

Data Collection Report 2007

ROMANIA

Authors:

Romanita Iordache (Legal Issues, Employment)

Iustina Ionescu (Racist Violence and Crime)

Maria Kovacs (Education)

Adrian Dan (Housing)

Georgiana Pascu (Health and Social Care)

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B.

C. Executive Summary

D. Legal issues

- [1]. There were no new legal provisions on anti-discrimination adopted in 2007 and, despite express requirements to adopt subsidiary norms on the internal procedures by September 2006, the national equality body, *Consiliul Național pentru Combaterea Discriminării (CNCD)* [the National Council on Combating Discrimination (NCCD)] is still lacking internal procedures and regulations. The visibility of the NCCD increased exponentially, also due to a series of notorious cases that caught the attention of the media and of the general public.
- [2]. An amendment to the Labour Code allowed the employee to seek both moral and pecuniary damages including for discrimination or harassment in employment.
- [3]. Compilation of statistical data on racial or ethnic discrimination in general remains unregulated or incomplete for most areas of interest, a notable exemption being the institutions under the Ministry of Internal Affairs and Administrative Reform and the General Public Prosecutor's Office. The Ministry of Justice is currently seeking to develop a software application that will allow data-gathering by type of felony at the national level. In spite clear mandates and an obvious need of detailed statistical data in order to better draft public policies, officials tend to invoke provisions on data-protection or to refer all requests of information on data regarding minorities or any vulnerable groups to the NCCD.

E. Racist violence and crime

- [4]. The implementation of the 2006 amendments of the Criminal Code is slow. There is a need for training and raising awareness among the legal practitioners, especially public prosecutors and judges. The number of cases solved by the public prosecutors raised, but no case was sent to court in the first semester of 2007; the prosecutors considered that the degree of danger to the society was not attained in a higher number of cases than before.
- [5]. The public authorities that collect data on racist violence and crime need to coordinate their results and to adopt measures accordingly. There is neither data collected on the ethnic origin, race or religion of the victims, nor any measures to address victimization.

- [6]. The strengthening in the cooperation between the police and the Roma representatives and NGOs end up in interethnic conflict prevention. Romania engaged itself towards the Council of Ministers within the Council of Europe to implement a set of measures and policies to combat discrimination against Roma and to ensure their integration.

F. Key areas of social life

G. Employment

- [7]. Due to lack of a comprehensive monitoring system for recording segregated data on migrants, refugees, asylum seekers and national, ethnic or religious minorities in employment, data necessary for a correct overview of discrimination in employment is missing. In 2007, there were no new specific bodies established with a mandate in processing and addressing complaints or allegations of racism and discrimination in employment and most governmental initiatives focused on increasing the employability of the Roma minority, even if the efforts were described as limited.

H. Education

- [8]. Within the Ministry of Education, Research and Youth a new mechanism for data collection is currently developed. Special attention has been paid to ensuring equal access to quality education for Roma children. However, the groups of refugees, asylum seekers and immigrants are paid little attention in practice.
- [9]. There are no changes in education for minorities. Education about minorities and multicultural education are expected to radically improve as a result of new regulations. The segregation in education at the local level and the problems of access and school drop-out are some of the concerns with respect to the Roma community.
- [10]. The impact of the EU consisted in implementing projects for Roma education; however, there are concerns related to collecting consistent data to document progress recorded in this field. The impact of EU was translated in ministerial orders for the diversification of the curriculum to include a better reflection of the ethnic, religious and other minorities, and for desegregation of schools.

I. Housing

- [11]. The amount of data regarding the housing situation of the groups considered in the present paper increased, however official data is still missing. Government strategies regarding the housing improvement need to be accompanied by financial resources allocation. Initiatives in this field try to keep the balance and not amount to segregation or to further conflicts in mixed communities.
- [12]. Both foreigners holding and foreigners not holding a toleration have neither entitlement to public housing, nor financial support to rent private accommodation. This is an important obstacle in their process of integration in the Romanian society.

J. Health and social care

- [13]. In this sector, official data is absent, and the lack of government policies to improve access to health and social care services affects poor categories of the population, especially Roma. The short of minimum preconditions for health and lack of minimum medical care in the case of Roma comes together with the medical personnel discriminatory attitudes that materialise in segregation or exclusion, as reported by the civil society and international organisations. The most vulnerable groups are women, children and the elderly which suffer multiple discrimination.

