford the costs of treatment and/or the access to high quality healthcare services either because the health insurance does not cover expensive and modern healthcare procedures (diagnostic services such as tomography for example) or because the waiting lists for such procedures are too long. There are also cases where certain treatments are not fully covered by the public health insurance (compensation amounting to only 70%).

Not surprisingly, changes to the healthcare system have generated confusion, frustration, a negative perception about the services available in the public healthcare system among a large share of the population, with system-level weaknesses and vulnerabilities becoming increasingly more visible. Among these, a focal point of general discontent has been the recognition of the fact that the public healthcare system is unable to provide high-quality medical care regardless of patients' social situation or area of residence.

The scholarly literature, studies and research that analyse user satisfaction with the quality of service provision<sup>287</sup> have revealed that Romanians tend to be worried. Patient worries have been linked to the quality of healthcare services offered and the risks of growing inequalities in accessing such services. These have been perceived to have long-term effects on the health of the population, an outcome that contradicts the principle of social equity stipulated in the Romanian and European legislative frameworks. Romanian legal documents have integrated the values and principles that European documents mention, but in spite of this fact equitable access to high-quality medical care is only an institutionalised promise and not a right that citizens can exercise.

At present, as regards the access to healthcare service, one is witnessing the separation of the Romanian population into two categories: one category has access to quality healthcare providers and medication because they have the resources to do so and live in the more developed regions of the country. The other, increasingly more numerous category is constituted by individuals facing difficulties in accessing primary and secondary healthcare services due to the absence of doctors and healthcare providers in increasingly more areas throughout the country, especially in the countryside.

As far as Roma are concerned, studies have revealed that many either have limited access to services or are formally or informally excluded from healthcare provision<sup>288</sup>. Although primary medical care coverage (through GPs) appears to be quite high among the Roma (87% of respondents said they had a GP and the highest coverage rate was observable among those over 50 – a coverage rate of 91%), access to these services remains rather low. GPs command much trust (67%), but in case of sickness many Roma prefer to rely on self-medication without prescriptions or to follow traditional methods (56.5%) rather than seek medical attention even when the illness would require a visit to the GP.<sup>289</sup> In the sub-sample

285 The Ministry of Labour and Social Protection, Social Inclusion programmes Directorate. *Report regarding poverty and social inclusion in Romania in 2009*.

286 Romanian Statistics Office, *Labour Market report*, December 2010, available at: [http://www.insse.ro/cms/files/Anuar%20statis-tic/03/03%20Piata%20fortei%20de%20munca\\_ro.pdf](http://www.insse.ro/cms/files/Anuar%20statis-tic/03/03%20Piata%20fortei%20de%20munca_ro.pdf).

287 Public opinion poll concerning healthcare services carried out in Romania. 2002, 2003. The Center for Health Policies and services; The Statistical Digest of the Ministry of Health. 2003, 2004. INS. 2001. 'The Romanian population's health status'. The Presidential Administration – The Presidential Commission for the Analysis of Social and Demographic Risks. 'Risks and social inequalities in Romania'.

288 Romani CRISS. 2007. *Healthcare services and the Roma. Evaluating the health mediation programme*. Sastipen. 2009. *Assessing the access of Roma to public healthcare services*. Open Society Institute. 2005. *Mediating Roma Health-Policy and Programme Opportunities*.

289 Sastipen (2009) *Assessing the access of Roma to public healthcare services*. Accessed from [www.sastipen.ro](http://www.sastipen.ro), p. 56. Report developed within the project „Evaluation of the access of Roma to public health services”, a project financed by the Governments of Iceland, Principality of Liechtenstien and Norway through the Financial Mechanism of the European Economical Area, Project Report presented at Final Project Conference, in course to be published.

of Roma respondents who received medical care from their GPs during the 12 months prior to asking, almost one third of respondents (28%) said that although they would have required medical care, they had not sought the services of their GPs. Those who were most likely to say this were elderly respondents, aged 50 and over.<sup>290</sup> In addition, only 37% of those accessing primary healthcare services (the GP) did so in order to receive preventative medical check-ups when not suffering from any symptoms. In these circumstances, the main reason for refraining from accessing primary healthcare services was a lack of financial resources (38%).<sup>291</sup> It is likely that the precarious economic situation that many Roma experience is responsible for beneficiaries' poor access, but also for the quality of the services provided. A significant share of respondents revealed that the distance to their GPs was too far, constituting an important obstacle to not accessing primary medical care. Some of the participants in the study said that their GPs' behaviour was inappropriate (for example: did not follow the order of patients' arrival at the surgery and consulted Romani patients last or asked Romani patients to return at other times even when GPs might have had to consult them) and they mentioned this as their main reason for refraining from relying on primary healthcare provision.

Health insurance was paid by 71% of Roma respondents, with the oldest age group (the one that also includes pensioners) the most likely to have insurance, and the youngest – those aged between 18 and 29 – the least likely to have health insurance. A lack of financial means is the main reason for which some Roma fail to pay health insurance contributions. The second most frequently cited reason is the lack of a job. There are substantial differences in access to public healthcare services as a result of limited means, particularly financial hardship, but informational barriers should not be omitted either.

Among the main barriers to accessing healthcare services are ignorance about the prevention of ill health and lack of information about user rights and about the means of accessing healthcare services. Only around a quarter of the Roma regard themselves to be informed about the factors that influence their health, which demonstrates the need for increasing information at the community level.<sup>292</sup> This conclusion is reinforced by the fact that generally speaking, the Roma are not very preoccupied by health concerns.

There appears to be an imbalance in respondents' perceptions about the degree to which they are informed about health problems. As already stated, only around one quarter of the Roma regard themselves as informed about factors that influence their health, pointing to the need for community-level information. Romani communities tend to be located at the margins of their respective localities and this is particularly true in urban areas. This might illustrate the marginalisation of Romani communities by the majority population, but may also be regarded as the outcome of outwardly oriented migration among the Roma, from the centres of urban settlements towards open spaces, expanding peripheries. The outcome of this possible process of outwardly migration may be seen as a typical behaviour for homogenous social groups, determined by the need of certain communities/groups sharing socio-economic characteristics to coagulate around a nucleus that is distinct and separated from that of a different social or socio-economic group.

As regards perceptions about their health status, the Barometer of Roma Inclusion<sup>293</sup> included the question "How content are you with your health?" – 55% of Roma respondents said they were satisfied in this regard. In 2009, Romani Criss coordinated a national survey aimed at evaluating the health of the Roma population.<sup>294</sup> Results revealed that eight in 10 respondents (80%) said they were in good or very good health and only 4.6% said they were in poor or very poor health. The study "An evaluation of the access of Roma to public healthcare services"<sup>295</sup> found that four in 10 Roma (39%) thought they were in good or very

290 *Ibid.*

291 *Ibid.*

292 *Ibid.*

293 Bădescu, G., Grigoraş, V., Rughiniş, C., Voicu, M. and Voicu, O., *Barometrul Incluziunii Romilor* [Roma Inclusion Barometer], (Bucharest: Open Society Foundation, 2007).

294 Romani Criss, *Sănătatea și comunitatea romă, analiză asupra situației din România* [Health and the Roma Community: An Analysis of the Situation in Romania], 2009.

295 Sastipen, 2009, *Assessing the access of Roma to public healthcare services*, 56, Report developed within the project „Evaluation of the access of Roma to public health services”, a project financed by the Governments of Iceland, Principality of Liechtenstein and Norway through the Financial Mechanism of the European Economic Area, Project Report presented at Final Project Conference, in course to be published.

good health, another three in 10 (30%) estimating their health to be neither good, nor poor. Another 30% thought they were in poor or very poor health.

It is not possible to conclude, based on the data presented earlier, that perceptions among the Roma had deteriorated significantly over the three years covered by these surveys (although respondents believed and stated this) because the researchers used different indicators. What may be said, however, is that Roma tend to be optimistic about their health and tend to provide positive self-assessments of their health in general. Similar studies carried out in Romania<sup>296</sup> confirm this phenomenon. Still, results of qualitative studies (Fleck and Rughiniş, 2008)<sup>297</sup> and the analysis of non-subjective indicators of health (life expectancy, infant mortality – UNDP 2002)<sup>298</sup> contradict survey data on self-assessment and identify a range of problems that limit the access of Roma to quality healthcare services.<sup>299</sup> Furthermore, it is possible that the rather positive perception that Roma respondents share about their health is a symptom of their limited education on health issues and their lack of awareness of their own health problems, particularly when in reality statistical information about Romanian citizens in general contradicts such positive perceptions. Furthermore, positive perceptions about one's health may be linked to a lack of awareness about health risks, another potential symptom of low awareness.

According to the analysis "The access of the population to public healthcare services,"<sup>300</sup> Romanian citizens most likely to be socially excluded or who have difficult access to healthcare are characterised by the following: have limited economic resources, are residentially disadvantaged in their access to healthcare services, have little education, have difficulties in accessing information on health and healthcare and are members of a minority group. Socially excluded groups include low-income families lacking health insurance, people on occasional/irregular incomes, people on unemployment benefit or in receipt of the guaranteed minimum income (social assistance), rural families or families living in areas lacking healthcare coverage, elderly people without or on low incomes, children and youth without a stable address. A significant proportion of Romanian Roma may be included in the profile of socially excluded citizens with limited access to public healthcare services.

In order to be able to access public healthcare in Romania, one needs to prove his/her insured status and the truth of the fact is that a significant share of the Roma population is unable to attain insured status. Exclusion is the joint effect of a set of specific factors that are tied to discrimination, but also universal barriers arising from the organisation and functioning of the public healthcare system in Romania.<sup>301</sup>

Theoretically, once insured, one should face no barriers in accessing public healthcare. In practice, however, insured Roma individuals have been found to face prejudice and stereotypes when interacting with medical personnel, thus facing challenges in accessing public healthcare services.

*"Some medical personnel discriminate against Roma patients, GPs refusing to include them on their lists, abusing them verbally or subjecting them to degrading behaviour. In 1998, 28.1% of Roma respondents said that Roma are generally treated more poorly than other ethnic groups when seeing a doctor."<sup>302</sup>*

*"There are generally the same problems as at the national level: discrimination, that's first." (Roma representative within the County Prefecture).<sup>303</sup>*

296 Open Society Institute. 2005. *Mediating Roma Health-Policy and Progra Opportunities*. Cace, S. and Vladescu, C. 2004. *Starea de sănătate a populației rome și accesul la serviciile de sănătate* [The health status of the Roma population and access to healthcare services], Iasi: Editura Expert.

297 Fleck, G. and Rughiniş, C. (2008) *Vino mai aproape. Incluziunea și excludiunea romilor in societatea românească de azi* [Come closer. The inclusion and exclusion of Roma in today's Romanian society], Bucharest: Human Dynamics.

298 United Nations Development Programme (2002) 'Avoiding the Dependency Trap, A Regional Human Development Report, The Roma in Central and Eastern Europe', Bratislava: UNDP.

299 Open Society Institute New York, Network Public Health Programme (2005) *Mediating Romani Health: Policy and Program Opportunities*, available at: [http://www.opensocietyfoundations.org/sites/default/files/roma\\_health\\_mediators.pdf](http://www.opensocietyfoundations.org/sites/default/files/roma_health_mediators.pdf).

300 Dobos, C. (2004) *Accesul populației la serviciile publice de sănătate* [The access of the population to public healthcare services], Calitatea Vieții, 3-4/2003 published in 2004, available at: [www.revistacalitatevietii.ro/](http://www.revistacalitatevietii.ro/)

301 Romani CRISS (2007) *Serviciile de sănătate și romii. Evaluarea sistemului de mediere sanitară* [Healthcare services and the Roma. Evaluating the health mediation programme], 19.

302 *Ibid*, 22.

303 Sastipen, *Assessing the access of Roma to public healthcare services*, 137.

*“One example of discrimination is the ethnic segregation of patients in hospitals, a growing phenomenon on the increase in Romania. Unfortunately, it is very difficult to identify such cases and to report them to the relevant authorities for sanctioning. Discussions with Roma women in particular revealed that this type of behaviour was particularly salient on maternity wards and in paediatric units. Taking into account the aforementioned issues, equality of access in healthcare is improbable.”<sup>304</sup>*

An investigative report carried out by the Roma Center for Health Policies – Sastipen as regards the access of Roma to public healthcare services<sup>305</sup> highlighted the fact that stereotypes and prejudice against the Roma play a particularly important role in the provision of medical care. Ethnic discrimination among patients in hospitals is a widespread practice as shown by the increase in the number of registered infringements on Roma right to healthcare services, as reported by the National Council for Combating Discrimination.<sup>306</sup>

It must be noted that decision-makers have been faced with an absence of extensive reliable information on the range of problems that many Roma face and studies, monitoring reports and independent evaluations have been unable to provide sufficient information about improvements in citizens of Roma ethnicity access to public healthcare services. There is need for systematic data collection about the health status of Roma, which is indispensable for more efficient policy amendments and interventions and for a better grounding of these changes in this sector. At the same time, the lack of reliable information represents an impediment for the re-evaluation of existing public policies and their adaptation to the current needs of Romani communities.

The new Government Strategy for the Inclusion of Romanian Citizens belonging to the Roma Minority is grounded in principles that require the extension of basic social security and public healthcare services to citizens of Roma ethnicity. The chapter on health in government decision no. 1221/2011 stipulates, in general terms, several lines of action that might lead to an improvement access to healthcare services and their inclusion into the health insurance system, but concrete measures in this regard have not been formulated yet.

The section on health of the Plan of Sectoral Measures for 2012-2013 does not contain concrete interventions for attaining better basic social security and healthcare services coverage. However, a series of actions are planned with the aim of improving the level of health education among the Roma, the prevention of illnesses both among adults as well as children, improving immunisation rates among the Roma and promoting health assessments. The Romanian Cabinet, through the Ministry of Health, has assumed responsibility only for preventative measures that are already being implemented at local / community level through public health programmes for Romanian citizens. These actions are part of preventative medicine and tend to materialize as awareness raising campaigns to raise awareness, such as:

- *“Local health campaigns with a preventative focus aimed at mothers and infants;*
- *Supporting young Roma university graduates in the medical field in finding employment, particularly in Romani communities;*
- *The implementation of health education programmes, medical check-ups and family planning activities aimed at mothers and their children;*
- *Immunisation campaigns;*
- *Information, education and communication campaigns for the prevention of TB, HIV/AIDS, sexually transmitted diseases, hepatitis etc.;*
- *Action plans in Roma healthcare through the stimulation of partnerships between local authorities and NGOs;*

304 Radulescu, D., *Egalitate de șanse în sistemul de sănătate publică: studiu de caz* [Equality of opportunity in the public healthcare system – a case study], The Roma Center for Health Policies – Sastipen, available at: <http://www.sastipen.ro/egalitatea-de-sanse-in-sistemul-de-sanatate-publica>.

305 *Raport de documentare privind lezarea dreptului la demnitate personală și ingradirea accesului, unui număr de trei femei de etnie romă, la serviciile oferite de Secția Obstetrică-ginecologie a Spitalului Orasenesc Târgu Neamț* [A documentation report regarding the violation of three Romani women’s right to personal dignity and of their access to the services of the Obstetrics-Gynecology department of the Târgu Neamț town hospital], available at: [www.sastipen.ro](http://www.sastipen.ro).

306 National Council for Combating Discrimination, *Decision. 149*, 7 July 2010.

- *The implementation of information campaigns among Romani women about risks associated with early marriage, the prevention and combating of domestic violence and human trafficking.”*

Discussions with different public health experts<sup>307</sup> have led to the conclusion that the interventions planned in the Strategy do not completely reflect the need for extending basic social security and healthcare coverage among the Roma and they are not commensurate with the challenges that many Roma ethnics face.

There is a problem of coherence in the Strategy between the proposed objective, envisaged activities and the indicators proposed to monitor changes. (The objective is to stimulate measures that promote health in order to improve access to public healthcare services among the Roma, but these actions are mainly health promotion campaigns and the envisaged result is greater coverage of the health mediation programme).

The encouragement of Roma medical students to be involved and develop a medical career can contribute in two ways to improved access of Roma to public healthcare. Firstly, by attracting students to study medicine, the provision may support the emergence of role models in Romani communities. Secondly, would-be Roma doctors and medical personnel could become agents of change in their respective communities. By assuming their ethnic identity, they may become promoters of better access to public health services among the Roma.

## Barriers that prevent access to healthcare services

As far as formal barriers preventing access to healthcare services are concerned,<sup>308</sup> the most important aspect is the lack of health insurance.

- The lack of identity documents no longer constitutes a widespread problem among the Roma and is no longer an important barrier in accessing public healthcare services for the Roma, therefore. The Sastipen study mentioned above concluded that in the communities where health mediators were active, very few Romani adults lacked identity documents. Only 1.7% of the Roma declared that they did not have a birth certificate and only 2.6% said they did not have an identity card. Although the health mediators' job description<sup>309</sup> does not include offering assistance with obtaining valid identity documents, health mediators have made significant contributions to supporting institutions in dealing with this issue.
- The main obstacle in accessing healthcare services remains the lack of health insurance arising from the failure to pay monthly contributions to the national health fund. According to the report entitled "Evaluating the access of Roma to public healthcare services",<sup>310</sup> a lack of financial resources is the main reason for which six out of 10 respondents do not pay healthcare contributions (57%) and the second most commonly cited reason is the lack of a job, mentioned by a quarter of respondents (26%).
- For many Roma, a vicious circle of poverty has contributed significantly to the lack of health insurance. In situations of poverty, people are unlikely to make mandatory health insurance payments regardless of ethnicity. This suggests that policymakers must adopt an integrated approach that links the lack of access to health services and poor health status to poverty.
- In conditions of poverty, people are unlikely to pay mandatory health insurance regardless of ethnicity. Disadvantaged Roma individuals who can prove that they do not have any income are covered by health insurance through their access to the guaranteed minimum income (social assistance). According to art. 213 2.g. of law no. 95/2006 regarding healthcare reform and subsequent amendments, individuals in receipt of social assistance according to law no. 416/2000 regarding the guaranteed minimum income are exempted from the obligation to pay for health

307 Interview with Daniel Radulescu, Sastipen president, January 2012; interview with Corina Teodor – personal counselor to the Minister of Health; interview with Daniel Raducanu, Roma expert within the Neamt county Prefecture; interview with Hanna Dobronauteanu, expert in health mediation.

308 Sastipen, *Assessing the access of Roma to public healthcare services*, 33.

309 Order no. 619/2002 regarding the organisation and functioning of health mediation.

310 Sastipen, *Assessing the access of Roma to public healthcare services*, 76.

insurance out-of-pocket, as their health insurance is covered from the state budget (as stipulated by law no. 416/2000 regarding the guaranteed minimum income). There are situations when, as a result of regulations imposed through local council decisions in line with the principle of local authorities' autonomy,<sup>311</sup> or as a result of changes in social assistance claimants' economic situation (e.g. earned income exceeds the per capita limit to qualify for the benefit), the social assistance granted according to law no. 416/2000 is withdrawn and, as a result, the health insurance provided through art. 213 of law no. 95/2006<sup>312</sup> is also withdrawn.

- Sastipen's 2010 report highlighted that the legislation that regulates the mode of payments to the national health fund, i.e. the fiscal code and the provisions of law no. 95/2006, also played an important role in the process of obtaining health insurance. The retroactive payment of contributions to the national health fund is a formal barrier that affects the access of Roma to public healthcare services. The database of the National Health Insurance House contains information about the status of contributions paid by each citizen. Those who have never paid health insurance contributions are required to pay, at the moment of starting health insurance contributions, a retroactive contribution covering six months at the minimum rate (calculated as a percentage of the minimum wage). In order to maintain their health insurance, individuals who have received social assistance, those who have had a work contract or have had a contract with the National Health Insurance House need to pay retroactively for the period when they lacked health insurance. Due to financial difficulties, in most cases Roma cannot pay for these gaps in health insurance coverage and do not understand why they should pay for health insurance retroactively if they made use of no medical services over that period, according to the law.<sup>313</sup>

Sastipen's public policy recommendation in the field of health, formulated in 2010 and forwarded to the Ministry of Health, the Office of the Prime Minister and the National Agency for Roma, made reference to this issue and proposed a series of measures<sup>314</sup> aimed at removing this formal barrier to obtaining health insurance. Although the authorities welcomed these in their official responses and mentioned that they would consider Sastipen's recommendations, the new Strategy for the improvement of the condition of the Roma, cabinet decision no. 1221/2011, does not contain proposals for the amendment of the legislation regulating health insurance and it only makes reference to a measure whose aim is to *"identify solutions to include members of the Roma minority into the health insurance system, registration with GPs etc."*

Discussions with the health expert<sup>315</sup> within the National Agency for Roma revealed the fact that this organisation has made important progress towards tackling the issue of retroactive health insurance payments. According to the organisation's activity reports,<sup>316</sup> a range of meetings were held with representatives of the National Health Insurance House on the issue of retroactive payments, but results have been marginal because an effective solution would require a proposal to amend the current health insurance legislation.

Considering the problem of health insurance contributions, the only intervention identified to support the access of Roma to healthcare has been the health mediation programme. The health mediator is the person who has to find solutions for ensuring the access of Roma to healthcare services. However, health mediators cannot work out long-term solutions and ensure the sustainability of health insurance payments for poor Roma beneficiaries.

311 Law no. 215/2001 regarding local public administration, with later modifications and amendments.

312 Official Gazette no. 372, 28 April 28 2006.

313 Interview with an expert on social inclusion, the Ministry of Health: 15 January 2013.

314 Strategic directions: Increasing public authorities' role in the process of development and implementation of public health programmes aimed at Romani communities; Redefining the health mediation programme in the context of public healthcare decentralisation; Implementing prophylactic programmes / interventions that can contribute to the reduction of health risks; Developing a community monitoring system that could improve standards of quality in public healthcare service delivery; Adopting a programme for promoting the training of future Roma specialists in healthcare; Improving the access of Roma to public healthcare services through combating existing discriminatory behaviors among providers of such services.

315 Interview with NAR expert Mariana Buceanu, Bucharest: January and February 2013.

316 <http://www.anr.gov.ro/html/Rapoarte.html>



## Access to basic, emergency and specialized healthcare services

A study carried out by Sastipen, entitled “The access of Roma to public healthcare services” mentions the fact that the uninsured Roma population has the right, according to law, to the minimum set of services that GPs offer<sup>317</sup> and to emergency services provided by hospitals. However, given the lack of health insurance, GPs do not issue referrals to specialists contracted by the National Health Insurance House and, as a result, uninsured patients have to pay out-of-pocket for specialists’ services.

Still, taking into account the obligation to offer medical care in localities that do not have clinics or hospitals adapted to local needs, as close as possible to citizens, provided through medical institutions that respect applicable guidelines, Romania passed ordinance no. 58/2011 with an aim to adapt existing regulations regarding the creation of multifunctional health centres.<sup>318</sup> This step took place in the context of a number of constraints arising from the need to remain within the boundaries of the budget allocated for the financing of medical services in outpatient clinics and hospitals. These centres would offer the same type of medical care as outpatient clinics and hospitals in safe and secure conditions for patients, and without affecting the quality of services. According to the provisions of art. 5.4. of emergency ordinance no. 58/2011, multifunctional health centres would be equipped with: specialty surgeries, between five and 20 outpatient beds, emergency wards, test labs and/or a radiology and medical imaging lab.

Under current conditions of severe under-funding in the public health sector and considering the implementation of health reform, the Romanian state has been making efforts to ensure the access of the entire population to basic, emergency and specialised services. The Roma, alongside other segments of the Romanian population, are among the main beneficiaries of these multifunctional centres as these are created in rural areas. At present, the National Institute for Public Health accounts for eight such multifunctional centres and another 12 are under development.<sup>319</sup> As far as emergency services are concerned, particularly in rural areas, there are 248 permanent centres,<sup>320</sup> offering emergency services around the clock and especially during weekends, through the services of GPs. These services are delivered to anyone, regardless of health insurance status.

So far, no data have been made available about the outcomes of these interventions. Nor are there assessment methodologies available to monitor them.

According to the provisions of the Strategy,<sup>321</sup> *“the specific objective of the strategy for the improvement of the condition of Roma 2011-2020 is the stimulation of measures promoting health that can contribute to improving the access of citizens belonging to the Roma minority to public healthcare services and their life expectancy.”* Lines of action formulated in the strategy do not refer directly to improving the access of the Roma to basic, emergency and specialty services. However, the strategy does make reference to the initiation of specific preventative and treatment programmes. It should be noted that the strategy should interlink with already existing, legally regulated actions that have been implemented by the relevant authorities.

Romani women face the most severe discrimination when trying to access gynaecological and paediatric services. Segregated rooms<sup>322</sup> for Romani women on maternity and paediatric wards, degrading treatment, judgmental remarks are part and parcel of daily experiences within the public healthcare system, although – in public discourse – Romania is a country that promotes equality of opportunity, non-discrimination and is completely aligned with European regulations in these respects. The section on health in the Strategy<sup>323</sup>

317 Sastipen, *Assessing the access of Roma to public healthcare services*, 74.

318 Stipulated by art. 5 of Emergency Ordinance no. 70/2002 regarding the administration of county and local level public medical units, approved with changes and amendments through law no. 99/2004, with later changes and amendments.

319 Ministry of Health, press release, available at: <http://www.ms.ro/?pag=62&id=9024>.

320 Permanent centres operate according to government ordinance no. 7/2011.

321 Government decision no. 1221/2011, section C. Health, 20.

322 Interview with health mediator in Almasu Mare, Salaj county: May 2010. ‘Raport de documentare privind lezarea dreptului la demnitate personala și ingradirea accesului, unui numar de trei femei de etnie romă, la serviciile oferite de Sectia Obstetrica-ginecologie a Spitalului Orasenesc Targu Neamt’ [A documentation report regarding the violation of three Romani women’s right to personal dignity and of their access to the services of the Obstetrics-Gynecology department of the Targu Neamt town hospital], available at: [www.sastipen.ro](http://www.sastipen.ro).

323 Government decision no. 1221/2011, section C. Health, pp. 20-21.

makes reference to information and training campaigns aimed at medical staff concerning specific problems arising from Romani traditions and culture that Romani women face. The strategy contains interventions for Romani women focused on health protection for mothers and their children, early marriage, the prevention and combating of domestic violence and family planning. The following lines of action are mentioned:

- *“Local health campaigns with a preventative focus aimed at mothers and infants;*
- *Supporting young Roma university graduates in the medical field in finding employment, particularly in Romani communities;*
- *The implementation of health education programmes, medical check-ups and family planning activities aimed at mothers and their children;*
- *Immunisation campaigns;*
- *Information, education and communication campaigns for the prevention of TB, HIV/AIDS, sexually transmitted diseases, hepatitis etc.;*
- *Action plans in Roma healthcare through the stimulation of partnerships between local authorities and NGOs;*
- *Implementation of information campaigns among Romani women about risks associated with early marriage, the prevention and combating of domestic violence and human trafficking.”*

In order to implement the interventions contained in the Strategy, the National Agency for Roma financed campaigns to promote the health of Romani women.<sup>324</sup> These involved medical staff and laboratory medical staff visiting Romani communities with instruments and carrying out various tests and offering medical counselling. Through these campaigns, the Agency included on the public agenda the need for continuing such initiatives for Romani women, which can improve communication between medical personnel and female Romani patients.

In order to overcome this situation, there is a need for the constant and systematic promotion of the idea of Romani women’s equal participation both in public and in private life, in line with the principles of equality of opportunity, gender equality and non-discrimination.

## **Discrimination in accessing the public healthcare system against the Roma**

Roma organisations frequently report cases of discrimination and rights violations against Roma in the healthcare system to the National Council for Combating Discrimination (NCCD) and the Medical Council. Roma and other NGOs have been making exceptional efforts to demonstrate cases of discrimination in public health provision. The reason for this is that in a system that is unable to provide protection for victims of abuse, the latter refuse to file complaints with the NCCD. At the same time, in cases where victims do decide to file a complaint, the investigations tend to last very long and victims lose heart during the process.

An example in this regard is the case of two Romani women in Targu Neamt, who were denied access to the services of the town hospital’s obstetrics and gynaecology department. These cases were documented by the Roma Center for Health Policies – Sastipen and, in September 2009, the organisation filed a complaint with the NCCD.<sup>325</sup> In July 2010, the NCCD’s Council of Directors, through decision no. 149, decided that the incidents reported by the organisation constituted ethnically-motivated harassment according to art. 2.5. of government ordinance no. 137/2000 regarding the prevention and punishment of all forms of discrimination. The NCCD decided to sanction the doctor in question with a warning. This case was solved in 11 months and during this time the two victims had arrived at an agreement with the doctor.

The authors of the study “Assessing the access of Roma to public healthcare services<sup>326</sup>” highlighted health mediators’ testimonies regarding rights violations by medical staff, particularly in emergency rooms and on obstetrics and gynaecology and paediatrics wards in public hospitals. The authors of the study “The health

324 NAR, <http://www.anr.gov.ro/html/Rapoarte.html>.

325 Petition no. 8594 of 23 September 2009 handed to the NCCD.

326 Sastipen *Assessing the access of Roma to public healthcare services*.

status of Roma – the perspectives of involved actors: doctors, mediators, patients<sup>327</sup> presented cases of discrimination and of rights violations by GPs and hospital staff. Both reports highlighted the fact that Roma encounter discrimination and that neither the Medical Council, nor the Order of Nurses have a clear procedure for tackling such cases.

The only mechanism available at present is the National Council for Combating Discrimination, an autonomous state institution under the control of the Parliament, and the only specialised public body in the field of non-discrimination. The Council represents the institutional guarantee for the respect for and application of the principle of non-discrimination in line with the national legislation in force and with international covenants ratified by Romania. At the same time, in accordance with domestic law, another independent institution with authority in this field is the Romanian Medical Council,<sup>328</sup> whose Ethics Committee has the competence to examine acts through the lens of patients' rights, professional ethics and rules of conduct. Furthermore, the Council also operates a committee for malpractice with the duty to verify aspects that might be tied to medical liability. What is noteworthy from the vantage point of discrimination is the fact that, according to Romania law, the only institution that has jurisdiction over solving a case is the NCCD and these two institutions (the NCCD and the Medical Council) do not need to reinforce one another.

The Strategy<sup>329</sup> includes measures that should address discriminative practices and ensure equality of opportunity in a range of social welfare domains, such as healthcare, education, housing, labour market activation and, of course, decision-making. Despite these measures, Roma face serious discrimination in the process of accessing social welfare services,<sup>330</sup> a situation which, in turn, leads to a sense of insecurity among the Roma in accessing public healthcare services.

## Patients' rights and corruption in the healthcare system

Romania has a law on patients' rights,<sup>331</sup> which regulates the right to information, treatment and medical procedures and which establishes the rules of conduct that govern medical staff-patient interactions. Provisions of this law are usually posted in visible places in hospitals, surgeries, outpatient clinics or other healthcare institutions. As regards the monitoring of this law, an independent perspective might be the one formulated by civil society: patients' associations could play an important role in providing an impartial perspective, but their input tend to be insufficiently articulated to lead to policy change.

Medical and nursing staff are informed about the provisions of this law, but there are serious shortcomings in its implementation. Medical staff cite chronic understaffing and the overburdening of medical personnel across the board as the main reasons for not respecting the provisions of this law.

There is need for an integrated approach to tackling issues of patients' rights<sup>332</sup> in Romania and the absence of harsh and concrete punishments in documented cases of patients' rights abuses does little to induce the necessary policy changes and to eliminate the non-implementation of existing legal provisions.

327 Romani CRISS, 2011. *Drepturile omului în practică. De la discriminarea romilor la abuz al responsabililor cu aplicarea legii (2008-2009)* [Human Rights in Practice. From discrimination against Roma to law enforcement officials' abuse (2008/2009)], available at: <http://www.romanicriss.org/PDF/Raport%202008-2009%20rom.pdf>.

328 Law no. 95/2006 regarding reform in the health sector, Title XII.

329 Government Decision no. 430/2001 regarding the approval of the Romanian Government's Strategy for the Improvement of the Condition of Roma. The decision to approve the Strategy of the Romanian Government for the Inclusion of Romanian Citizens belonging to the Roma Minority for the period of 2012-2020 was taken on December 14th 2012, published in the Official Gazette no. 6, 4 January 2012.

330 Documentation reports in the project 'Monitoring Roma discrimination in the access to public healthcare services', available at: <http://www.sastipen.ro/domenii-de-activitate/acces-egal-la-servicii-de-sanatate-2>.

331 Law no. 46 /2003 regarding patients' rights, published in the Romanian Official Gazette no. 70, part I, 3 February 3 2003.

332 Interview with George Radulescu, programme coordinator 'Improving the access of Roma to public healthcare services', January 2013; Interview with Madalin Morteau, programme coordinator "Monitoring Roma discrimination in the access to public healthcare services", January 2013.

Another phenomenon affecting the public health sector is corruption.<sup>333</sup> *"A World Bank (2005) study estimated that informal payments in Romania amounted to €300 million in 2004. Informal payments are more frequent among patients in hospital care, with some hospital doctors earning several times the national average salary informally, while others receive no unofficial payments. In 2008, a household budget survey highlighted the fact that while 63% of the impoverished population made out-of-pocket payments for medical care and 88% of the high-income population did the same, informal payments were made by 57% of the total population. What is most worrying is the fact that the incidence of informal payments increased from 30.5% in 2001."*<sup>334</sup>

Public debates around "informal payments in the public healthcare sector" have suggested that one of the reasons for the persistence of corruption is the low level of wages among medical personnel, although the latter admit, under conditions of anonymity, that the problem is in fact mentality-related and that salary increases would not lead to the disappearance of "bribes" upon admittance into hospital. Informal co-payments represent a barrier to accessing healthcare services for low-income citizens, including many Roma. In fact, the Ministry of Health has assumed responsibility for the eradication of this phenomenon in an action plan for the implementation of the National Anti-Corruption Strategy 2012-2015.<sup>335</sup>

## Health awareness campaigns for Roma

The health mediation programme has been functioning at the national level in Romania since 2002<sup>336</sup> and is regarded by specialists<sup>337</sup> as one of the best models of collaboration between civil society and central government institutions. This partnership responsibly applies concrete measures in the benefit of members of disadvantaged Romani communities in the broader context of implementing measures included in the national strategy for the improvement of the condition of the Roma.

Through the health mediation programme, the Ministry of Health implements a range of activities in Romani communities that are included in the national strategy for the improvement of the conditions of the Roma, e.g. health education campaigns, immunisation campaigns, training campaigns for Romani women on the importance of infant care, family planning, health prevention, the hygiene of living and housing environments, the obtainment of health insurance etc. In 2008, 688 health mediators worked in the healthcare system, but the decentralisation of the health mediation programme led to a continued decrease in the number of mediators. Furthermore, according to the Ministry of Health, only 420 health mediator positions were budgeted for 2012.

As regards health mediators' responsibilities, evaluators of the health mediation programme<sup>338</sup> have paid special attention to the implementation of the health mediation system and less attention to the impact of this intervention on beneficiaries. Data reveal that a larger share of the Roma go to the GP in communities where health mediators have been active than in communities where health mediators have been absent.<sup>339</sup> Analyses have also drawn attention to the overstretching of health mediators. Their overburdening is observ-

333 See: <http://www.ziare.com/articole/spaga+doctori+romania>; [http://www.euractiv.ro/uniunea-europeana/articles%7CdisplayArticle/articleID\\_667/euractiv.html](http://www.euractiv.ro/uniunea-europeana/articles%7CdisplayArticle/articleID_667/euractiv.html).