K. Legal issues

K.1. Brief overview

- [14]. The impact of 2006 amendments to Anti-discrimination Law was visible in 2007 when the Parliament appointed two new members in the Steering Board of the national equality body, *Consiliul Național pentru Combaterea Discriminării (CNCD)* [the National Council on Combating Discrimination (NCCD)] and when, both the NCCD and the courts started applying the new provisions.¹

¹ We refer especially to new provisions like: principle of shift of the burden of proof, accepting audio-video recordings and statistical data as means of evidence in their anti-discrimination decisions, using the notions of harassment and victimisation. See Romania/Lege 324/2006 (20.07.2006).

- [15]. The NCCD still lacks internal procedures and regulations in spite of a mandatory deadline of September 2006 and a case filed before the Court of Appeal.²
- [16]. The national equality body continues to have the power to sanction discrimination – to give a verbal or written warning or even an administrative fine. The level of administrative fines differs: when the victim is only one individual then the amount varies from 400 RON to 4,000 RON,³ while in cases where the victims are a group or a community, than the levels are higher: from 600 RON to 8,000 RON.⁴ The situation in the application of sanctions is presented in Annex 2.A.1. - Graph 2.A.6., Graph 2.A.7.
- [17]. An assessment of the trends in the application of sanctions shows that the NCCD became increasingly pro-active.⁵ A downside in recent practice of the NCCD is that when the potential perpetrators are central governmental agencies or public actors, the NCCD tends to adopt recommendations carrying no financial damages.
- [18]. In October 2007, the NCCD published its Strategia națională de implementare a măsurilor de prevenire și combatere a discriminării (2007-2013) [National Strategy for the Implementation of Measures for Preventing and Combating Discrimination] spelling out the main principles, the priorities and the directions of intervention for 2007-2013.⁶
- [19]. The Labour Code has been amended to include ‘moral liability:’⁷ a specific obligation for the employer to pay both moral and material damages to the employee, to compensate the employee for loss, injury or any harm suffered during employment, or in connection with work activities.⁸ Consequently, the rules apply also in cases of discrimination.
- [20]. Though in 2006 the Criminal Code was amended to include an aggravating circumstance for any criminal offence racially or discrimination-motivated on any protected ground prescribed in the Anti-discrimination Law,⁹ there is no assessment of the effectiveness of this text. In its shadow report, ENAR notices

2 Romania/ Curtea de Apel București/ File no. 14516/3/2006, introduced by the Center for Legal Resources to force the NCCD to develop and publicize its internal procedures. The Court ordered the NCCD to communicate the preparatory documents (travaux preparatoires) for the meetings of the Steering Boards on the draft of its internal procedure but the NCCD failed to observe the court order. Interview with Ms Iustina Ionescu, lawyer in the case, 15.09.2007.

3 The approximate equivalent in euros is: 114 euros to 1140 euros.

4 The approximate equivalent in euros is: 170 euros to 2285 euros.

5 Out of the 594 petitions received in 2007 until 03.10.2007, there were 17 ex officio investigations Interview with Ms Monica Vasile, member of the Steering Board of the NCCD, 03.10.2007.

6 Consiliul Național pentru Combaterea Discriminării (CNCD), Strategia națională de implementare a măsurilor de prevenire și combatere a discriminării (2007-2013) [National Strategy for the Implementation of Measures for Preventing and Combating Discrimination] on file with the NFP.

7 European Employment Observatory, Quarterly Reports, July 2007, available at: http://www.eu-employment-observatory.net/resources/quarterly_reports_exec_summary/QRExecSummJuly07-EN.pdf (20.10.2007).

8 Romania/Lege 237/2007(12.07.2007).

9 See Article 75, para (1), point c¹ of the Romania/ Criminal Code amended in 2006.

that in spite of governmental efforts to introduce anti-discrimination legislation and practices among the law enforcement officials and within concerned institutions, training and real implementation is slow.¹⁰

- [21]. The draft for a Law on the Statute of (National) Minorities is still under debate in the Parliament¹¹ in spite of recommendations of the Venice Commission.¹²
- [22]. In 2006, the Government¹³ approved the draft law on the ratification of the European Charter for Regional or Minority Languages.¹⁴ The law protects ten minority languages,¹⁵ in certain fields.¹⁶ It encompasses a proposal to include Romani language, as a sign of the importance assigned by the Romanian authorities to Romani.¹⁷
- [23]. *Departamentul pentru Relații Interetnice* (DRI) [the Department for Inter-ethnic Relations] initiated a Government Decision for the Establishment and Functioning of *Institutul pentru Studierea Problemelor Minorităților Naționale* (ISPMN) [Institute for the Study of National Minority Issues].^{18 19}