334 Societatea Academică Română (2010) Report no. 32, *The functional analysis of the Romanian healthcare sector*, 42. Accessed from [http://www.sgg.ro/docs/File/UPP/doc/rapoarte-finale-bm/etapa-II/MS\\_RO\\_FR%20Health%20Sector\\_ROM.pdf](http://www.sgg.ro/docs/File/UPP/doc/rapoarte-finale-bm/etapa-II/MS_RO_FR%20Health%20Sector_ROM.pdf)

335 Ministry of Health, STRATEGIA NAȚIONALĂ ANTICORUPȚIE PE PERIOADA 2012 – 2015 [National Anticorruption Strategy], available at: <http://www.integritate.ms.ro/?pag=229>.

336 Ministry of Health, Order no. 619/2002...

337 Sastipen (2011) *The impact assessment of the health mediation programme*, Research conducted within the project "The Health Mediation Programme: an opportunity for raising the employment rate among Romani women, presented at the project conference, in course to be published.

338 OSI New York. *Mediating Roma Health: Policy and Programme Opportunities*. COTA Bruxelles & F2E Paris. 'The evaluation of the health mediation programme'. The Ministry of Health. *Assessing the health status of accessing public healthcare services in Romani communities*. The Center for Health Policies and Services (2006) *The assessment of the health mediation programme in Romanian Romani communities*. Sastipen (2012) *The impact of the health mediation programme*.

339 Sastipen (2011) *The impact assessment of the health mediation programme*, Research conducted within the project "The Health Mediation Programme: an opportunity for raising the employment rate among Romani women presented at the project conference, in course to be published.

able not only through the analysis of the number of Roma areas served, but also through the analysis of the number of beneficiaries: on average, 1,400 Roma individuals tend to be served by a single health mediator, although according to order no. 619/2002, health mediators should work with 500-750 individuals each.<sup>340</sup>

Health mediators most frequently tackle the following issues: facilitating access to immunisations, offering information and facilitating pregnant women's and new mothers' access to healthcare, including post-partum care, pregnancy counselling, post-natal infant care counselling and breastfeeding counselling. At the same time, however, health mediators also engage in a range of activities not included in their job description. These activities tend to be linked to the activities of the local Social Assistance department, e.g. participation in means tests or assistance with putting together application packages for different benefits in cash (social care allowance, paid parental leave allowance, heating allowance, family allowance for large families). Ideally, health mediators should refer claimants to social workers within their local Social Assistance departments, but health mediators seem to be much more involved than that (means tests, application packages). Health mediators have been found, on average, to have facilitated access to social assistance for 42 beneficiaries during a regular month. The number of beneficiaries per activity only rises at the beginning of academic years, when health mediators are involved in triage in schools. On such occasions, health mediators have been found to assist 67 children on average.<sup>341</sup> It may be said that health mediators' involvement probably leads to a better targeting of social transfers administered by local Social Assistance departments. However, this type of involvement also represents health mediators' being "hijacked" from their main duties. Other activities not covered in their job description are: passing on information from local authorities to Romani communities, providing counselling for abused individuals, assistance in applications for housing etc.

Considering health mediators' daily activities, representatives of Public Health Directorates and mediators themselves believe that they should regularly attend in-service training courses.<sup>342</sup> Health mediators report<sup>343</sup> that they have also participated in other training courses over recent years, but that many of these focused on educational activities, while others amounted to workplace training through placements or participation in other national programmes. Courses they have participated in have focused on social issues (child protection, family planning – a mix of social and medical approaches –, human rights, Roma counselling, the facilitation of applying for personal documents) or on medical procedures (first aid, health education and hygiene, pregnancy and childbirth). Health mediators' general perception is that the need for continuous professional training is high, particularly in relation to other fields, such as communication, IT, psychology, social work etc.<sup>344</sup>

340 Interviews carried out between January and March 2011.

*"M: So, I work with three Romani communities in (...) municipality, I have in my care 2000 plus individuals, I assist them, but having been alone for over three years now, I have had to go in other counties, also, due to the lack of mediators ...*

*I: So you have been also going outside the city, to places with no mediators?*

*M: Of course, I have gone outside the city, too, to places with problems and the doctors and the Public Health Directorate also asked for this at patients' request." (Health mediator, big city)*

*"Well, we used to be two mediators here in (...), at one point, but being two, we decided to sort of split up the area. Because, when we had to submit our activity [report], we had ... for instance it said there: what community are you serving? Yes, community (...), but which area exactly? The way we split them up, the two of us, there would have been seven. At some point seven resulted because they created another community, Deal 2, and seven would have resulted. But there were in fact six. So I had three [communities] and my colleague had three also. So, in the project, each mediator had around 500-750 beneficiaries. But because we had more, I had ... first I had 1200, but I think over time it got to 1400." (Former health mediator, big city).*

341 Sastipen. 2011. 'The assessment of the health mediation programme', available at: [www.sastipen.ro](http://www.sastipen.ro)

342 Interview with a representative of Vaslui Public Health Directorate: July 2010; Interview with a representative of Salaj Public Health Directorate: May 2010; Interview with a representative of Neamt Public Health Directorate: July 2010; Interview with a representative of Bihor county Prefecture: May 2010; Interview with a representative of Calarasi Public Health Directorate: May 2010.

343 Interview with the health mediator in Rediu, Vaslui: July 2010; Interview with the health mediator in Ardu, Satu Mare: June 2010; Interview with the health mediator in Almasu Mare, Salaj: May 2010; Interview with the health mediator in Strada Noua, Roman: July 2010; Interview with the health mediator in Calarasi: May 2010.

344 Sastipen. 2011. 'The assessment of the health mediation program', available at: [www.sastipen.ro](http://www.sastipen.ro).

*"I'd like to organize them, well, not me personally, some courses, let's call them for the actualization of certain concepts within their field. It would be very good. Or to remind them what their duties are from time to time. Doctors hold preparation courses, I mean all, any profession has such courses ..." (Public Health Directorate representative)*

*"I have now, at present, I'd really love to do some courses in hygiene, I mean not hygiene, first aid, because I, visiting the community, am faced with many problems and I call the ambulance or I take the person to the closest dispensary or I refer them to the ambulance service, but being there, having, this way I could tell them too: 'Look, you have to do this!; a bandage, something ..." (Health mediator, Constanta.)*

The Ministry of Health initiated the decentralisation of the health mediation programme in 2009, delegating responsibilities to local authorities. The Ministry only retained responsibility for financing, i.e. ensuring the payment of health mediators through financial transfers to local authorities from state budget funds. This represents a “critical” moment for the health mediation programme because it has shown the ineffectiveness of decentralisation through the separation of financing and delivery. This division of responsibilities has not led to positive results because these two institutional actors have failed to take responsibility for a key aspect of the programme implementation: programme monitoring and assessment on the one hand, and health mediators’ professional development on the other.<sup>345</sup>

## Coordination between the health sector and other social welfare sectors

Policy-makers’ public discourse reveals the consensus that programmes for the Roma need to have an integrated approach. The new vision of the National Agency for Roma is grounded in the principle of transparency at the local level, within Romani communities, in public policies and in Roma programmes and projects. At the same time, NAR’s efforts have also been geared towards integrated programmes for engendering a framework of as flexible a dialogue as possible among all actors involved in the Agency’s activities, including civil society. As can be observed, no evaluation report of the Strategy for Roma has revealed an integrated coordination, monitoring and assessment mechanism. Approaches to tackling Roma issues have been sectoral, limited by targeting, and interventions have been disconnected, concentrating on particular domains (access to healthcare services, education, discrimination etc.). There are differences as regards the level of implemented interventions in different sectoral domains and, in the absence of relevant assessments about the implementation of the Strategy, it is impossible to discuss the implementation of integrated measures aimed at improving the health status of Roma.

The Strategy mentions the principle of integrated approaches in priority domains, but a close analysis of the interventions tends to reveal a more punctual approach, specific for each domain of intervention. Furthermore, the Strategy does not stipulate any coordination body that could function in an integrated fashion, ensuring a holistic approach to tackling problems.

At the moment, health mediators’ status is uncertain and highly dependent on the capacity of local authorities to understand their role and the scope of their activities.<sup>346</sup> This uncertainty also originates from the lack of clarity in the legal framework governing the health mediation programme. For instance, the financing method used, i.e. the annual budgeting of salaries for health mediators, creates incentives for the hiring of mediators on one-year fixed-term contracts. What becomes evident is the indirect inducement of an illegal practice, namely, the successive renewal of the same fixed-term contract on more than the maximum three occasions permitted by the Labour Code,<sup>347</sup> which has a negative impact on active health mediators’ job security. As a result, at the beginning of each budgetary year, health mediators cease to be employed and local councils remain reticent to re-employ them without being explicitly encouraged to do so by the Ministry of Health. The continuation of funding for 2013 has become uncertain as well, not least due to the bans imposed on the hiring of new personnel on new employment contracts in the public healthcare system.

345 Sastipen (2011) *The impact assessment of the health mediation programme*, Research conducted within the project “The Health Mediation Program: an opportunity for raising the employment rate among Romani women presented at the project conference, in course to be published.

346 *Ibid.*

347 Romania, *Labour Code, law no. 53/2003* with later changes and amendments, art. 82.

## 6. HOUSING

### The housing situation of Roma

The housing situation of the Roma in Romania is not subject to a systematic public data collection effort, whether quantitative or qualitative. In fact, with the exception of the Census, Romanian administrative data collection does not make distinctions on ethnic grounds based on the argument that this would be against personal data protection legislation. However, data collection legislation allows for the collection of sensitive data for clear statistical purposes (law no. 677/2001 on the protection of persons in the use of personal data and the free movement of personal data). However, it is mandatory to collect and report data on beneficiaries' ethnicity to the managing authorities in the implementation of EU-funded projects. Yet despite this situation, Romanian authorities explain the lack of policy on housing for the Roma most often as a result of the lack of data on which to ground such a policy.<sup>348</sup>

Considering that the results of the 2011 Census have not officially been released yet, data available on the housing situation of the Roma are based on sociological surveys. In the majority of cases, pieces of research carried out by national or international<sup>349</sup> civil society organisations present statistical data on the housing situation of the Roma. However, with the exception of some implementation reports of PHARE programmes<sup>350</sup>, government reports are absent.

According to a recent study,<sup>351</sup> *The situation of Roma in Romania, 2011. Between social inclusion and migration*, carried out by Soros Foundation Romania and based on a survey of a representative sample of Romanian Roma, a significant proportion of Roma face a range of housing problems, from lack of housing, through poor living conditions, to the lack of identity and property documents etc. Due to low standards of living, some Roma have lost their homes, rented to them by local authorities since the state socialist period, or they have abandoned them not being able to cover utility costs.

The aforementioned study revealed that 53% of those interviewed declared that their home was located in a rural area. Almost one third of respondents (31%) lived in urban areas, but on the outskirts of cities, in the different neighbourhoods. Only 4% of respondents said that they lived in the city centre. According to this study, two thirds (67%) of Roma respondents were living in compact/segregated communities characterised by great ethnic homogeneity and isolated from the rest of their local communities. This situation was more common in rural areas, where 74% of the Roma were residentially segregated.

According to the Soros Foundation study, 82% of respondents said that their current home was the personal property of a member of the household (no mortgage or loan involved), a finding confirmed by pre-

348 Niță, D. (2009) *Housing Conditions of Roma and Travellers*, Bucharest: Center for Legal Resources, p. 15: "One example of such a justification was [...] in the way the 2008 National Action Plan for Social Protection and Social Inclusion was drafted, justifying the lack of policies with the lack of data."

349 Bădescu, G., Grigoraș, V., Rughiniș, C., Voicu, M. and Voicu, O. (2007) *Barometrul Incluziunii Romilor* [Roma Inclusion Barometer], Bucharest: Open Society Foundation. Voicu, M. and Dan, A. (eds.) (2001). *The Housing situation in Romania*, Bucharest: Habitat for Humanity Romania and UNDP Romania. Preoteasa A, Șerban M, Tarnovschi D. (2012). *The Roma situation in Romania, 2011. Between social inclusion and migration*, Soros Foundation Romania, 2011. The data were collected for a representative sample of self-identified Roma from Romania.

350 Fleck, G. and Rughinis, C. (2008) *Vino mai aproape. Incluziunea si excludiunea romilor în societatea românească de azi* [Come Closer. The Inclusion and Exclusion of Roma in today's Romanian society], Human Dynamics.

351 Preoteasa A, Șerban M, Tarnovschi D. (2012) *The Roma situation in Romania, 2011. Between social inclusion and migration*, Soros Foundation Romania, 2011. The data were collected for a representative sample of self-identified Roma from Romania.

vious studies: in 2007, 85% of the respondents declared the same housing status.<sup>352</sup> However, data must be interpreted with caution since the questionnaire recorded only the answers for the question “*Your current home is...*” which could easily distort interpretations, as the interviewed persons were not asked about the ownership of the land that their home was built on.

Of all interviewees, 6% said they were renting their dwelling from the municipality, 5% said they were using the house/dwelling without paying rent and 1% reported to be living in an improvised dwelling. A single respondent reported to have purchased their home with a mortgage, indicating that the family managed to obtain a loan from a bank to purchase the property. The lack of mortgaged properties is due to the fact that a significant percentage of the Roma population does not have a stable job, i.e. a legal employment contract, which could facilitate access to a mortgage.

Statistically significant, but small differences are evident in the comparison of two studies (Roma Inclusion Barometer 2008<sup>353</sup> and EU-Inclusive – 2011<sup>354</sup>) covering the issue of housing among the Roma as regards the use of public (i.e. state-owned) housing: 4% in 2008 and 7% in 2011.

Research revealed that the mean number of rooms per Roma dwelling was 2.38, lower than the average registered for the majority Romanian population (2.6 rooms/dwelling in 2009).<sup>355</sup> The most frequent number of rooms per dwelling found in the Roma survey was two rooms. The average surface of Roma dwellings was 37.23 sq. m, 1 sq. m less than the average dwelling surface among the Romanian population in 2009.<sup>356</sup>

Furthermore, findings revealed that 23% of the Roma in the sample shared a room with at least two other persons. Although 58% of respondents declared that the home they lived in had been built with durable materials (stone, concrete, brick, autoclaved aerated concrete, panels), a significant percentage (30%) indicated that their home had been built with adobe, or sun-dried bricks. The latter are traditional construction materials, particularly in rural areas, but less durable, significantly cheaper and characteristic of poor families with limited means. These materials cannot properly withstand bad weather conditions or natural disasters and they only offer minimum comfort and protection.<sup>357</sup>

The homes built of durable materials were specific for the urban environment (73%), the incidence of homes made of adobe or sun-dried bricks was as low as 20% in urban cases. In the countryside, 49% of the homes were built of durable materials, but more than 36% were made of adobe or sun-dried bricks and the rest of wood and other materials.

In 2011, 36% of the Roma households were said to have access to the public drinking water system, although according to the National Institute of Statistics 61.2% of all households were connected to the public drinking water network in 2011; 24% had access to sewerage (the public sewerage system or cesspits) (43.5%<sup>358</sup>), 16% had a toilet with running water (as compared to 42% of the overall population<sup>359</sup>) and 68% reported a toilet in the courtyard or outdoors.

A further analysis of existing facilities in 2011<sup>360</sup> reveals that 91% of the Roma households in the study were connected to the electricity network, an increase from 84% recorded in 2008,<sup>361</sup> but still under the 96.6%

352 Fleck, G. and Rughinis, C. (2008) *Vino mai aproape. Incluziunea si exclusiunea romilor in societatea românească de azi* [Come Closer. The Inclusion and Exclusion of Roma in today's Romanian society], Human Dynamics, p. 109.

353 Bădescu, G., Grigoras, V., Rughinis, C., Voicu, M. and Voicu, O. (2007) *Barometrul Incluziunii Romilor* [Roma Inclusion Barometer], Bucharest: Open Society Foundation.

354 Preoteasa A, Șerban M, Tarnovschi D. (2012) *The Roma situation in Romania, 2011. Between social inclusion and migration*, Soros Foundation Romania, 2011.

355 Voicu, M. and Dan, A. (eds.) *The Housing situation in Romania*, (Bucharest: Habitat for Humanity Romania and UNDP Romania, 2001), 21.

356 *Ibid.*

357 *Ibid.*

358 National Institute of Statistics, press release, July, 2012

359 *Ibid.*

360 Preoteasa A, Șerban M, Tarnovschi D., *Between social inclusion and migration*,.

361 Fleck, G. and Rughinis, C. (2008). ‘Vino mai aproape. Incluziunea si exclusiunea romilor in societatea românească de azi’ [Come Closer. The Inclusion and Exclusion of Roma in today's Romanian society], Human Dynamics, 112.



ratio in the general population recorded by the 2011 Census.<sup>362</sup> As expected, since access to drinking water remains a critical problem in rural areas, only 23% of Roma living in villages have access to running water compared to 56% of those living in urban areas. Similar rural-urban gaps were also registered with respect to access to sewerage, with 44% of Roma living in urban areas having access to the public sewerage system or a septic tank compared to only 13% of those living in rural areas.

## The right to decent housing (legislation and public policies)

Romania ratified the European Social Charter, including Article 30 on *“the right to be protected from poverty and social exclusion”*, but not Article 31 of the same treaty regarding the right to housing. According to the Romanian Constitution, the state *“shall take measures towards economic development and social protection”* to ensure a decent life for its citizens (pensions, paid maternity leave etc.), without mentioning the right to decent living conditions.<sup>363</sup>

The general legal framework for housing in Romania is the law on housing no. 114/1996, which regulates the social, economic, technical and legal aspects regarding the building and use of dwellings. The law defines what a *“convenient dwelling”* means, stipulating the minimal requirements: access to electricity, drinking water, sewerage, space, the distribution of space etc. These standards also apply to social housing. Social housing is represented by dwellings *“allocated with a subsidized rent to individuals or families, whose economic situation does not allow them to have access to a dwelling in their own property or to the renting of a dwelling under market conditions”*.<sup>364</sup>

According to this law, local authorities are responsible for the erection of homes and social housing. They may decide to build dwellings with a controlled price and allocate them to certain social categories, in order of priority: married couples under 35, war veterans and their descendants, participants in and victims of the 1989 revolution; persons working in agriculture, education, healthcare, public administration and the church in rural communities, as well as other categories defined by local authorities.