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- 10 ENAR, 2007 Shadow report: Romania, available at: http://www.enar-eu.org/en/national/romania/Romania_2006.pdf (29.10.2007).
- 11 Council of Europe, Committee of Ministers, Resolution CM/ResCMN(2007)8 on the implementation of the Framework Convention for the Protection of National Minorities by Romania (Adopted on 23 May 2007 at the 996th meeting of the Ministers' Deputies), available at [http://www.coe.int/t/e/human_rights/minorities/2_FRAMEWORK_CONVENTION_\(MONITORING\)/2_Monitoring_mechanism/6_Resolutions_of_the_Committee_of_Ministers/1_Country-specific_resolutions/2_Second_cycle/PDF_2nd_CM_Resolution_Romania_eng.pdf](http://www.coe.int/t/e/human_rights/minorities/2_FRAMEWORK_CONVENTION_(MONITORING)/2_Monitoring_mechanism/6_Resolutions_of_the_Committee_of_Ministers/1_Country-specific_resolutions/2_Second_cycle/PDF_2nd_CM_Resolution_Romania_eng.pdf) (25.10.2007).
- 12 Venice Commission, Opinion no.345/2005 available at http://www.venice.coe.int/site/dynamics/N_Opinion_ef.asp?L=E&OID=345 (20.10.2007). The Venice Commission mentioned as shortcomings: potential overlapping between the relevant institutions, lessening the conditions for registration of the 'organisations of citizens belonging to national minorities.'
- 13 The draft law was initiated by Departamentul pentru Relații Interetnice (DRI) [Department for Inter-ethnic Relations] and the Ministry of Foreign Affairs.
- 14 The draft law was firstly approved by the Government in March 2006, subsequently sent to the Presidential Administration and then tacitly approved by the Chamber of Deputies in 2007. Currently, the draft law is debated by expert commissions in the Senate as reported by the Department of Inter-ethnic Relations. Communication with the Department of Interethnic Relations, October 2007 document on file with the NFP.
- 15 The minority languages protected are Bulgarian, Czech, Croatian, German, Hungarian, Russian, Serbian, Slovak, Turkish and Ukrainian.
- 16 Part III of the European Charter for Regional or Minority Languages mentions the following fields: education, judicial authorities, administrative authorities and public services, media, cultural activities and facilities, economic and social life, and trans-boundary exchanges.
- 17 Advisory Committee on the Framework Convention for the Protection of National Minorities, Comments of the Government of Romania on the Second Opinion of the Advisory Committee on the Implementation of the Framework Convention for the Protection of National Minorities in Romania, GVT/COM/II(2006)007, (received on 05.12.2006), available at [http://www.coe.int/t/e/human_rights/minorities/2_framework_convention_\(monitoring\)/2_monitoring_mechanism/5_comments_by_the_states_concerned/2_second_cycle/PDF_2nd_Com_Romania_eng.pdf](http://www.coe.int/t/e/human_rights/minorities/2_framework_convention_(monitoring)/2_monitoring_mechanism/5_comments_by_the_states_concerned/2_second_cycle/PDF_2nd_Com_Romania_eng.pdf) (20.10.2007).
- 18 Romania/ Government Decision No.893/2007/ and Romania/ Government Ordinance No. 121/2007. Main functions of the Institute include: drafting, coordinating, commissioning and carrying out of inter- and multi-disciplinary studies (qualitative and quantitative research) that bear a major significance for the ethno-cultural and religious identity of national minorities, as well as that of other ethnic communities set up as a result of recent migrations. The Institute's research programs are directed towards analyzing minority-relevant policies during the post-communist period in Romania, as well as designing mechanisms aimed at their development.
- 19 The Institute is a public institution in the subordination of the Government and under the coordination of DRI. Department of Interethnic Relations, October 2007 document on file with the NFP.

- [24]. Despite these Governmental initiatives, political statements against national minorities are still present on the public scene.²⁰
- [25]. *Oficiul Român pentru Imigrări* (ORI), [the Romanian Office for Immigrations (ROI)] reported at the end of July 2007 the situation of foreigners in Romania.²¹ According to the qualitative research conducted by ROI: 15.8 per cent of the foreigners interviewed declared that had experienced being discriminated against, the most frequent situations mentioned being of racist comments (6.9 per cent) and rejections in hiring and when trying to rent an apartment (four per cent).²² Comparatively, 18.6 per cent of the men interviewed and 7.5 per cent of the women interviewed declared that they had been discriminated against.²³
- [26]. The Jesuit Refugee Service (JRS) estimated in its Annual Report 2007, that the number of persons unable to obtain refugee status and who have not returned to their countries of origin, receiving a tolerated status, has grown significantly and that they are forced into destitution. JRS maintained that while their stay in Romania is authorised, they are prohibited from accessing the formal labour market and have no entitlement to statutory support.²⁴ The JRS found that nationals of third-countries in the possession of a tolerated stay are not allowed to work in the formal labour market nor entitled to social support, such as financial support, food or housing and are entirely dependent on charity for their survival.²⁵
- [27]. The Roma Inclusion Barometer (RIB) shows that if in 1993 more than 70 per cent of the Romanians refused to have Roma neighbours, this percentage decreased to 36 per cent by the end of 2006.²⁶ A quarter of the Roma

20 The leader of the Conservative Party announced during the summer that his party would initiate a draft bill depriving all Hungarian nationals who do not speak Romanian of their Romanian citizenship. There was no follow up to this statement. See Cristian Ghinea, *Prostia cu ungerii și cu cetățenia*, available at: http://www.hotnews.ro/articol_76473-Prostia-cu-ungurii-si-cetatenia-de-Cristian-Ghinea.htm (10.09.2007). See also RAXEN Bulletins 2007-Romania No.1&2 on the public statements made by President Băsescu and PM Călin Popescu Tăriceanu, considered by the NCCD.

21 810 foreigners registered with a form of protection, 549 adults and 261 children, out of which 167 were granted protection between July 2006 and July 2007.²¹ Most of them were from Iraq (43.2 per cent), Iran (12 per cent) and Palestine (eight per cent). The Annual Report of ROI mentions that 72.5 per cent of the foreigners were granted refugee status and 27.5 per cent received subsidiary protection.

22 Romania/ Oficiul Român pentru Imigrări, *RAPORT ANUAL privind situația străinilor care au obținut o formă de protecție în România 2007*, on file with the NFP.

23 Romania/ Oficiul Român pentru Imigrări, *RAPORT ANUAL privind situația străinilor care au obținut o formă de protecție în România 2007*, on file with the NFP.

24 Toleration is issued for those third-country nationals who for objective reasons – independent of their own will – are not being removed from the Romanian territory but who are not granted temporary residency. Objective reasons are defined as ‘those unpredictable contexts independent of the third country national’s will, which cannot be avoided and because of them the third-country national cannot leave the Romanian territory.’ When the grounds upon which the toleration was granted cease to exist, the third-country national shall immediately be removed from Romanian territory without further notice. See Article 98(1) and the following of Romania/ Ordonanța de Urgență a Guvernului 194/2002 on the Regime of Aliens.

25 Jesuit Refugee Service, *We are Dying Silent* - Report on Destitute Forced Migrants, available at: <http://www.jrseurope.org/EPIM/intro.htm>, chapter on Romania (04.10.2007).

26 Open Society Institute, Bădescu, Gabriel, Grigoraș, Vlad, Rughiniș, Cosima, Voicu, Mălina, Voicu, Ovidiu, *Roma Inclusion Barometer*, (Bucharest: Open Society Foundation, 2007), available at: <http://www.edrc.ro/docs/docs/barometrulper cent20includiuniiper cent20romilor.pdf> (11.10.07).

interviewed in the RIB declare that they know about the NCCD.²⁷ Furthermore, Roma respondents feel most discriminated against when interacting with local public administration, police and the medical system. The lowest level of discrimination is perceived in educational institutions.²⁸

- [28]. Roma ethnicity is considered to be a disadvantage by 60 per cent or the interviewees in the Romanian chapter of the Eurobarometer and 25 per cent of the respondents consider that having another ethnic or national background than the majority can be also an impediment.²⁹ Thirty-nine per cent of the respondents consider that ethnic discrimination is present in Romania.³⁰
- [29]. The Eurobarometer reveals that 45 per cent of Romanians claim that they do not know what to do if confronted with harassment or discrimination and only one out of four Romanians knows the procedures if he/she is a victim of discrimination.³¹
- [30]. The Romanian chapter of *DecadeWatch: Roma Activists Assess the Progress of the Decade of Roma Inclusion 2005-2006* lists failures in relation with Roma inclusion in the areas of health, employment, education, housing.³²
- [31]. A study conducted by a Roma NGO on access for Roma to the labour market, found that ‘perceived discrimination differs according to the area of residence; the residents of rural areas feel that they are subjected to a differential treatment.’³³ The study argues that ‘rural Roma will feel more discriminated than urban Roma. The Roma who live in compact communities, in tension and conflict with the majority population, will also feel more discriminated. Younger people, with higher expectations as regards the treatment received from society, perceive the treatment of Roma as discriminatory.’³⁴