These categories are eligible to receive price rebates (up to 30% off the value of the dwelling) when purchasing their home through monthly payments over a period of 20 years. There is no information about access to these provisions among the Roma. Furthermore, the funds for public infrastructure come from local budgets and from other sources controlled by local authorities.

Social housing is constituted by new buildings and refurbished dwellings in public ownership. *“Families or persons with a per capita monthly net income amounting to less than the national minimum wage, over a period of 12 months (as communicated by the National Statistical Institute)”* may apply for social housing.<sup>365</sup> Other criteria may also be considered and the final decision about who receives social housing is taken by the Local Council. These criteria and their order of priority are stipulated by law no. 114/1996: evicted persons and families or those on the verge of being evicted from social housing as a result of the re-establishment of property rights for formerly nationalised homes; young people under 35; young people leaving the child protection system; people with disabilities (1<sup>st</sup> and 2<sup>nd</sup> degree disabled); *“handicapped”* persons; pensioners; war veterans and war widows; beneficiaries of law no. 341/2004 on the recognition of martyr-heroes and fighters who contributed to the victory of the Romanian revolution in December 1989 as well as persons who sacrificed their lives and have suffered consequences as a result of the anti-communist workers' revolt in Brasov in 1987; beneficiaries of law no. 118/1990 for persons who suffered political persecution during the communist regime and other persons or families with a right in this sense. Roma (defined on ethnic

362 National Institute of Statistics, Population and Housing census, 2011.

363 Romanian Constitution (2003) Art. 47 Standard of living:

(1) The State shall take measures of economic development and social protection, such as to provide citizens with a decent standard of living.

(2) Citizens have the right to pensions, paid maternity leave, medical care in health establishments, unemployment benefits and other forms of social insurance, public or private, provided by law. Citizens have the right to social assistance, according to the law.

364 The law on housing no. 114/1996 regulating the social, economic, technical and legal aspects of the building and use of dwellings.

365 *Ibid.*

grounds) are not explicitly mentioned among the eligible groups. Few Roma would qualify based on the aforementioned criteria.

The families selected to benefit have to pay rent amounting to not more than 10% of their monthly net income.

Another general public policy is *law no. 116/2002 regarding the prevention and combating of social marginalization*, targeting young people under 35 exiting the public child protection system specifically, and those who are eligible for financial aid under specific circumstances, without any reference to their belonging to specific ethnic groups.

The Ministry of Regional Development and Public Administration (MRDPA) is responsible for the implementation of housing policy, for improving living conditions and for ensuring access to housing for Romanian citizens. MRDPA approves and finances, through the state budget, the construction (local authorities can contribute to this budget if they so wish) of social housing for those on low incomes, especially young couples, and provides housing for tenants evicted from property as a result of the re-establishment of property rights for formerly nationalised homes. As the Ministry website also states,<sup>366</sup> in 2012 the provision of social housing focused mainly on providing social housing for evicted tenants.

## Segregation and discrimination

Romania ratified the *International Convention on the Elimination of All Forms of Racial Discrimination*, which states that racial segregation and apartheid have to be condemned and the state should prevent, prohibit and eliminate all practices of this nature. Romania also ratified the *European Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocol 12 on the prohibition of discrimination*. According to the Romanian Constitution,<sup>367</sup> treaties ratified by Parliament become part of the national legislation without the need for further legislation. If these treaties concern human rights, they take precedence over national legislation.

The Romanian Constitution includes provisions on the prevention and combating of discrimination on grounds of race, nationality, ethnic origin, language, religion, sex, opinion, political convictions, property and social origin. Also, article 16 states that “*citizens are equal before the law and public authorities without any privilege or discrimination*”. *Government ordinance no. 137/2000 for the prevention and sanctioning of all forms of discrimination* is enforcing the constitutional provisions on equality and the law is implemented by the National Council for Combating Discrimination (NCCD).

The impact of the Race Equality Directive in the area of housing may be assessed in terms of the number of cases brought before the relevant body and courts of justice that cite breaches of anti-discrimination legislation (Government ordinance no. 137/2000<sup>368</sup>). According to the NCCD's 2011 activity report, only two housing-related complaints were filed (Roma related issues – the eviction of Roma families in Cluj and the wall built to separate a Roma community from the rest of the local community in Baia Mare), the vast majority of cases relating to employment and personal dignity.

Law no. 50/1991 regarding the authorisation of construction works stipulates that a construction is allowed only if a building/demolition permit is issued at the request of property title holder (on the land or building). Permits are issued by local authorities, but there are a number of other permits and documents one needs in order to erect or demolish constructions and these increase construction costs. The construction

366 Ministry of Regional Development and Public Administrations, Presentation of infrastructure programmes, available at [www.mdrtr.ro/lucrari-publice/programe-de-constructii-de-locuinte/](http://www.mdrtr.ro/lucrari-publice/programe-de-constructii-de-locuinte/)

367 Romanian Constitution, Art. 10 and Art. 20.

368 Niță D. Housing Conditions of Roma and Travellers, (Bucharest: Center for Legal Resources, 2009) 15.

permit is expensive for most Roma families.<sup>369</sup> The construction permit is the sum of the following costs: 12 Euro for a permit from the urban planning committee; between 12-115 Euro for other documents (notices and agreements); a construction plan costing between 10-12 Euro/m<sup>2</sup>; plus a geotechnical study, amounting to 200 Euro; the actual construction permit costs 0.5% of the total value of the investment as estimated by local authorities; 0.05% of the total cost of the investment – the house – represents the tax payable to the Association of Architects in Romania. So, for someone poor (many Roma included), building a cheap house legally is very expensive, most often bordering on the unaffordable.

If a house is built without the proper permits on private land, authorities can issue a report, fine the owner and even request the demolishing of the new construction unless the owner obtains all the permits and paperwork necessary for the legal erection of the construction.

If the owner refuses to follow the decision and demolish or acquire the necessary permits, the case is taken to court. However, many Roma cannot afford a trial or pay for the permits stipulated by law. In the case of constructions without legal permits built on state-owned public or private land, local authorities may impose administrative demolishing without a court decision, at the expense of the offender. The law clearly states that building without a permit and the approval of public utilities for such constructions are against the law.

As the report *“Housing Conditions of Roma and Travellers”*<sup>370</sup> states, the Roma population is considered to be particularly vulnerable to the observances of the law regulating constructions because all regulations lead to “indirect discrimination” despite the apparently neutral language of the legal framework. According to this report, the reason for this indirect discrimination is that Roma, much more than the majority population, for historical and economic reasons, “generally lack the proper documentation to be able to secure their tenure and their household, which makes them particularly vulnerable to the abuse of authorities” and are often victims of forced evictions (e.g. in Baia Mare, Cluj, Piatra Neamt etc.).

## Forced evictions

Law no. 114/1996<sup>371</sup> on housing contains certain provisions on renting conditions and evictions, stipulating that the tenant can be evicted only on the basis of a final court decision. Also, the law states that among the groups that have priority in social housing are “evicted persons and families or those who are on the verge of eviction as a result of the re-establishment of property rights to the rightful owners of formerly nationalized homes” and Roma may be among those falling in the latter case.

One major problem in relation to housing is the fact that there are shortages in social housing across many towns and villages. According to the list of criteria developed by local authorities, it is clear that Roma are not at the top of the priority list of any local authority in Romania and as a result are not the main beneficiaries of social housing. There are at least three well documented examples of social housing in segregated areas: Cluj (2010),<sup>372</sup> Baia Mare<sup>373</sup> (2011-2012) and Piatra Neamt;<sup>374</sup> (2001). In these three notorious cases, Roma were evicted by local authorities without following legal procedures according to Amnesty

369 The construction permit is the sum of the following costs: 12 Euro for a permit from the urban planning committee; plus between 12-115 Euro for other documents (notices and agreements); plus a construction plan costs between 10-12 Euro/m<sup>2</sup>; plus a geotechnical study costs 200 Euro; plus the actual construction permit costs 0.5% from the total value of the investment as estimated by the city-hall; plus 0.05% of the total cost of the investment – the house – represents the tax payable to the Association of Architects in Romania.

370 *Ibid.*

371 The law on housing no. 114/1996 regulating the social, economic, technical and legal aspects of the building and use of dwellings.

372 Mihai Prodan ‘Amnesty International a strâns semnături împotriva evacuării forțate a țiganilor de pe Coastei’, Ziaua de Cluj, 23 June 2011, available at: <http://ziuadecj.realitatea.net/eveniment/amnesty-international-a-strans-semnaturi-impotriva-evacuarii-for-tate-a-tiganilor-de-pe-coastei--69112.html>.

373 ‘Amnesty acuză România de discriminare, după ce primarul din Baia Mare a anunțat că vrea să demoleze case de romi’ *Romanathan*, 27 August 2011, available at: <http://www.romanothan.ro/item/85-amnesty-acuza-romania-de-discriminare-dupa-ce-primarul-din-baia-mare-a-anunatat-ca-vrea-sa-demoleze-case-de-romi.html>.

374 Romani Criss, *OVERVIEW OF THE SITUATION OF HUMAN RIGHTS ON Romanian Roma*, August 2006, available at: <http://www.romanicriss.org/Raport%20drepturile%20omului%20%20RCRIS%202006.pdf>.

International<sup>375</sup> and European Network Against Racism<sup>376</sup> reports, and housed far away from the city: near a major land fill (Cluj), in an old factory that had used cyanide (Baia Mare) and in a very remote location, a farm site surrounded by barbed wire (Piatra Neamț).

Apart from these situations in which so-called “social housing” was provided, there are other cases of local authorities failing to provide accommodation to evicted Roma (Bucharest-Chitila neighbourhood<sup>377</sup> and District 4, Targu Mures<sup>378</sup>).

## Spatial segregation

In many cases documented by national and international NGOs (e.g. Amnesty International, the European Roma Rights Centre, Romani Criss, the Center for Legal Resources), these forced evictions led to spatial segregation: Roma families were settled as remotely as possible from city centres, sometimes cut off from infrastructure, i.e. public transportation, schools or medical units.

Examining the Romanian legislation that regulates social housing and construction, it is clear that there is no specific provision to prohibit such segregation based on ethnicity. As has been noted, Romania has ratified the International Convention on the Elimination of All Forms of Racial Discrimination, which stipulates that the state should prevent, prohibit and eliminate all practices of segregation and discrimination and these principles are also enshrined in national legislation.

However, Romania has also ratified the *Framework Convention for the Protection of National Minorities*, whose article 16 states that “The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.”

It is true that the General Recommendation No. 19: Racial segregation and apartheid (art. 3) of August 18th 1995 stipulates that “The Committee on the Elimination of Racial Discrimination calls the attention of State parties to the wording of article 3 by which State parties undertake to prevent, prohibit and eradicate all practices of racial segregation and apartheid in territories under their jurisdiction. The reference to apartheid may have been directed exclusively to South Africa, but the article as adopted prohibits all forms of racial segregation in all countries.”

The Committee states that it is the duty of the state to eradicate segregation and its consequences, acknowledge spatial segregation based on a combination of income, ethnic and racial criteria, and invites states to “monitor”, “eradicate” and “present in reports” progress on these issues. Unfortunately, no such measures have been taken by the Romanian state (numerous reports stand to prove this, e.g. those of Amnesty International,<sup>379</sup> the European Network Against Racism,<sup>380</sup> Romani Criss<sup>381</sup> etc.).

375 Amnesty International, ‘Romania: The Roma who were evicted to live by a landfill site’, press release, 17 December 2012, available at <http://www.amnesty.org/en/news/romania-roma-who-were-evicted-live-landfill-site-2012-12-17>; Amnesty International, *Romania: Betrayal of Romani families in Baia Mare places them at ongoing risk of housing insecurity and other human rights violations*, 8 October 2012, available at: <http://www.amnesty.org/en/library/info/EUR39/011/2012/en>.

376 Piatra Neamț (Nita, D. L. and Ionescu, I. 2006. ‘ENAR Shadow Report 2006, Racism in Romania’); Baia Mare (The Center for Legal Resources. 2012. ‘ENAR Shadow Report 2012, Racism in Romania – from statements to state action’).

377 <http://jurnalul.ro/special-jurnalul/reportaje/fratia-ghetourilor-6094.html>.

378 ‘Amnesty International: Franța trebuie să înceteze evacuările forțate ale taberelor de romi, REALITATEA.NET, 29 November 2012, available at: [http://www.realitatea.net/amnesty-international-franta-trebuie-sa-inceteze-evacuările-fortate-ale-taberelor-de-romi\\_1062589.html](http://www.realitatea.net/amnesty-international-franta-trebuie-sa-inceteze-evacuările-fortate-ale-taberelor-de-romi_1062589.html).

379 Amnesty International, *Submission to the European Commission on the implementation of the Equality Directives; Respect my rights, respect my dignity*. Module two – Housing is a human right, 2012.

380 Niță, D. L. and Ionescu, I. (2006) *ENAR Shadow Report 2006, Racism in Romania*, Center for Legal Resources, Bucharest; Center for Legal Resources (2012) *ENAR Shadow Report 2012, Racism in Romania – from statements to state action*, Center for Legal Resources, Bucharest.

381 Romani Criss, *OVERVIEW OF THE SITUATION OF HUMAN RIGHTS ON Romanian Roma*.

As law no. 114/1996 on housing states, local authorities (local councils) are responsible for deciding on the number and location of social housing. Common sense tells us that if the provisions of international treaties are not enshrined in national legislation, most local authorities will ignore these. Results so far have demonstrated exactly this: social housing for Roma has been located far from public infrastructure and local settlements and placed as remotely as possible (see the cases of forced evictions and the locations of evicted persons' resettlement).

Romania still lacks reliable data on Roma, including information about their numbers, their geographic spread and forms of segregation affecting this minority group. Moreover, recent surveys have not used the same sampling methodologies and the same questions, so there is little basis for comparison, and no clear indicators to monitor changes are available.

The most recent attempt to identify the most disadvantaged Romani communities<sup>382</sup> was initiated by the National Agency for Roma, with World Bank support, in 2005. The study has certain methodological weaknesses, but still represents a possible model if properly funded and implemented.

In 2013, through the EEA Financial Mechanism,<sup>383</sup> there is an intent to finance the elaboration of a so-called "Social Atlas of Romani communities in Romania", which may become a real baseline study for the collection of reliable information about the number of Roma, their geographic spread and the specific problems individual Romani communities face.

As part of the Memorandum of Understanding between the Romanian government and the World Bank,<sup>384</sup> five projects are mentioned by Ministry of Regional Development and Public Administration<sup>385</sup> (MDRAP) to be under implementation, one of them focusing on *"the elaboration of integration strategies for poverty areas and disadvantaged communities (in particular Romani communities)."* No other details on the situation of these projects, relevant for the government's policy on targeted financing and an integrated approach to achieve the inclusion of Romani communities, are available yet.

## Local integrated housing approaches for Roma

The Romanian government has no local integrated housing approach that targets areas with large Romani communities in order to provide public utilities and access to social services. There are few cases of a local integrated housing approach that aims to link Roma-inhabited areas to public utilities and social services. Unfortunately, these cases are isolated and most of them are the result of NGOs' efforts to build homes and to convince local authorities to become involved. In 2005, Soros Foundation Romania started the Integrated Community Development Program,<sup>386</sup> whose aim is to create development models in localities with significant Roma populations.

The approach is meant to take into account different aspects of life (employment, education, housing and healthcare). The premise of the programme is that *"the healthy development of a community requires consolidation and involvement of all its members, regardless of religion, ethnicity economic status etc.; projects for infrastructure, economic development, education, etc. become valuable and sustainable when they are part of a long-term plan; the involvement of Roma as 'first class citizens' with full and equal rights in the life of the community helps raise their self-esteem, reduces the distance that separates them from other ethnicities and brings long-term benefits to the whole community."*<sup>387</sup>

382 Sandu, D. (2005) *Roma Social Mapping – Targeting by a Community Poverty Survey*, World Bank, Bucharest.

383 EEA Financial Mechanism Mechanism 2009-2014, funded by Iceland, Liechtenstein and Norway.

384 Memorandum of Understanding between the Romanian Government and the World Bank regarding the partnership and support for the implementation of EU structural and cohesion funds and the modernization of public administration, April 2012 (Official Gazette no. 241, 10 April 2011).

385 MDRAP, 'MDRAP beneficiaza de expertiza Bancii Mondiale pentru dezvoltarea regionala a Romaniei', press release, 19 February 2013, available at: <http://www.mdrp.ro/comunicare/presa/comunicate/mdrap-beneficiaza-de-expertiza-bancii-mondiale-pentru-dezvoltarea-regionala-a-romaniei>

386 See <http://www.soros.ro/en/program.php?program=5> for more details.

387 *Ibid.*

During the interventions, local authorities were brought together with Roma leaders from local communities in initiative groups working towards finding solutions to problems of local Romani communities (e.g. in one neighbourhood of Ploiesti, Prahova county, drinking water was also provided for the Roma living there; in Geogiu, Hunedoara county, at least 20 dwellings were connected to electricity).

In 2009, Habitat for Humanity Romania joined the Soros Foundation initiative and local authorities were convinced to get involved in the construction and refurbishment of houses for some Romani families by providing land (through concessions) for these constructions and by connecting them to the available local public infrastructure.<sup>388</sup> Since 2005, 25 houses have been built and 15 refurbished.

In 2006, as part of the PHARE Grant Scheme aimed at improving the condition and image of the Roma at the community level, the Romanian government turned to “*house rehabilitation and infrastructure improvements, successful income generating activities, improved health conditions of Roma, the obtainment of vocational training certificates as a result of working on a community development project*”. The Small Infrastructure and Social Housing component of the scheme disbursed 3,559,720 Euro for 37 projects (76.6% of the total of 4,645,538 Euro actually spent). As for the infrastructure and social housing results,<sup>389</sup> the following were achieved: 59 houses, 32.74 km road, 4.48 km sewage network, 2.64 km electricity network, 2.37 km drinking water pipelines, 30 bridges and dams were constructed and 120 Roma counselled, 365 Roma trained and qualified and 57 employed, a total of 575 families (12,715 individuals) benefitting from this intervention.