27 Forty-six per cent of those who are aware of the mandate of the NCCD declare that they have a good opinion about this institution and 47 per cent think that the actions of the NCCD help in diminishing discrimination in Romania. Out of those who think that Roma are discriminated against, 52 per cent declare that they are unhappy with the work of the NCCD. For more information, see: Open Society Institute, Bădescu, Gabriel, Grigoraş, Vlad, Rughiniş, Cosima, Voicu, Mălina, Voicu, Ovidiu, Roma Inclusion Barometer, (Bucharest: Open Society Foundation, 2007), available at: <http://www.edrc.ro/docs/docs/barometrulper cent20incluziuniiper cent20romilor.pdf> (11.10.07).

28 Open Society Institute, Bădescu, Gabriel, Grigoraş, Vlad, Rughiniş, Cosima, Voicu, Mălina, Voicu, Ovidiu, Roma Inclusion Barometer, (Bucharest: Open Society Foundation, 2007), available at: <http://www.edrc.ro/docs/docs/barometrulper cent20incluziuniiper cent20romilor.pdf> (11.10.07).

29 Eurobarometrul Opiniei Publice, Discriminarea în Uniunea Europeană, Fişa de ţară: România, available at: http://www.mmssf.ro/website/ro/rapoarte_studii/200307eurobarometru.pdf (28.10.2007).

30 Eurobarometrul Opiniei Publice, Discriminarea în Uniunea Europeană, Fişa de ţară: România, available at: http://www.mmssf.ro/website/ro/rapoarte_studii/200307eurobarometru.pdf (28.10.2007).

31 Eurobarometrul Opiniei Publice, Discriminarea în Uniunea Europeană, Fişa de ţară: România, available at: http://www.mmssf.ro/website/ro/rapoarte_studii/200307eurobarometru.pdf (28.10.2007).

32 DecadeWatch : Roma activists assess the progress of the Decade of Roma Inclusion 2005-2006, available at: <http://www.romadecade.org/index.php?content=6>, (10.10.2007).

33 Gelu Duminică, Agenţia pentru Dezvoltare Comunitară Impreună, ‘Roma Access On The Labor Market, CASE STUDY – ROMANIA’ on file with the NFP.

34 Gelu Duminică, Agenţia pentru Dezvoltare Comunitară Impreună, ‘Roma Access On The Labor Market, CASE STUDY – ROMANIA’ on file with the NFP.

- [32]. Amnesty International *Annual Report 2007* states that: ‘the Roma community continued to be discriminated against in all areas including employment, education and housing.’³⁵
- [33]. According to a sociological study there is an increase both in the percentage of Romanians who give a negative (50.5 per cent) and a positive (31.5 per cent) answer to the statement: ‘The Jews exaggerate the sufferance they had to go through in order to get advantages.’³⁶
- [34]. The study recalls the persistency of the stereotypes in relation with Roma, with 82 per cent of the respondents agreeing with the statement: ‘Most Roma break the laws.’ and an increase of 18 per cent of people defining the relations they have with Roma as ‘conflict’ when compared with the same questions applied in 2003. Almost three quarters of the population thinks that Roma are the most disadvantaged group.³⁷
- [35]. In a study assessing the knowledge and openness of Romanian parliamentarians in relation with discrimination and equal opportunities, the NGO ACCEPT Romania found that 58 per cent of the respondents (Romanian members of the Parliament) think that, except isolated incidents, in Romania, there is no discrimination, the percentages varying for different political groups with the representatives of Great Romania Party denying the existence of discrimination in 87.5 per cent but with 50 per cent of the representatives of national minorities believing that discrimination exists in Romania. Sixty per cent of the respondents believe that the Roma community is tarnishing the image of Romania abroad and 58,9 per cent believe that the tensions between Roma and Romanians are generated by Roma anti-social behaviour.³⁸
- [36]. The Annual Report of *Avocatul Poporului* [the Romanian Ombudsman] reports that the institution received 78 complaints from persons who considered themselves being discriminated against out of the 6,407 petitions received in 2006.³⁹
- [37]. The Committee of Ministers of the Council of Europe, under Articles 24 to 26 of the Framework Convention for the Protection of National Minorities recorded as positive developments ‘increased efforts made to develop an

35 Amnesty International, Annual Report: Romania, 2007, available at: <http://thereport.amnesty.org/eng/Regions/Europe-and-Central-Asia/Romania> (08.09.2007).