There are no quantifiable public data about changes in the number of Roma enjoying improved access to public utilities and social services over time. Surveys have not used the same sampling methodologies and the same questions, so relevant comparisons and the identification of a trend in the evolution of these processes are not possible.

## Social Housing for Roma – a myth

The Romanian NRIS states that one of the main objectives is to ensure decent living conditions and access to infrastructure and public services for disadvantaged Romani communities. This objective is planned to be reached by implementing the following interventions:

1. *Measures to increase the sustainability of the inclusion of Romanian citizens belonging to the Roma minority, increase trust and fight against poverty.* This measure has very little, if anything, to do with housing and affordable access to infrastructure and social services.
2. *Measures to increase the quality of housing – modify and complete the legislation in force in order to regulate the means of guaranteeing the quality of housing and emergency interventions and to increase social inclusion by identifying solutions for disadvantaged and vulnerable citizens or groups exposed to discrimination.* This measure is still pending. Discussions and public meetings in which the legislation concerning housing and the quality of dwellings has been discussed have been held since 2009, but legislative changes have not taken place yet.
3. *Developing social housing construction programmes:*  
*The pilot programme “Social dwellings for Romani communities”, coordinated by the National Agency for Housing.* This measure was adopted in 2008 and was considered under the old Roma Inclusion Strategy (2001-2011) as well. Back then, the Ministry of Regional Development and Housing was responsible for building 300 homes, while local authorities were supposed to provide the land and ensure the public infrastructure for these. These 300 homes are still awaiting construction. According to MRDPA’s response,<sup>390</sup> social housing for Roma (the project is imple-

388 More information about this initiative can be found in the case study on housing.

389 Final technical report for the RO 2006/018-147.01.01.01/01.001-01.202 Phare project, managed by the Programme Implementation Unit within the General Secretariat of the Cabinet.

390 We contacted The Ministry of Regional Development and Public Administration in order to carry out an interview, but they preferred to answer to all our questions in writing. We received their answer on 13 March 2013.

mented by the National Agency for Housing) is to be built in 11 localities in nine counties (Arad, Bihor, Bistrița-Năsăud, Brașov, Constanța, Iași, Mehedinți, Olt and Sibiu). Investments are being promoted and nine of them have their technical and economic indicators approved by the Ministry; four of these investments have technical projects and execution details in place. The Ministry considers that if this pilot project proves successful, they will consider expanding it to more localities, possibly rolling it out nationally.

*The construction of social housing for tenants evicted from homes passed into the property of their original owners prior to nationalization by the communist regime.* There are no data about the ethnic background of those who have access to this programme.

*The construction of social housing* (according to law no. 114/1996, see above). There are no data about the ethnic background of those who have access to this programme.

*The “revival of the Romanian village – construction of 10 houses for specialists”* is a government programme that supports the building of houses for certain categories of people, but meant to bring/keep young professionals in rural areas. There are no data about the ethnic background of those who have access to this programme.

*Infrastructure development – 10,000 km of inter-county and local roads.* There is no information about the ethnic composition of the communities that have benefited from this programme.

Unfortunately, there is no information on either the status of implementation of these objectives or on the budgetary allocations or specific actions taken by mandated implementation bodies. The Romanian government does not collect data or monitor quantifiable indicators as regards changes in the number of Roma with improved access to social housing, improved affordability of social housing or improved quality of social housing. As mentioned earlier, the few pieces of research covering the issue of housing are not comparable due to their different sampling methodologies and questions.

In the process of designing the Romanian NRIS, line ministries agreed to include into the action plans only measures already under implementation or measures that would not burden the state budget. As a result, the national action plan for housing does not have measures specially designed for Roma with the exception of the pilot programme (Social housing for Romani communities) already included in the previous National Strategy for Roma Inclusion and which has yielded no results so far.

When asked about integrated projects for Romani communities, the Ministry<sup>391</sup> mentioned the same “*Social housing for Romani communities*” pilot programme. They emphasised that infrastructure would be developed where it was needed (running water and stone, not asphalt, pavement).

As for the plan of actions, there are no clear minimal targets set for the Roma who might benefit from the measures. Neither has a revision of the governmental national infrastructure/housing programmes taken place in order to set specific targets for communities with large Roma populations.

Romania, although involved in the Decade of Roma Inclusion 2005-2015 initiative, should have elaborated national action plans for each Decade priority, including housing. The draft of the Decade Action Plan on housing is a copy of the housing section of the Strategy for Roma Inclusion (2001-2011), but has never been adopted and has never been allocated a budget by the Romanian parliament.

There is a new provision regarding the rehabilitation of social infrastructure, including social housing and social services, in the new Romanian Framework Document for Implementing the Regional Operational Programme 2007-2013<sup>392</sup> (last version, October 2012). The document mentions the financing of integrated projects using cross-financing mechanisms eligible under ESF activities (professional training for social workers, counselling and orientation for disadvantaged groups, the Roma included, professional training

391 *Ibid.*

392 Draft document to be completed with relevant evidence.

in order to develop skills and support disadvantaged groups' labour market activation, the Roma included). Unfortunately, these measures are not yet included in programme guidelines, meaning that they are not available yet.

According to the response we received from MRDPA: *"During the present programming period 2007-2013, the Priority Axis and the Major Intervention Domains of the Regional Operational Programme (POR) are more or less targeting the Roma population, contributing to support given to this population directly or indirectly.*

*It has to be emphasized, on the other hand, that the projects funded through POR do not have a funding component directed at ethnic minorities due to the fact that the European Commission does not accept the funding of isolated actions for disadvantaged communities, including the Roma. Also, one of the 10 Common Principles for Roma Inclusion, the second one in particular, talks of an explicit, but not exclusive approach, therefore the projects and interventions aimed at Roma specifically should not be separated from the ones aimed at other groups in similar social and economic circumstances. The social inclusion projects should be based on an integrated strategy, with a portfolio of social inclusion projects – including education, health, employment and housing refurbishment.*

*Moreover, we would like to inform you that the Management Authority of the Regional Operational Programme is making significant efforts to support the Regional Development Agencies and the local public authorities in the elaboration and implementation of pilot projects for the inclusion of disadvantaged Roma populations in areas like Braila, Galati and Cluj in the shortest time possible."<sup>393</sup>*

It is true that since 2011, with the support of the European Commission, local, national and international NGOs have become involved in pressuring the Romanian government and the Managing Authority of the Regional Operational Programme (Regio) to finance integrated projects, i.e. pilot projects such as the ones mentioned above. Despite their efforts, Regio has not yet approved funds for the financing of such interventions.

As far as we are aware, the local authorities in Cluj have become increasingly more involved in the issue of social housing for the Roma, with the UNDP and the Open Society Foundation/Making the Most of EU Funding for Roma financing some activities in order to identify the needs of local Romani communities. Local NGOs are involved in an ongoing effort to seek help from international donors in order to continue their interventions because Regio remains unresponsive towards these kinds of interventions.

As regards the involvement of local and regional authorities, local/county working groups responsible for the implementation of the NRIS have started to form in some areas since the submission of the Romanian NRIS. However, information on their actual involvement is scarce.

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393 MRDPA's written response, 13 March 2013.



## CASE STUDIES

### Affirmative Action Measures in Education for Roma

Adriana Arsenie<sup>394</sup>

Affirmative action measures, sometimes referred to as “positive discrimination”, represent a cornerstone of the post-war system for the protection of national minorities together with the principle of fundamental rights and liberties applicable to persons belonging to national minorities and the non-discrimination principle, adding to fundamental rights the explicit requirement to prevent discrimination based on nationality, ethnicity, race or religion.<sup>395</sup>

Positive discrimination or affirmative action refers to the promotion and implementation of programmes aimed at remedying the effects of past discriminatory behaviours suffered by various groups of individuals in employment, education etc. and at preventing the reoccurrence and spread of such discriminatory behaviours. Affirmative action amounts to *positive corrective measures* expressly targeting persons/groups who have been subjected to various forms of discrimination in the past. The application of such measures is recommended as long as Roma, due to social disadvantage, cultural devaluation and discrimination, are prevented from competing fairly with more privileged, non-Roma, some of whom may face similar economic and social disadvantage, but are not subjected to racism and ethnic discrimination.

By means of affirmative action, the state can intervene through financing institutions of education, provide jobs in public administration or introduce quotas for public offices in the favour of disadvantaged groups.

In the publication dealing with this particular issue in 2009 the Roma Education Fund indicated that in the period of 2000 to 2006, approximately 10,300 students enrolled at secondary and vocational schools and approximately 1,420 students started studying at universities at the places reserved for Roma. In 2006 five times more students were admitted to special places in secondary education in comparison to 2000, while at universities the numbers increase four times.<sup>396</sup>

#### *The importance of continuing affirmative action in education for the Roma in Romanian society*

Studies carried out by the Institute for the Quality of Life<sup>397</sup> have shown that the employment situation of the Roma as a group is alarming. The vast majority of the Roma population does not have stable employment and has little education. In 2010, of the 79.4% of the Roma population analysed, only 16.2% were qualified for modern professions and 3.9% for traditional ones. The occupational structure of the Roma population is characterised by the following specificities. Of the Roma adult population (aged 16 and over), only 22.1% were employees, 0.8% were employers, 16.9% were self-employed and 51.2% were inactive (2.8% were unemployed, 5.1% were retired, 0.8% lived abroad, 1.2% were in prison, 0.7% were in the army and 0.45% were pupils or students). In short, inactivity and unemployment among

394 PhD student at the Department of Sociology, SNSPA, beneficiary of the project “The Creation and implementation of an innovative interdisciplinary doctoral program on Roma issues”, co-financed by the EU through the European Social Fund, the Sectoral Operational Programme Development of Human Resources, 2007-2013.

395 Andreescu, G. 2004. *Nations and Minorities*, Iasi: Polirom, 104.

396 Roma Education Fund, *Analysis of the impact of affirmative action for Roma in high schools, vocational schools and universities*, 2009, available at [http://www.romaeducationfund.hu/sites/default/files/documents/gallup\\_romania\\_english.pdf](http://www.romaeducationfund.hu/sites/default/files/documents/gallup_romania_english.pdf).

397 Study of the Soros Foundation and of the Institute for the Quality of Life, October 2010.

the Roma population is extremely high. A Roma family has, on average, 0.7 employees as compared to 1.7 employees per family in the entire population. However, over half of Roma families are completely jobless. Educational attainment is also low among the Roma: over 25% are illiterate and illiteracy may be as high as 35% among Romani women.

The study L@EGAL2, carried out by Soros Foundation Romania in 2010,<sup>398</sup> showed the answers given by a group made up of 1,537 self-identified Roma as regards the years of schooling they considered necessary to succeed in life. Answers given by boys and girls, respectively, varied little: most of them considered secondary school to be necessary (29% of boys and 30% of girls); university studies were indicated as a necessity by 21% of boys and 18% by girls), vocational school by 9% of boys and only 5% of girls and university education by 3% of boys and 4% of girls. The most desirable educational attainment level in this sample was secondary school, but 30% less than the majority population suggested this according to data provided by the L@egal 2 study.<sup>399</sup> A majority of respondents in the sample, 66%, thought that affirmative action measures should be continued in secondary schools and at university level, while only 21% were against them. They stated that education was important (37%) or very important (34%) for succeeding in life.

This situation points to the necessity of continuing affirmative action measures in education because education means the obtainment of qualifications necessary to engage in employment, access to health insurance and the chance of enjoying a decent standard of living. In order to tackle the schooling problem that many Roma face, hundreds of NGOs got involved in improving the access to education of Citizens of Roma ethnicity in order to bolster the insufficient outcomes of education policies.<sup>400</sup> The number of NGOs working in Roma education has increased steadily, from less than 100 organisations in 2000 to approximately 260 organisations in 2011.

Affirmative action measures were initially adopted for secondary school students. Romani students finishing eighth grade have had the option of applying for reserved places for entering lower secondary school (grade nine), whether through the progressive route or through vocational training. Two places per class are retained for Romani students at the beginning of each academic year. The distribution of Romani pupils on these reserved places in secondary schools is achieved through a public meeting of a county-level committee, formed by representatives of school inspectorates and representatives of Roma institutions.

In order to support Romani secondary school students, the Romanian government appointed school mediators (with over 670 mediators trained at the national level by 2008), with their training supported by the bodies involved in the implementation of educational Phare projects,<sup>401</sup> the National Agency for Roma and NGOs such as: Amare Rromentza, Romani CRISS, the Resource Center for Roma Communities, Soros Foundation Romania, Educatia 2000+ Centre and the Timișoara Intercultural Institute. These organisations also implemented various educational programmes aimed at increasing school attendance among Romani children and at training qualified personnel.

Between 2008 and 2011, in the context of the global economic crisis, 57 school mediator positions were discontinued in Bucharest only, although figures on the national scale of the discontinuation of school mediator positions have not yet been centralised and published by the Ministry of Education.

Another change was the creation of the position of county school inspector for the Roma, a position initially legislated as county inspector for minorities and then as inspector for the Roma.

In 1992, Romania adopted affirmative action measures for Roma students at secondary school and university level.<sup>402</sup> According to the 1992 provisions, this meant the allocation of a number of additional places reserved for Roma students who fulfilled the minimum requirements for passing graduation exams. At

398 Soros Foundation 'European Investment for the Future of Roma in Romania', (Bucharest: Soros Foundation, 2010).

399 Research Institute for the Quality of Life (2010). "Legal and equal for Roma communities". Research Institute for the Quality of Life, Bucharest: Expert, 2010.

400 UNICEF. 2009. 'Evaluation of Public Educational Policies for Roma', Ed. Alpha MDM.

401 See: <http://administrasite.edu.ro/index.php/articles/c115/>.

402 Ministry of Education and Research, Order no. 3577/1992.

the same time, the Romanian education system has been encouraging the teaching of the standardised Romani language in primary and secondary school as an elective subject to be studied upon request. Investments were also made for the training of Roma teachers, *with over 1900 university graduates in Romani language and literature* since the inspection of this policy.<sup>403</sup>

In the 1992-1993 academic year, 10 places were allocated by the Ministry of Education for Romani candidates at the Department of Sociology and Social Work at Bucharest University. These places were aimed at Romani students wishing to major in social work. A year later, for the 1993-1994 academic year, other departments at universities in Cluj, Iași and Timișoara retained special places for Romani entrants. The first generation of Romani graduates, three students in total, who enjoyed the special places graduated in 1996. Research has revealed that universities vary significantly in terms of the year in which this affirmative action measure was first introduced. For example, the University of Craiova initiated this policy in 1998-1999, while certain departments within the University of Bucharest started to allocate special places later. For example, the Faculty of Law allocated special seats to Romani entrants for the first time as late as 2010.

During the 2012-2013 academic year, the Ministry of Education and Research allocated a total number of 555 seats for Romani students at the tertiary level. The number of allocated places varies depending on request and institutional availability. Research has highlighted a range of problematic aspects as regards the implementation of this affirmative action measure:

- *lack of institutional transparency* (universities do not have centralised and transparent databases);
- *lack of institutional flexibility* (in many circumstances the allocated places are split among different departments within the same universities, but they are not linked to numbers of actual requests for these places). For reasons not yet known (due to a lack of research in this respect), beneficiaries of this affirmative action measure at tertiary level tend to be students in the humanities and the social sciences, particularly law, political science and sociology. The possibility to “move” allocated places from department to department, in line with demand, is not universally available across universities;
- *lack of monitoring as regards integration level*: considering the lack of information regarding the problems beneficiaries of allocated places face in tertiary education, it is not possible to ascertain how they adapt and cope with university life. No coherent policies exist to support Romani students during their university years and there is no regulatory framework stipulating the need for such policies (good practice guidelines, strategies, recommendations);
- *Significantly higher dropout rates than among non-Roma students*. The causes for significantly higher dropout rates and therefore lower graduation rates have been explained by scholars thus: financial causes (Romani students face high risks of poverty and extreme poverty). With little or no financial support from family, being vulnerable and exposed to social exclusion, students’ strategies to graduate from university are drastically limited. Romani students are often forced to give up their studies and seek employment instead; and
- *lack of integration into an academic environment*, a combined outcome of peers’ perceptions and instructors’ behaviour. The beneficiaries of affirmative action often internalise a sense of inferiority, which magnifies the impact of peers’ and instructors’ unsupportive or negative behaviours. A delicate problem is that of *bribing* Roma NGOs to issue a certification of Roma ethnic identity in order to be able to benefit from this affirmative action measure, which encourages opportunism, subsequent lack of involvement in students’ communities and even the occupation of these places by non-Roma individuals.

The majority population<sup>404</sup> often perceives affirmative action measures for Roma as having negative effects for the following reasons:

- affirmative action measures are not considered to be fair for the majority population and, as a result, may lead to inter-ethnic conflict over time;

403 Soros Foundation Romania, “Roma Inclusion In Romania. Policies, Institutions and Examples” (Bucharest: Soros Foundation Romania, 2012), 57. Available at: [http://soros.ro/ro/program\\_articol.php?articol=400](http://soros.ro/ro/program_articol.php?articol=400).

404 Integrated European Platform for Roma Inclusion, *Road Map*, 30 June 2010.

- affirmative action measures perpetuate racist attitudes and have a negative effect on beneficiaries' self-esteem;
- beneficiaries need additional support in order to succeed, but there are non-Roma poor students who could also benefit from similar measures, and by offering support to the former only, poor Romanians are disadvantaged;
- affirmative action measures undermine competitiveness.

The perspective that many Roma share on this issue is that regardless of its unfair character and the possibility to abuse the system of reserved places, this policy has major benefits, inclining the balance towards its continuation. Poor Romanians do not face racism and exclusion on ethnic grounds even if a more ample anti-poverty strategy to avoid their social exclusion might also be necessary.

These affirmative action measures have a positive impact on the formation of Roma elites, through offering the possibility of higher education to citizens of Roma ethnicity otherwise risking lagging behind. They also stand as proof of the importance of the principle of equal opportunity and they should be continued not only for Roma secondary and university students, but also for members of other disadvantaged categories. In other words, positive action measures should be granted not (only) on ethnic, but (also) on social grounds.

## Labour market participation of Roma. Success or failure of the employment policies for Roma

*Ancuța Radu*<sup>405</sup>

The National Agency for Employment (NAE) is the public institution which implements policies and strategies for employment and for the training of people in search of employment, developed by the Ministry of Labour, Family, Social Protection and Senior Citizens. According to the "Romanian Government's strategy for the inclusion of Romanian citizens belonging to the Roma minority for 2012-2020", NAE is in charge of implementing measures in this strategic domain for the achievement of the major objective concerning employment: "promoting the growth of employment of people belonging to Roma minority and increasing attractiveness for investments".

In 2012 NAE<sup>406</sup> stated that "employment of Roma ethnics" was a priority, in the Programme for employment in 2012<sup>407</sup> the first two general objectives (out of a total of four) of the Employment Programme refer to the social inclusion and integration on the labour market of Romani individuals: "increase of employment rate and promotion of social inclusion" and "setting a balance on the labour market, increased rate of youth employment and of Roma employment". As a target for 2012, "the Employment programme for 2012 set the employment of 4,749 Romani individuals, considered to belong to people "with difficult access to the labour market".

In fact, in the same document NAE points out that it is engaged in the implementation of the "Romanian Government's strategy for the inclusion of Romanian citizens belonging to the Roma minority for 2012-2020" and that in 2012 one of the agency's priorities is "the employment of Roma ethnics". Thus, Programme 140 was put forward specially for communities with a large number of Romani individuals (the target was to provide employment for 2,000 Roma, almost half of the target set for 2012) "in support of which" there were actions implemented by the public service for employment: an employment caravan in communities with a large number of Roma (these actions were supposed to be carried out "within the budget allocation for each county"); job fairs and "improved cooperation with Roma representatives". In a reply received by the Soros Foundation Romania on 5 February 2013, NAE admits that Roma are "a group facing difficulties in their integration on the labour market". In addition it is clearly stated that "within these

405 Post-graduate student in Public Policies and European Integration, National School of Political and Administrative Studies, Bucharest. She is enrolled in a six months internship at the Soros Foundation Romania.

406 ANOFM, *Programul de ocupare a fortei de munca pentru anul 2012 al ANOFM*, (2012 Employment Programme) available at: <http://www.anofm.ro/node/3070>.

407 *Ibid.*

programmes a special emphasis is laid on personalized actions, especially on labour mediation and occupational counselling".<sup>408</sup>

For the case study we used document analysis and a few exploratory interviews given that we had the report "Legal and equal on the labour market for Romani communities"<sup>409</sup> (2010) to analyse the actions carried out by the public service for employment: Roma employment caravan and Roma job fair. In the 2010 study mentioned above a qualitative evaluation of the measures for encouraging employment rate among the Roma was carried out by NAE. Within the evaluation<sup>410</sup> done in a few localities in different counties in Romania (different regions) both perspectives were analysed as concerns the measures implemented by NAE: that of institutional representatives and that of direct beneficiaries. Unfortunately we cannot state that there are significant differences between what was done in this domain in 2010 and in 2012. We have the same measures, the same manner of implementations and the same mentalities.

### *Roma employment caravan*

In 2005 this programme to stimulate employment targeted Romanian citizens in general with a special focus on rural areas. In the early days, representatives of local NAE offices, with support from the town halls, organised meetings in communities providing information about NAE services: about job vacancies, about training courses (period when they were organised, requirements for enrolment) and about the programmes provided by the employment agency. In these meetings counselling and support were provided for overcoming bureaucratic barriers concerning employment.

The Roma employment caravan emerged as an action within the implementation of the Romanian Government's Strategy for the Improvement of the Roma Situation 2001 - 2011. The programme was conceived to bring the services provided by the county and local NAE offices closer to the Romani communities especially in rural areas; the actions did not have a fixed term as they were implemented throughout the year. NAE implements such measures for stimulating employment of the Roma ethnics in an attempt to:

- Identify unemployed people who have not registered as such with NAE and who are in search of employment;
- Guide, register and provide information and free occupational counselling for these individuals;
- Disseminate information about the services provided by NAE offices to all registered unemployed people;
- Identify problems and obstacles faced by people in rural areas and by Roma so that NAE can adapt its measures to their needs;
- Establish and consolidate collaboration with all local stake holders with the aim of increasing the employment rate.<sup>411</sup>

### *Roma job fair*

The job fair is a specific action within the active measures implemented by NAE to reduce the unemployment rate. This is in fact an employment mediation service and it consists in bringing together employers and people in search of employment in order to establish a work relationship. The county agencies identify vacancies and make them known to people in search of a job. The mediation services consist in providing information about vacant positions and the requirements for filling these positions through publishing the vacancies and organising job fairs.

408 *Ibid.*

409 Research Institute for the Quality of Life (2010). *Legal and equal for Romani communities*. Research Institute for the Quality of Life, Bucharest: Expert, 2010. This report was coordinated by Soros Foundation Romania in the framework of the project "L@EGAL 2 – European investment for the future of the Roma from Romania", financed by EU funds as an initiative of the Resource Center for Roma Communities (RCRC) in partnership with the Resource Center for Training in Social Professions (CRFPS), "PRO VOCAȚIE" and Soros Foundation Romania.

410 The evaluation was done using the following research approaches: document analysis, individual interviews and focus groups.

411 This information is taken from a press release by the Ilfov County Agency for Employment of December 2012 (the date is not mentioned on the release). Unfortunately the NAE site does not provide information about this programme. Neither have the NAE representatives provide more such information in their response to our enquiries.

The Roma job fair is an action carried out in partnership with employers, which aims to establish a connection between the employers and Roma people in search of a job with a view to entering into work relations, by facilitating meeting between those in search of a job and employers. This programme is part of the General Job Fair (employment mediation<sup>412</sup>) and is carried out only in localities that have a high number of Roma.<sup>413</sup> In 2012 such events were organised in nine cities in six counties.

As an outcome of the brief interviews carried out at specific points<sup>414</sup> combined with the interview analysis and the final study "Legal and equal on the labour market for Romani communities"<sup>415</sup> (2010) we can conclude a few facts about the perspective of individuals who work within the largest employment agency in Romania concerning our topic of interest. They pointed out that the biggest success rate of employment stimulation measures was for subsidies provided to employers in order to take on certain vulnerable categories of people. Besides this, agency staff do not think highly of the special programmes to stimulate employment focusing exclusively on Roma. The reasons are:

- Special programmes for Roma require that they publicly assume their ethnic identity, which is known to be a problem due to the climate of discrimination and the historic past of this ethnic group.
- Representatives of local and county agencies consider that the Roma are not so interested in the jobs available or in the training courses (the services provided by NAE in general) and they give up easily. At the same time it is admitted that the employment opportunities shared in the caravans and the job fairs are not very good (a small number of jobs and low salaries). Many Roma do not wish to accept positions that require unqualified (therefore badly paid) labour on the formal labour market, because in the absence of a work contract (therefore by not paying taxes) they manage to earn a higher income.
- The services provided by NAE, the qualification courses and the jobs promoted in the caravan do not match the level of education, the skills or interests of the Roma. In addition during the qualification courses the participants do not benefit from financial compensations which would allow them to support their families. Moreover the skills and informally gained competencies of the Roma (passed down through families) are not formally recognised.
- Even the clerks of the county and local agencies that were interviewed admit that there is no effective monitoring and evaluation of the services provided by NAE.

By combining the information obtained through interviews with Roma people and the interviews and results of "Legal and equal on the labour market for Romani communities"<sup>416</sup> (2010) we are able to describe the perspective of beneficiaries (potential beneficiaries) on the services provided by NAE:

- NAE's programmes and services are little known and not very visible, especially among Roma in rural areas.
- These are considered inadequate for the needs and interests of Roma. It was pointed out that some job offers were presented in the job fairs for Roma as a "formality", as they had been promised to other people.
- It is believed that qualification courses do not provide enough competences to fill positions. In addition the qualification courses are not correlated with concrete job opportunities.

In this fragile context of employment there is an additional gender dimension, a significant factor in the equation of Romani families' living standard. There is a perpetual discrimination phenomenon whose victims are Romani women, which starts from elementary school where Romani girls' access to education is often sacrificed to care for younger siblings or do house work, which pushes Romani girls into early adulthood.

412 See also Law 76/2002 regarding the unemployment benefit system and stimulation of employment.

413 Research Institute for the Quality of Life, *Legal and equal on the labour market for Romani communities*.

414 The interviews were done in Ploiesti for logistical reasons: in the absence of strong institutional support and of the recognition of the official quality, through acquaintances we managed to access the staff of the county agency who were ready to help us.

415 Research Institute for the Quality of Life, *Legal and equal on the labour market for Romani communities*.

416 *Ibid*.

The customs and history have left their print on Romani women's status, both as concerns their identity, their lack of visibility in the community and the work they do. Romani women are most often present in employment fields such as cleaning, caring, house work, which entails physical work rather than intellectual work and for which little education suffices.<sup>417</sup> Most often these women's work is not valued or paid adequately, and is considered as characteristic of the female gender.

### Conclusions

The studies carried out in Romania in Roma community issues are in agreement as concerns the reasons why Roma face difficulties in accessing the labour market: a significantly lower level of education as compared to the majority population; limited qualifications or non-formal qualifications based on experience or tradition; discrimination by employers and negative stereotypes about Roma people's work; low aspirations; a poor state of health and poor political representation.<sup>418</sup>

The labour market inclusion programmes for Roma are an endless source of uncertainties. Frequently the job provision for Roma is unrealistic as compared to their needs and skills, the process is bureaucratic, and there is an unmet need for mediation between institutions and the community, all of which are reasons why the Roma are not interested in NAE's programmes, which prove to be of limited efficiency. On the other hand, several programmes for the inclusion of the Roma are inadequate for this ethnic group given its history, its particularities and traditions, which is why they prove to fail.

In the context of the current economic crises, of the extremist actions targeting the Roma population and not lastly of the 500 years of slavery, whether we accept it or not, Roma are marginalised in the labour market regardless of the field of activity. Roma are the first to be made redundant when there is restructuring, and they have to work twice as hard to benefit from certain work conditions or services.

The reduced visibility, the unreliability of data about the real number of Roma in Romania, the lack of long term monitoring of the projects' and programmes' impact are part and parcel of the numerous deficiencies of policies focusing on the Roma.

## The Health Mediation Programme – A Means to Increase Romani Communities' Access to Healthcare Provision

Eugenia Bratu,<sup>419</sup> George Radulescu<sup>420</sup>

The health mediation programme has been operating at the national level in Romania since 2002, in conformity with ministerial order no. 619/2002, issued by the Ministry of Health, and is considered by specialists to be *"one of the best models of collaboration between civil society and central government, a responsible partnership for the implementation of concrete measures in the benefit of disadvantaged Romani communities in the broader context of the implementation of measures contained in the National Strategy for the Improvement of the Condition of Roma"*.<sup>421</sup>

Initially, the health mediation programme was conceived in order to facilitate communication between members of Romani communities and primary healthcare personnel.<sup>422</sup> Communication between these two parties had been considered poor due to cultural differences and as a result of prejudices and stere-

417 Gheorghe, C., *Take me as I am, Roma women's words and images*, (Bucharest: Timisoara Printing House, 2010).

418 "Roma situation in Romania, 2011. Between social inclusion and migration", Soros Foundation Romania, 2011. The data were collected on a representative sample for self-identify Roma from Romania.

419 Public Health specialist, Master degree in Public Health and Health Services Management, PhD student in Social Medicine at the University of Medicine and Pharmacy Bucharest.

420 Doctor in Sociology, Master degree in Social Policies Development - Strategic Management, graduate of the Faculty of Sociology and Social Assistance.

421 Interview with Dr. Hanna Dobronăuțeanu, former personal counsellor to the health minister between 2001-2007 and coordinator of the health mediation programme within the Ministry of Health.

422 Nanu, Lavinia, Radulescu, Daniel, Dobronăuțeanu, Hanna, Jitariu, Cristina, Raicu, Corina, *"The Health Mediator's Manual"*, 2008, p. 28.

otypes healthcare professionals held about members of Romani communities. The NGO Romani CRISS developed a programme aimed at improving the access of Roma to public healthcare services in line with the principle of equal opportunity. This programme had clear objectives for both civil society and central government agencies and it was innovative in that it aimed to change behaviours and to lead to the adoption of healthier lifestyles over the medium and long run.

Health mediators are Romani women whose role is to act as a “*connection*”, to mediate the relationship between members of the local Romani community and health authorities. Her mission is to prevent unpleasant socio-sanitary situations that might arise in the community.<sup>423</sup> Her activity is concerned mainly with improving the efficiency of public health interventions aimed at improving socio-medical status of the Roma. Furthermore, the role of the health mediator is to strengthen relationships between representatives of local authorities and the local Romani community based on the principles of equal opportunity and local partnership.

Public policies for Roma make reference to the development of the health mediation programme,<sup>424</sup> the extension of the health mediators’ network at the national level,<sup>425</sup> the development of prophylactic healthcare and sanitary education in Romani communities as well as anti-discrimination measures aimed at ensuring the equal access to quality healthcare services for Roma.<sup>426</sup> All of these measures point to the health mediator and make her work a priority in the process of improving the health status of Roma.

### *Objectives of the health mediation programme*

As early as 2001, the National Strategy for the Improvement of the Condition of Roma (Cabinet decision no. 430/2001) and later the Action Plan for the Decade of Roma Inclusion (2005) clearly established the key objective of the health mediation programme, which has been the improvement of access to preventative and curative public healthcare services for Roma.

According to the health mediator’s manual, the health mediator is a worker for a Roma community and her roles are:

- To facilitate communication between the Roma community and healthcare personnel;
- To facilitate the access of Roma individuals to healthcare services;
- To provide information to community members regarding the rights and responsibilities of the state towards its citizens and citizens’ obligations towards the state; and
- To communicate necessary information about the functioning of the healthcare system and health insurance to members of the community.

The health mediator is the person assisting healthcare personnel in delivering medical care. Through facilitating dialogue between the community and medical staff, the health mediator identifies health problems among the Roma and brings these to the attention of primary healthcare personnel, periodically visits the Roma community to monitor cases of sickness and communicates possible changes in patients’ situation to medical staff.

The work health mediators do contributes to the harmonisation of social conditions in which medical care is delivered, providing the opportunity for improving the health status of the community. She transmits the necessary information about the functioning of the public healthcare system and about health insurance to the members of the community.<sup>427</sup>

423 Nanu, 2008, p.28.

424 Cabinet decision no. 430/2001 – The National Strategy for the Improvement of the Condition of Roma 2001-2010, chapter D – Health.

425 Action plan in the sphere of health –The Decade for Roma Inclusion 2005-2010.

426 Cabinet decision no. 522/2006 – The National Strategy for the Improvement of the Condition of Roma, updated, chapter C. Health.

427 Nanu, Lavinia, Radulescu, Daniel, Dobronăuțeanu, Hanna, Jitariu, Cristina, Raicu, Corina, “*The Health Mediator’s Manual*”, 2008, p. 28.



### Measures taken towards the implementation of the health mediation programme

The health mediation programme was introduced as an official policy in 2002 in Romania through the publication in 2002 of ministerial order no. 619/2002 which approves the establishment of the occupation of health mediator and stipulates the technical provisions regarding the organisation, functioning and financing of health mediators' activities. When the programme was launched, health mediators were employed by Public Health Directorates through the hospitals in their jurisdiction at the time. Due to the fact that the occupation of health mediator had not been included in the official list of professions and because County Public Health Directorates not wishing to employ health mediators justified their refusal by citing lacking regulatory frameworks pertaining to health mediators' job descriptions, Romania CRISS, with support from the Ministry of Health, registered this occupation formally with the code COR 513902<sup>428</sup> in 2002, thus clarifying the occupational status of health mediators for their employment relationships.

According to documents issued by the Romanian Cabinet, the health mediation programme was seen as a priority by the Cabinet,<sup>429</sup> one of the key indicators monitored in national evaluations being the annual increase in the number of newly employed health mediators. At the onset of the programme, a total of 166 positions<sup>430</sup> were deemed necessary in the 34 pilot counties, but the number of trained and employed health mediators increased to 688<sup>431</sup> by 2008. As far as the employment of health mediators is concerned, the impact study "The impact assessment of the health mediation programme", carried out by Sastipen for the 2002-2007 period, revealed that the number of health mediators increased annually, reaching 788 officially registered health mediators in 2007.

The health mediation programme began to decline when the strategy for the decentralisation of public healthcare was published on the website of the Ministry of Health in December 2006. This strategy stipulated that community medical assistance (which also included health mediators) would be subordinated to local authorities, with local social services responsible for the provision of this type of health service. This way, without the prior consultation of civil society partners, the Ministry of Health proposed the transfer of responsibility for the provision of the health mediation programme from Public Health Directorates to local authorities.

Between January 2007 and November 2008, a series of discussions took place within the Ministry of Health's Ministerial committee for the Roma. The focus of these discussions was the proposal to maintain health mediators in the direct subordination of the Ministry of Health, in an attempt to prevent the disappearance of the programme. According to the notes taken during these discussions, the participating members of civil society mentioned the need for evaluating local authorities' capacities to implement the health mediation programme in such a way as to ensure health mediators' continuity based on the principles of health mediation. This type of evaluation never took place and, according to the impact assessment carried out by Sastipen in 2011, the entire health mediation programme was negatively affected. Local authorities proved incapable and unprepared to correctly manage the processes involved and, implicitly, to ensure the sustainability of health mediation at the local level.