36 Max Weber’ Sociology Professional College and Research Center on Inter-ethnic Relations, *Relații interetnice în pragul integrării europene. Câteva tendințe comentate/ Interethnic Relations before the European Integration. A Few Tendencies Interpreted.* (Cluj Napoca, CRDE, 2006) available at: http://www.edrc.ro/docs/docs/Relatii_interetnice_integrare.doc (11.11.2006).

37 Max Weber’ Sociology Professional College and Research Center on Inter-ethnic Relations, *Relații interetnice în pragul integrării europene. Câteva tendințe comentate/ Interethnic Relations before the European Integration. A Few Tendencies Interpreted.* (Cluj Napoca, CRDE, 2006) available at: http://www.edrc.ro/docs/docs/Relatii_interetnice_integrare.doc (11.11.2006).

38 ACCEPT, *Atitudinea parlamentarilor români fata de problematica discriminarii si a egalitatii sanselor*, May 2007, available at http://accept-romania.ro/images/stories/atitudinea_parlamentarilor_romani_fata_de_discriminare.pdf (20.11.2007)

39 Romania/ Avocatul Poporului [the Romanian Ombudsman], *Raport anual 2006*, available at: <http://www.avp.ro/> (12.11.2007).

adequate legal and institutional basis for preventing and combating manifestations of discrimination, intolerance and hostility based on ethnicity.’ The Committee mentioned that ‘in spite of the many initiatives taken by the government, a large number of Roma continue to confront serious difficulties and manifestations of discrimination in different fields, including employment, housing, health and education.’⁴⁰

- [38]. The Resolution continued by stating that ‘the impact of the awareness-raising measures taken to improve the public image of the Roma and to encourage more positive attitudes towards them within society remains limited. Public manifestations of hostility and intolerance are still reported, in certain media, as well as in the statements made by certain members of public authorities and, in spite of improvements in this area, in the conduct of certain members of the police.’⁴¹
- [39]. In its Concluding Comments on Romania, the Committee on the Elimination of All Forms of Discrimination Against Women ‘regrets the limited availability of statistical data disaggregated by sex as well as by ethnicity, age, and by urban and rural areas, which makes it more difficult to assess progress and trends over time in the actual situation’ and ‘calls upon the State to enhance its data collection in all areas covered by the Convention so as to assess the actual situation of women and their enjoyment of their human rights, disaggregated by sex, as well as by ethnicity, age, and by urban and rural areas as applicable, and to track trends over time.’⁴²
- [40]. Statistical data on racial or ethnic discrimination is either unavailable or incomplete. Despite a legal framework with specific provisions for implementing mechanisms, public institutions claim that minority-focused data collection is illegal or not a part of their mandate or that they do not have enough resources to prioritise data-gathering and do it ad hoc. Another tendency is to refer all requests on segregated data regarding vulnerable groups in any field towards the NCCD, even if substantively, the issue examined falls under the scope of the mandate of other institutions.⁴³

40 Council of Europe, Committee of Ministers, Resolution CM/ResCMN(2007)8 on the implementation of the Framework Convention for the Protection of National Minorities by Romania, 23 May 2007, available at: [http://www.coe.int/t/e/human_rights/minorities/2_FRAMEWORK_CONVENTION_\(MONITORING\)/2_Monitoring_mechanism/6_Resolutions_of_the_Committee_of_Ministers/1_Country-specific_resolutions/2_Second_cycle/PDF_2nd_CM_Resolution_Romania_eng.pdf](http://www.coe.int/t/e/human_rights/minorities/2_FRAMEWORK_CONVENTION_(MONITORING)/2_Monitoring_mechanism/6_Resolutions_of_the_Committee_of_Ministers/1_Country-specific_resolutions/2_Second_cycle/PDF_2nd_CM_Resolution_Romania_eng.pdf) (25.10.2007).