This move towards decentralisation led to health mediators being coordinated by local authorities. The transfer was done based on Emergency Ordinance no. 162/2008 regarding the transfer of all roles and responsibilities exercised by the Ministry of Health to local authorities as part of the transfer of roles and responsibilities for community medical assistance. Ordinance no. 162/2008 defines health mediators as "a professional group that provides community medical services and activities together with the community nurse". Ordinance no. 162/2008 also stipulates that "the health mediator, in conjunction with the community nurse, carries out her duties as part of the social services division of local authorities or, alternatively, as part of the Mayor's body of specialists, employed with a work contract and enjoying all the rights and bearing all the responsibilities arising from this contract, signed with the local authorities in whose jurisdiction she performs her duties". As

428 This group includes untrained healthcare personnel elsewhere in the smaller group 532 – Healthcare personnel, [http://www.rubini-an.com/cor\\_5\\_ocupatia.php?id=5329](http://www.rubini-an.com/cor_5_ocupatia.php?id=5329).

429 Cabinet decision no. 430/2001 – The National Strategy for the Improvement of the Condition of Roma 2001-2010, chapter D – Health.

430 Ministerial order no. 619/2002, issued by the Ministry of Health, Annex 1.

431 Interview with Dr. Hanna Dobronăuțeanu, former personal counsellor to the health minister between 2001-2008.

regards the financing of community medical assistance, the ordinance states that the provision of these services by local authorities shall be covered by transfers from the state budget to local budgets, through the Ministry of Health.

Since decentralisation, the number of health mediators has declined. According to data provided by County Public Health Directorates and the National Agency for Roma, only 350 health mediators worked in 2012, although the Ministry of Health had budgeted salaries for 420 for that year.<sup>432</sup>

### *The social impact of the health mediation programme*

#### **1. The coverage of health mediation services for Roma**

According to official census data for 2002, 535,140 Romanian citizens declared themselves to be Roma. If a single health mediator were responsible for at least 500 persons, 1070 health mediators would be necessary to cover the entire Roma population. This calculation is an estimation because Romani communities differ in size: there are Romani communities exceeding 500 individuals in need of health mediators and communities of less than 100 people not needing health mediators. At the same time, however, the reticence of Roma to declare their ethnicity has been widely documented. As a result, it is very likely that the actual number of Roma is significantly larger than that officially registered. As a result, a straightforward conclusion is that the coverage of services provided by health mediators has never been close to full.<sup>433</sup> There are cases when individual health mediators provide services to significantly more people than the average, as is the case in the Ferentari neighbourhood of Bucharest, where the health mediator caters for the needs of 1,260 individuals.<sup>434</sup>

If we consider the number of health mediators available in December 2012, i.e. 350 active health mediators, each able to work with 500 individuals, a total number of 175,000 citizens covered by the services of a health mediator results, i.e. a coverage rate of 33% of the Roma population officially declaring themselves to be Roma.

#### **2. The health mediator – a role model for the women in her community**

Discussions with experts<sup>435</sup> in the project *“The health mediation programme; Opportunities for increasing labour market participation among Roma women”*, implemented by Sastipen, revealed that one of the positive outcomes of the programme was the fact that, due to the work they were engaged in, health mediators were perceived as role models for the Romani women living in the communities in which the former worked and were considered, as a result, to be agents of change.

According to the health mediator’s manual, the conditions one has to meet to become a health mediator are the following:<sup>436</sup> *to be a woman, to have some education, to be a mother, to live in the community she serves, to be a good communicator, to speak the language of the Roma community, to be considered a role model in the community, to have empathy and to be recommended by the community.*

According to Mariana Buceanu,<sup>437</sup> an expert in health mediation, another objective of the programme from the vantage point of civil society was to empower Romani women to become active labour market participants and to play an active role in the implementation of interventions aimed at mothers and their children.

#### **3. Access to basic social services and primary healthcare**

Through the work they are involved in, health mediators actively contribute to improving beneficiaries’ access to basic social services and primary healthcare. According to the impact assessment

432 Interview with Corina Teodor, counselor in the Ministry of Health between 2008-2012.

433 Sastipen, *The impact assessment of the health mediation programme*, 2011.

434 Interview with Ioana Constantin, health mediator in Ferentari neighborhood, Bucharest: January 201.

435 Interview with Dr. Hanna Dobronăuțeanu, Dr. Stanescu Alin, Dr. Luminita Marcu, experts in the community medical assistance programme.

436 Nanu, Lavinia, Radulescu, Daniel, Dobronăuțeanu, Hanna, Jitariu, Cristina, Raicu, Corina, *“The Health Mediator’s Manual”*, 2008, p. 29-30

437 Interview with Mariana Buceanu, expert of the National Agency for Roma, Bucharest: February 2013.

carried out by Sastipen, over 97% of a sample of interviewed health mediation service beneficiaries reported possessing birth certificates and identity cards.<sup>438</sup> As far as access to health insurance is concerned, the same study revealed that 85% of Roma living in communities that had health mediators reported to have received support in the process of applying for insured status, an indication of the genuine impact of the programme as far as this objective is concerned.

#### 4. Improvements in the health status of mothers and their children

It has been noted that in the communities that had a health mediator,<sup>439</sup> 53% of the women were advised to see their GPs during pregnancy. The women who received such advice from health mediators tended to be younger, were more likely to live in rural areas and to have health insurance. As regards children's health, in communities that benefited from the presence of health mediators, the share of new mothers taking their infants to the GP during their first month of life was very high. Even higher percentages were observed as regards the vaccination of their youngest children. Health mediators proved to be much more involved in advising new mothers about feeding during the first six months or the first year of their children's lives.<sup>440</sup>

#### Achievements

Interviews carried out with health mediators revealed that the decentralisation of community medical assistance led to changes in their roles, in that they were compelled to undertake more social assistance related activities in the detriment of health-related activities: assisting with the administration of means test, assisting applicants with compiling application packages for different benefits (social care allowance, social assistance benefit, paid parental leave, heating benefit, child benefit for large families), informing Roma community members of communications from the local authorities, filing complaints with the Police, counselling abused persons etc.

It is notable that prior to the 2008 decentralisation, health mediators engaged in a range of social activities outside their job description, for instance: assistance in the process of obtaining an identity card, assistance with applying for the guaranteed minimum income (social assistance), the facilitation of dialogue between applicants and social workers during means tests. Involvement in these activities was meant to contribute to individuals' access to public healthcare provision.

As regards beneficiaries' perceptions about the help health mediators offered, the impact assessment carried out by Sastipen in 2011 focusing on the health mediation programme revealed a range of issues:

- Around three quarters of rural respondents said they had received help from a health mediator. Health mediators' help was more likely to be recognised by rural respondents with several children, women and those with more education.
- Roma living in communities with health mediators were also more likely to go to the GP for light illnesses or preventative check-ups.
- Pregnant women were advised to seek medical attention for monitoring the pregnancy throughout its stages.
- A pregnant woman advised to see the doctor by the health mediator was 4.5 times more likely to go to a check-up than a woman not advised to do so.

The health mediation programme had a significant impact not only on Roma accessing health insurance, but also on signing up with a GP. The share of those who had health insurance was higher in communities with health mediators as compared to those without health mediators. Furthermore, the share of Roma individuals registered on GPs' lists was higher in communities that had a health mediator: in communities with health mediators, Roma inhabitants were twice more likely to have health insurance.

438 Sastipen, *The impact assessment of the health mediation programme*, 2011, pp. 46-48.

439 Sastipen, *The impact assessment of the health mediation programme*, 2011, pp. 46-48.

440 Sastipen, *The impact assessment of the health mediation programme*, 2011, pp. 48-50.

Arguably, one of the achievements of the health mediation programme is the professionalisation of health mediation. Although some of these women may not continue to work as health mediators in the future, many will remain active in their respective Romani communities.<sup>441</sup>

Some of the women who had worked as health mediators turned to positions related to health mediation, continued their studies and became social workers, community nurses, hospital nurses, sociologists, thus becoming role models in their respective communities.

### *Shortcomings*

A significant part of the shortcomings of the health mediation programme appeared as a result of the decentralisation process. This process was insufficiently prepared and as a result local authorities remained uninformed about the health mediators' roles, were unaware about the future financing of the programme and refrained from taking on health mediators. Discussions with Mariana Buceanu<sup>442</sup> revealed that around half of the health mediators active in 2008 have been inactive since the beginning of 2009 in spite of their extensive experience in the profession. Decentralisation has also brought about a weakening in coordination, in the provision of technical assistance and in the monitoring of health mediators carried out by Public Health Directorates as well as growing uncertainty, experienced by health mediators, as regards the necessity and appropriateness of their health related activities and the scheduling of these activities.<sup>443</sup>

Although health mediators are meant to file monthly reports, this has not always happened. The Sastipen study mentioned the fact that local authorities tended not to request activity reports from their health mediators. In a few cases, personnel coordinating the activities of health mediators did request such reports. However, in the latter case, the problem is that local social services personnel do not have the training to be able to assess and offer technical assistance to women working as health mediators.

Another problem is the provision of resources necessary to support the activity of local health mediators. The authors of the Sastipen report mentioned that the majority of health mediators felt that they were insufficiently rewarded for the work they were doing and that they lacked the resources to carry out their work (e.g. access to a telephone, transportation, etc.).

### *Reasons for lack of success/success*

Non-observance of performance criteria and the lack of monitoring that resulted from the decentralization legislated in 2008 can contribute to the diminution of the importance of health mediation. The authors of the impact assessment carried out by Sastipen<sup>444</sup> mentioned the need for in-service training for health mediators in order to ensure the continuous development of the programme.

Another possible reason for the lack of success in this programme, another likely by-product of the decentralisation process, is the possible politicisation of the post upon the mayors' requests, i.e. the involvement of the health mediator in political activities, e.g. during election campaigns, given the vulnerabilities arising from holding a subordinated local post. At the same time, health mediators may also experience possible job insecurity for similar reasons.

One of the aspects associated with the decentralisation process perceived in a positive light by the authors of the Sastipen impact assessment is that employment of health mediators, where this was done, was based on contracts for an indefinite period, a definite success of the decentralisation process. Another factor that may also negatively affect health mediators' activities is the cuts for healthcare in state budget allocations and the overall decline in the quality of healthcare services.<sup>445</sup>

441 Sastipen, *The impact assessment of the health mediation programme*, 2011, p. 28.

442 Interview with Mariana Buceanu, expert of the National Agency for Roma, Bucharest: February 2013.

443 Interview with Dr. Alin Lazea, former coordinator of the community medical assistance programme, Public health Directorate Vrancea.

444 Sastipen, *The impact assessment of the health mediation programme*, 2011, pp. 17-21.

445 Interview with Corina Teodor, counselor in the Ministry of Health between 2008-2012.

The institutionalisation of the programme, i.e. its spread to a large number of communities, may be considered another success. The position of health mediators has come to be recognised by members of Romani communities, which in turn has led to Roma trusting their health mediators and, as part of a virtuous circle, health mediators' improved motivation in their work.<sup>446</sup>

## Housing in Bălțești – “Once upon a time”

Loredana Daniela Dobra<sup>447</sup>

There is nothing new in stating that the vast majority of Romanian Roma live in the worst housing conditions. The Barometer of Roma Inclusion (2007)<sup>448</sup> provides an extensive analysis of housing conditions characteristic for a representative sample of Romanian Roma. Unfortunately, findings reported in the Barometer (BRI) remain highly topical, as data gathered in 2011 using the same methodology as part of a different survey<sup>449</sup> revealed no significant changes (it is to be noted that the section on housing was less generous in the latter survey). Over 60% of Roma live in compact/segregated communities, often isolated from the rest of their local communities, in areas with precarious or lacking infrastructure (roads, drinking water and sewage). According to 2006 data (BRI), 63% of Roma thought that their roads were poor or very poor, with an additional 1% stating that roads were completely absent in their parts. By comparison, only 42% of non-Roma persons stated the same thing.

These findings were reinforced by objective data – 72% of Roma have unpaved roads in front of their homes, although only 48% of non-Roma experience these same conditions. It is significant that in very similar areas, access into Romani communities is poorer than into neighbourhoods populated by non-Roma.<sup>450</sup>

Moreover, 50% of Roma (compared to 31% of non-Roma) report having no or limited public transportation coverage. The majority (95%) of Roma dwellings in rural areas lack access to the gas, sewage and drinking water networks (BRI, 2007). Overcrowding is another widespread phenomenon in Romani communities, around one quarter of respondents reporting sharing a room with at least two other persons (2011<sup>451</sup>).

Unfortunately, Romanian public policy efforts to improve the housing situation in Romani communities have been absent. In the hope of being able to provide positive examples, to prove that it is possible and worth investing effort and money into this issue, some NGOs have initiated well-defined steps in this regard. The present case study, making reference to housing and infrastructure, is an example of how it is possible to address housing and especially of how local authorities may be involved in the social inclusion of Romani communities. Unfortunately, the limited resources that most rural communities have access to (with over half of Romanian Roma living in rural areas) undermine opportunities for intervention without long-term investments from the state budget.

The present case study represents one of the few interventions that have tried to rely on an integrated approach to the inclusion of the Roma. The efforts described below took place over quite a long period of time (between 2006 and 2010), which enabled their success up to a certain point. However, the lack of funds undermined their continuation and the project has been almost completely forgotten.

This case study draws on document analysis and on in-depth interview data with the project manager and some of the beneficiaries.

446 Interview with Dr. Hanna Dobronauteanu, former counsellor to the health minister, 2001-2008.

447 Undergraduate student at the University of Bucharest, Faculty of Social Work. She is enrolled in a six-month internship at the Soros Foundation Romania.

448 Bădescu, G., Grigoraș, V., Rughiniș, C., Voicu, M. and Voicu O. *The Barometer of Roma Inclusion*, (Bucharest: Soros Foundation Romania, 2007).

449 Preoteasa A, Șerban M, Tarnovschi D., *Between social inclusion and migration*.

450 Bădescu, G., Grigoraș, V., Rughiniș, C., Voicu, M. and Voicu O.. *The Barometer of Roma Inclusion*, (Bucharest: Soros Foundation Romania, 2007), 32.

451 Preoteasa A, Șerban M, Tarnovschi D., *Between social inclusion and migration*.

The Programme for Integrated Community Development was launched by Soros Foundation Romania (SFR) at the end of 2005 and was aimed primarily at the elaboration of development models in a small number of communities with significant Roma populations. The programme included six communities: four in rural areas – Bălțești (Prahova), Lehliu-Sat (Călărași), Pătrăuți (Suceava) and Verești (Suceava) – and two in urban areas – Geoagiu (Hunedoara) and Mimiș (a Ploiești neighbourhood, Prahova). These localities were picked based on a qualitative explorative study carried out at the beginning of 2005.

Many Romanian Romani communities are economically, socially and politically marginalised and tend to have very limited resources (educational, material etc.), which in turn gives rise to a series of specific problems. Among the most important ones are: significant within-community inequalities as regards development – in many cases, Roma homes do not have access to basic infrastructure; marginal participation (imposed or out of free will) among Roma in local administration and politics; lack of trust between Roma and the rest of the local community (which undermined opportunities for collaboration to tackle shared problems) etc.

The programme aimed to increase social capital at the local level through the greater involvement of Roma in the definition and tackling of their localities' problems and through the intensification of interactions between Roma and non-Roma inhabitants. The programme had two main interventions: one focusing on the development of local social capital and one focusing on providing small grants to localities for the implementation of local actions. The aim was to encourage integrated community development initiatives in Romani communities in the following domains: local economy, healthcare, education, infrastructure and housing. Bălțești is an example of a successful intervention of this kind. The Roma in this village live in extreme poverty and lack basic resources for living.

Bălțești is a rural community in Prahova county comprising three villages: Bălțești, Izești and Podenii-Vechi. The community covers 3666 hectares and is located in a hilly area. It is an old settlement, going back to at least 1581. Inhabitants' main source of income is subsistence agriculture, animal husbandry, forestry and fruit processing. Unemployment is high, and inhabitants have access to cash mainly through subsistence agriculture and social transfers: unemployment benefit, social assistance and family allowances. Some inhabitants in Bălțești have access to the drinking water network and over half are connected to the gas network. Almost all inhabitants have access to electricity through the grid. The small hospital in Bălțești was closed down in 2011 as a result of reform in the public healthcare system despite locals' protests. The community has a school, two kindergartens and a vocational school.

According to preliminary data from the 2011 Census, the community has a population of 3,335 individuals. The "Local Development Strategy" of Bălțești<sup>452</sup> (2007) states that the community is home to 521 Roma individuals. The mayor is Mr Ion Radu and was re-elected as the candidate of the National Liberal Party. There are no local NGOs.

The Romani community is not a traditional one, despite the fact that they speak Romanian. Most Roma regard themselves to be *Romanianised* Roma and say that their lifestyles closely resemble those of the majority population. There have not been reports of interethnic conflicts and mixed marriages have been common for decades. The Roma are the main "beneficiaries" of the community's depressed local economy, as they find it harder to find employment due to the lack of official qualifications and employers' discriminative behaviours.

We have chosen this case in order to show that progress can be made in a community affected by extreme poverty where living conditions are particularly harsh. As already mentioned, Bălțești was selected for the Integrated Community Development programme of Soros Foundation Romania in 2005 and in 2009 the partnership was continued by the Soros Foundation in collaboration with Habitat for Humanity Romania.

The intervention through the Integrated Community Development programme started with the formation of local initiative groups, whose aim was to become involved in tackling community problems through supporting local authorities' efforts. A community facilitator was involved to help form the initiative group. The facilitator identified the leaders who could represent the local Roma community and mobilise Roma.

452 Bălțești, Local Development Strategy", available at: [www.primariabaltesti.ro](http://www.primariabaltesti.ro).

At the same time, the facilitator also engaged members of local authorities in an attempt to raise awareness about the importance of integrating Roma. The initiative group that emerged was formed by informal Roma leaders, representatives of local authorities, teachers and other local leaders. This group underwent information and training sessions focusing on community development and on project development skills.

The intervention aimed to buttress the democratic consolidation of the community and the local initiative group actively participated, since its formation, in local decision-making. Local authorities proved to be the most active stakeholders in this entire process, being engaged in information sessions, in training, in project development and implementation. The local initiative group developed partnerships with the local authorities, especially the Mayor's Office, and other local institutions (the schools and the church).

The local initiative group identified the main problems faced by the community and by the Roma community in Bălțești at its meetings and formulated solutions to these. The latter were subjected to discussion and analyses in order to decide on the best course of action. The Roma felt that the key challenges they faced were the lack of access to drinking water, the lack of a decent road between the Roma neighbourhood ("*ursărie*") and the rest of the local community and the lack of a proper place to keep horses. Of these three problems, the issue of the road was singled out as the most urgent. Considering the costs of an asphalt road and the limited means of the community (local budgets and the amount of cash allocated by the Soros Foundation), it was decided that the road should only be paved with stone.

Each stakeholder (the Mayor's Office, the school, the church, the majority community and the Roma community) took an active part in the development and implementation of the project, based on clearly defined responsibilities. The Mayor's Office, in addition to compiling the project application, took responsibility for the feasibility plan, the construction plan, the mobilisation of the community, the necessary machinery and the labour. The school offered a space for meetings and trainings. The church (the local priest) participated in meetings and in the writing of the project application; the two cohabiting communities (the Roma and the Romanian) took part, through their representatives, in the writing of the project application and got involved in the actual labour associated with paving the road. The mayor proved very open-minded and active throughout the proceedings and was involved in the project throughout.

As a result of this intervention, social capital in the community increased in part as a result of a tighter relationship between the Roma and the Romanian local communities. Human capital also improved as a direct result of the training courses that members of the local initiative group attended. Furthermore, the Mayor's Office started writing project applications and submitting them. Local authorities' capacity to solve problems also increased, as did their interest in trying to tackle the problems faced by the local Romani community. The Mayor's Office, upon finding out that most Roma had no access to a GP and had difficulties in accessing healthcare services, created a local primary healthcare unit and ensured the presence of a GP and a dentist in the community.

In 2009, as a result of the fruitful cooperation between the local authorities, the Romanian and Romani communities and the Soros Foundation, it was decided that the intervention should extend to the construction of homes for five poor Roma families. The Soros Foundation, together with Habitat for Humanity Romania, initiated a pilot project aimed at the erection of eight homes and the refurbishment of another 12 in Bălțești village and Vânători (Neamț county). Bălțești received five homes.

Local authorities provided land (through a concession) for the construction of five homes. The five families that benefited from this intervention were chosen by members of the Romani community. Members of these families were directly involved in the construction of their new homes together with local and international volunteers under the guidance of engineers. Some of those who took part also received formal qualifications as a result of their involvement. The cost of a house was around 15,000 USD and beneficiaries contribute a certain amount of money (calculated as a percentage of their income) over a period of 20 years to pay for it.

Unfortunately, the intervention in Bălțești did not continue because, in the absence of guidance and stimulation, the local initiative group stopped its activities. The global economic crisis stifled local initiatives in the absence of assistance from the Romanian state. The development of an integrated project was stopped due to national authorities' lack of vision. The Roma without homes became disappointed and the mayor

started slowly forgetting what had been achieved and especially what could have been achieved had the programme continued. Unfortunately, the lack of funding and the lack of concern from national authorities prevented the continuation of the programme. However, the Mayor's Office in Bălțești has been increasingly more active in applying for funding for a range of initiatives, through different funding opportunities.

The community consolidation initiative in Bălțești is an example of local authorities' involvement in tackling the problems of local Roma. However, the absence of funding arising from central authorities' lack of vision makes Roma inclusion nothing more than hope. Difficult conditions and poverty that many Roma living in Romania face could be solved, but in order to achieve this, there is need for coherent public policies with clear budgets and with clearly assigned responsibilities for implementation.

## Local experts on Roma issues – a starting point for the promotion and the increase of social competitiveness in Romani communities

*Radu Lăcătuș*<sup>453</sup>

With the adoption of cabinet decision no. 430/2001,<sup>454</sup> local authorities in Romania were faced with a new challenge: the introduction of a new type of approach to tackling problems faced by Romani communities through the new post of the "Roma expert". In the beginning, the creation of this post in local administration bodies also amounted to the opportunity to avoid hiring a Romani individual. Instead, responsibilities assigned to Roma experts were delegated, through the combination of roles, to employees of local authorities. Later on, the number of local Roma experts started increasing and by 2007<sup>455</sup> around 320 individuals were working as local experts on Roma issues in Mayor's Offices, although around 1200 such positions would have been necessary considering the number of Romani communities throughout Romania.

In 2006 and 2007, The Resource Center for Roma Communities (RCRC), a Cluj-based NGO,<sup>456</sup> carried out an analysis of the situation of Roma experts in eight counties.<sup>457</sup> The analysis wished to expose the systemic/institutional problems in public policies for Roma evident in the activities of local Roma experts. The analysis comprised 150 rural communities in eight counties with significant Roma populations:

- There were 48 local Roma experts of whom a majority had been employed on positions not requiring any qualifications or in accordance with law no. 76/2001.
- The tasks of these experts were linked mainly to the management of beneficiaries of law no. 416 regarding the guaranteed minimum income (social assistance).
- Local and county action plans lacked budgetary planning, the result being that Roma issues were not included in local and county investment policies and there were no financial allocations for improving living standards in areas inhabited by Roma. Active social services were not "close" to most Romani communities.

The investigation found that local Roma experts were engaged in tasks that were not included in the Strategy and that most Mayor's Offices did not understand their role. Other reasons for this state of affairs were the following:

- The lack of local Romani actors' experience in conceiving and proposing action plans that might be included in the development plans of local communities;
- Lack of vision and the lack of skills to plan strategies for the inclusion of the Roma in the holistic development of local communities;
- Political reasons; the lack of political will to include Roma issues on public agendas, poor communication between Romani communities and local authorities.

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<sup>454</sup> Cabinet decision no. 430/2001 – The National Strategy for the Improvement of the Condition of the Roma 2001-2010.

<sup>455</sup> The National Agency for Roma.

<sup>456</sup> The "L@EGAL" project – the realisation of public budgetary projections for investments in Romani communities.

<sup>457</sup> Bistrita, Arad, Mures, Bihor, Ialomita, Vaslui, Timisoara and Cluj.



The present case study is based on the document analysis of public policy documents and national initiatives as well as interviews with specialists<sup>458</sup> working in the field, in particular individuals involved in the training of local Roma experts and civil servants in county-level bodies supervising local Roma experts.

### *Objectives and interventions of the programme*

In 2001, the Romanian cabinet passed cabinet decision no. 430/2001 (Annex 4), *“The Strategy of the Romanian Government for the Improvement of the Condition of the Roma”*. This legal document regulated the creation of implementation bodies and its main component was the hiring of local Roma experts by local authorities, a post described as a strategic social actor expected to link Romani communities and local authorities.

In 2006, the Romanian cabinet modified decision no. 430/2001 through decision no. 522/2006, which stipulated the tasks and importance of local Roma experts:

*“Local Roma experts represent the main mediators between local Roma communities and local authorities. Local Roma experts are responsible for the organisation, planning, coordination and implementation at the local level of activities aimed at the realization of objectives and tasks stipulated in the general plan of measures. According to this decision, the local Roma expert is a person with a good understanding of the problems faced by the local Roma, recommended by the local Roma community in order to represent it in its relationships with the Mayor’s Office. Local Roma experts are employed by Mayors’ Offices, are subordinated to the mayor as well as the county agencies for Roma. In rural localities, the post of the local Roma expert may be occupied by someone with a good understanding of the problems faced by the Roma, delegated by the local Roma community to represent it in its relationships with the rural community.”*

As a result of the adoption of decision no. 1221/2011, the double subordination of local Roma experts has been further clarified in the following manner:<sup>459</sup>

*“Local Roma experts operate in Mayor’s Offices. They are subordinated, from a technical point of view, to county agencies for Roma and to mayors from an administrative point of view. In rural communities, the local Roma expert is an expert of Roma ethnicity. The responsibilities of the local Roma expert are to draw advantages from local-level opportunities that could benefit the local community, including the Roma minority.”*

Over the last 12 years, Romanian public policy documents, in particular decision no. 430/2001,<sup>460</sup> amended by decision no. 522/2006<sup>461</sup> and decision no. 1221/2011<sup>462</sup> have regulated the institutional framework through which local and county authorities are expected to apply strategies and public policies aimed at the Roma. The first level in the development of local structures is based on the elaboration of local- and county-level action plans that need to be carried out with direct and mandatory participation from local Roma experts employed by Mayor’s Offices and County Agencies for Roma within county Prefectures. So far, these local- and county-level action plans do not seem to have been genuinely taken into account by public administration bodies. They have been almost entirely neglected in the formulation of local development plans and where they do exist, they lack related financial allocations for investments.

Due to the fact that this situation was considered challenging and unacceptable, in 2008-2009, as part of a national Phare project,<sup>463</sup> The RCRC, the National Agency for Employment (NAE) and the Nation Agency for Roma (NAR), in partnership with the Center for Resources and Training in Social Professions PRO VOCATIE, took the necessary steps to register and approve the occupational standards for the occupation of local Roma expert with the Romanian Code of Occupations.

458 Caprar, E. L@EGAL 2 – a European investment for the future of the Roma in Romania; Cristina Mihai, Lucian Gaman, Florin Hajnal, Roma experts in the Chancellory of the Prefecture, the County Agency for Roma.

459 Decision no. 1221/2011, Chapter XII. Later Stages and responsible Institutions.

460 Cabinet decision no. 430/2001 – The National Strategy for the Improvement of the Condition of the Roma 2001-2010.

461 Cabinet decision no. 522/2006 – The National Strategy for the Improvement of the Condition of the Roma, updated.

462 Cabinet decision no. 1221/2011 for the approval of the Romanian Government’s Strategy for the Inclusion of Romanian Citizens belonging to the Roma Minority for 2012-2020.

463 “L@EGAL” – the realisation of public budgetary projections for investments in Roma communities. Social inclusion component.

The occupational standard also defines the main activities that local Roma experts can engage in:<sup>464</sup>

- Ensuring the respect for Roma rights; the assessment of problems faced by Romani communities; taking part in the implementation of intervention plans according to sectoral domains and specific lines of action; informing members of the community; the identification of cases at risk in the community; the formulation of activity plans; counselling members of the community; advising, counselling, mediating and tackling, within the legal boundaries that citizens' petitions command, of conflicts within the Roma community and between Roma and non-Romani communities; participation in local council meetings in order to present local Roma concerns; the permanent informing of the Roma community and of local NGOs as regards legal provisions and opportunities to tackle the problems of local Romani communities.

Considering the complexity of these activities, the need for experts' initial training and the development of their professional skills, the need for an accredited training programme aimed at local Roma experts emerged. In 2009-2022, the RCRC in partnership with the Center for Resources and Training in Social Professions PRO VOCATIE and Soros Foundation Romania implemented a strategic project<sup>465</sup> at the national level geared towards the continuation of the initiatives started in 2008 through:

- The inclusion into the Nomenclature of qualifications of the occupation of the local Roma expert;
- The certification, as a provider of professional training, of the RCRC and of the Center for Resources and Training in Social Professions PRO VOCATIE;
- The organisation of accredited 2<sup>nd</sup> level qualification courses and of courses certifying the development of job-related skills on the job for 250 local Roma experts.

This project has improved local authorities' problem-solving capacities as regards the specific problems confronting Romani communities. At the same time, the project also improved local Roma experts' social and professional standing.

Other actors also took action in this field over the same period. Between 2008 and 2011, the NAR, in partnership with the National Agency for Civil Servants and the political party Partida Romilor Pro-Europa implemented another strategic project,<sup>466</sup> which succeeded in accomplishing the following:

- 210 Roma individuals were involved in a training course (nine three-day training modules, the obtainment of a qualification diploma) to become local Roma experts working in Mayor's Offices, who were then employed in selected Mayor's offices through the payment of wage subsidies for the employment of these local Roma experts;
- 210 contracts for the provision of specialty assistance signed between beneficiary Mayor's Offices and selected local Roma experts;
- 252 employees of Mayor's Offices and county bodies involved in the implementation of interventions aimed at the social inclusion of the Roma.

### *The social impact of the measures geared towards the employment of local Roma experts*

In 2009, a study<sup>467</sup> carried out in four countries (Arad, Cluj, Calarasi and Galati) revealed that the number of local Roma experts employed by local authorities is very small compared to the number of local Romani communities that could benefit from the presence of such a public employee. The main reason cited for this was the reluctance of Mayor's Offices to employ additional staff, preferring instead to allocate the responsibilities of the local Roma expert to existing employees in the detriment of the impact that local Roma experts could have on local Romani communities. The study also showed that a large proportion of the tasks that local Roma experts engaged in was "offering guidance to individuals in the community in engaging with local and

464 Occupational standard for local Roma expert, 9 September 2008.

465 Interview with Elena Caprar, coordinator of the professional component within the project "L@EGAL 2 – a European investment for the future of the Roma in Romania, a project financed through POSDRU.

466 ESF project "The national network of Roma experts, support mechanisms for the implementation of social inclusion measures for the Roma, a vulnerable group subjected to social exclusion", a project financed through POSDRU.

467 Duminica, G., Preoteasa, A., Cace, S. 2009. "The National Strategy for the Improvement of the Roma Situation: The Voice of Communities", Iasi: Expert, 48-57.

county authorities, assistance with means-tests, the supervision of beneficiaries in receipt of the guaranteed minimum income programme while performing community work, compiling application packages for family allowances, the distribution of formula among families with infants etc." The study noted that the presence of the local Roma expert led to an undoubtedly better relationship between local authorities and members of the Roma community. At the same time, however, the assistance offered by Roma experts led to an "undesirable atomization" of complex problems faced by Romani communities, meaning that the presence of the local Roma expert led to the channelling of a wide range of social problems to a single individual without the competences or the appropriate "administrative power" to tackle these.

### *Factors and success and failure*

In towns with a significant Roma population which have had a local expert for Roma issues there have been premises for<sup>468</sup> *"the development of local strategies and action plans for Roma as well as the setting up of local working groups"*. The identification, evaluation and acknowledgment by the local decision makers of the problems faced by the Romani communities and the local executive's legal initiatives to improve the situation of the Roma *"are essential elements that emerge from the active presence of local experts for Roma issues"*.

Employment of local experts for Roma issues has undoubtedly led to a climate of trust and enthusiasm in Romani communities: *"now there is one of us in the town hall and they will protect our rights and so we won't have as many problems as before"*,<sup>469</sup> and at the same time it has proved to the structures of the public administrations that individuals from the Romani community have the capacity and will to engage in changing the negative perception of the majority population and in improving the social life of the communities.

*"A single person in a town hall cannot provide solutions to all the problems the Roma community faces"*; given the general context marked by lack of local resources and of poor social services.<sup>470</sup> For this reason, it is only the engagement of the local expert for Roma issues and this person's collaboration with the staff of the town hall that will be able to contribute to solving the complex problems the Roma population faces. The local expert should *"carry out tasks in accordance with the job description; tasks that have nothing to do with the improvement of the Roma situation either take away the local expert for Roma issues from carrying out specific activities, or create a barrier in this persons relation with the community"*.<sup>471</sup>

The local councils' and town halls' limited interest for developing Romani communities, reduced capacities to influence policies at this level have led, in time, to poor budgetary allocations at the local level for infrastructure, education, and economy in the areas inhabited by Romani communities, a chaotic situation which can lead to significant increase in social costs.

Translating into practice public policies for Roma (NIRS) necessitates a revision of the implementation mechanisms, in which the local experts for Roma issues, duly subordinated to the government, could positively influence the accomplishment of the sectorial measures at the local level. Certainly there is a need for continuous professional development for experts so that they can live up to the increasingly comprehensive expectations especially in the circumstances marked by the financial allocations for 2014-2020, especially regarding employment, local infrastructure, access to education, healthcare etc.

468 Interview with Gaman, Lucian, ex-consultant for Roma issues in the Prahova county Prefect's office: March 2013.

469 Interview with Hajnal, Florin, consultant for Roma issues in the Mures county Prefect's office: March 2013.

470 Interview with Mihai, Cristina, Maria, consultant for Roma issues in the Ilt county Prefect's office: March 2013.

471 Interview with Hajnal Florin, consultant for Roma issues in the Mures county Prefect's office: March 2013.

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This report was prepared by a civil society coalition comprising the following organisations: Resource Center for Roma Communities Foundation (lead organisation, based in Cluj Napoca, Romania), Soros Foundation Romania, Civil Society Development Foundation and Roma Center for Health Policies – SASTIPEN. The lead researcher and the project manager of the coalition is Florin Moisa (Resource Center for Roma Communities).

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In the pilot year of 2012, the Decade Secretariat decided to support reports from civil society coalitions in seven countries (Albania, Bulgaria, Hungary, Macedonia, Romania, Slovakia, Spain) and the Roma Initiatives Office commissioned an additional report from the Czech Republic. In addition, the Decade Secretariat made a template public in order to encourage additional civil society actors to monitor the implementation of National Roma Integration Strategies (NRIS) and Decade Action Plans.

In the reports, civil society coalitions supplement or present alternative information to Decade Progress Reports submitted by Participating Governments in the Decade of Roma Inclusion and to any reports submitted by State parties to the European Commission on implementation of their NRIS. These reports are not meant to substitute for quantitative monitoring and evaluation by State authorities but to channel local knowledge into national and European policy processes and reflect on the real social impact of government measures. The civil society reports provide additional data to official ones, proxy data where there is not official data, or alternative interpretation of published data.

The project is coordinated by the Decade of Roma Inclusion Secretariat Foundation in cooperation with Open Society Foundation's Making the Most of EU Funds for Roma program and the Roma Initiatives Office.



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