41 Council of Europe, Committee of Ministers, Resolution CM/ResCMN(2007)8 on the implementation of the Framework Convention for the Protection of National Minorities by Romania, 23 May 2007, available at: [http://www.coe.int/t/e/human_rights/minorities/2_FRAMEWORK_CONVENTION_\(MONITORING\)/2_Monitoring_mechanism/6_Resolutions_of_the_Committee_of_Ministers/1_Country-specific_resolutions/2_Second_cycle/PDF_2nd_CM_Resolution_Romania_eng.pdf](http://www.coe.int/t/e/human_rights/minorities/2_FRAMEWORK_CONVENTION_(MONITORING)/2_Monitoring_mechanism/6_Resolutions_of_the_Committee_of_Ministers/1_Country-specific_resolutions/2_Second_cycle/PDF_2nd_CM_Resolution_Romania_eng.pdf) (25.10.2007).

42 CEDAW/C/ROM/CO/6, Concluding comments of the Committee on the Elimination of Discrimination against Women, Romania, June 2006.

43 The Labour Inspectorate declined competency on any employment related statistics segregated by ethnicity, race or religions. Response of the Labour Inspectorate from 18.09.2007 on file with the NFP. Similar responses were received from the Romanian Office for Immigrations and from the Department for Interethnic Relations. Response of the Romanian Office for Immigrations, October 2007, on file with the NFP,

K.2. New legislative provisions

K.2.1. Racial Equality Directive

- [41]. There are no new legislative provisions adopted in 2007, the NCCD, being still in a process of institutional reform and consolidation following the adoption of Romania/Lege 324/2006 (20.07.2006).
- [42]. As, due to the 2006 amendments, the number of the members of the Steering Board of the NCCD increased to nine persons,⁴⁴ a coalition of NGOs lobbied for the de-politicisation of the appointment process and proposed professional standards for the assessment of potential candidates.⁴⁵ The parliamentary committees heard the candidate proposed by the informal coalition of NGOs and he was appointed.⁴⁶
- [43]. In May 2007, the NCCD adopted an institutional chart on the structure of the institution.⁴⁷ Clear procedures and internal regulations are essential for its future activity as evidenced by a decision of *Inalta Curte de Casație și Justiție*.⁴⁸ Persons not satisfied with NCCD's decisions, exploit the weakness of the lack of procedures by appealing against its decisions before the courts.
- [44]. In 2006, the NCCD received 432 petitions and started ex officio investigations in 24 cases. The NCCD issued decisions in 409 cases (out of which 120 were pending from 2005) and found 41 cases of discrimination issuing administrative fines⁴⁹ or warnings. The decisions of the Council had been appealed before the courts of law in 46 cases and the courts maintained the decisions in 34 cases and quashed the decisions of the NCCD in 6 cases.⁵⁰ The NCCD conducted

response of the Department for Interethnic Relations, October 2007, on file with the NFP and the Romania/ *Agentia Nationala pentru Romi (ANR)* [National Agency for Roma (NAR)], interview with NFP on 8.10.2007.

- 44 Law 324/2006 established the NCCD an autonomous public authority subjected to parliamentary control and prescribed a special procedure of designating the candidates for the position of member of the NCCD Steering Board, with hearings to be organized by various parliamentary committees and selection and appointment through vote by the plenum of the Parliament.
- 45 Letters of October 2006 and February 2007 signed by a number of twenty NGOs, on file with the NFP.
- 46 The campaign for gathering letters of support to propose Mr Istvan Haller as member of the Steering Board was coordinated by ACCEPT and by the Center for Legal Resources. Letters on file with the NFP.
- 47 National Council for Combating Discrimination, Organigrama Consiliului Național pentru Combaterea Discriminării, available at: <http://www.cncd.org.ro/organizare/> (10.10.2007).
- 48 The Court quashed as illegal a NCCD decision against P.M. Foundation because only five out of the seven members of the Steering Board of the time signed the decision. See: Romania/Înalta Curte de Casație și Justiție, Secția de Contencios Administrativ și Fiscal, Decizia nr. 957/2006, available at: <http://www.iccj.ro/cautare.php?id=34357> (15.08.2007).
- 49 Article 26 of Law 324 provides for administrative fines between 400-4,000 RON for individuals and 600-8,000 RON if the target of discrimination is a group or a community.
- 50 Consiliul Național pentru Combaterea Discriminării (CNCD) [the National Council on Combating Discrimination (NCCD)], Raport de activitate, 2006, [Report 2006], on file with the NFP.

investigations in 182 cases and it was asked to intervene in 160 cases pending before the courts of law.⁵¹

- [45]. In the first semester of 2007, four NCCD decisions on national origin and four decisions on ethnicity had been appealed out of a total of 33 decisions appealed before the courts of law.⁵² For the period January-August 2007, the NCCD received 48 petitions based on race, nationality or ethnicity (out of 384 petitions) and reported issuing 7 decisions on these grounds out of 105 decisions issued in this period.⁵³

K.2.2. New criminal legislation

- [46]. There are no new criminal law provisions on racist violence and crime, including 'hate crimes,' racially and/or religiously aggravated crimes. In the OSCE survey for 2007, the Romanian National Point of Contact did not report any new legal provisions, statistics or practical initiatives.⁵⁴
- [47]. In July 2006, the Parliament ratified the Romania/Ordonanta Guvernului 11/2006 (11.07.2006), **Ordinance** for Preventing and Combating Violence in Sports.⁵⁵ The ordinance not only banned materials that might incite spectators to racial hatred and xenophobia, but also placed responsibility on the organizers of events if such banners or flags enter stadiums. The law provides tough fines and hooligans can be banned from entering the stadiums for a period from six months to three years.⁵⁶

K.3. Statistical data and tables

K.3.1. Cases related to racial or ethnic discrimination

- [48]. See **Annex 2A** for NCCD statistics. Please consider the indicator "number of petitions solved" to mean the number of petitions in which the NCCD gave a final decision whether discrimination occurred or did not occur.

51 Consiliul Național pentru Combaterea Discriminării (CNCD) [the National Council on Combating Discrimination (NCCD)], Raport de activitate, 2006, [Report 2006], on file with the NFP

52 National Council for Combating Discrimination, Statistică procese, dosare în instanța, primul semestru 2007 on file with the NFP.

53 The range of sanctions is not provided in the statistical data made available by the NCCD.

54 OSCE, ODHIR, Hate Crimes in the OSCE Region : Incidents and Responses - annual report for 2006., available at: http://www.osce.org/publications/odihir/2007/09/26296_931_en.pdf (10.10.2007).

55 Romania/Lege 299/2006 on adopting Ordinance 11/2006 for Preventing and Combating Violence in Sports (11.07.2006).

56 OSCE, ODHIR, Hate Crimes in the OSCE Region: Incidents and Responses - annual report for 2006, available at: http://www.osce.org/publications/odihir/2007/09/26296_931_en.pdf (10.10.2007).

K.3.2. Criminal law court cases

- [49]. There are no statistics available from the Ministry of Justice or the General Prosecutor's Office to report for **Annex 2B**.⁵⁷
- [50]. *Inspectoratul General al Poliției Române* (IGP) [the General Inspectorate of the Romanian Police (GIP)] maintains a database of complaints investigated under each section of the Criminal Code and recorded four cases of inciting to discrimination under Article 317, none of them being prosecuted, and 11 cases of impeding the free exercise of religious freedom, with only one case sent before the judge.⁵⁸
- [51]. The ENAR 2007 Shadow report on Romania underlines that 'for the year 2006, there are no official studies, reports or special Criminal policies to combat racially motivated crimes. The authorities that compile statistics on criminal offences declare that they have no records of data on racist or discriminatory motivation in cases of crimes of violence or other crimes.'⁵⁹
- [52]. The report goes on to add that 'all institutions declare that they do not collect data on ethnic origin or religion of victims or perpetrators. Because no institution has the competence to focus on statistics in this area and to centralize the data collected by the authorities in different stages of the criminal procedure, the data available is not complete, it lacks comparability and validity.'⁶⁰

K.4. Case law

K.4.1. Important decisions - racial or ethnic discrimination

- [53]. See **Annex 2C**.

K.4.2. Important decisions – criminal law

- [54]. See **Annex 2D**.

57 Consiliul Superior al Magistraturii (CSM) [the Superior Council of Magistracy] is currently preparing a new software application ECRIS which will allow the compilation of data on criminal deeds based on discriminatory intent. Response of the Consiliul Superior al Magistraturii, Direcția Resurse Umane și Organizare, Biroul de Statistică, Nr.1/18531/1154/2007 from 16.10.2007, on file with the NFP.

58 Response of the Inspectoratul General al Poliției Române, Nr. 142.170 from 23.10.2007, on file with the NFP.

59 ENAR, 2007 Shadow report: Romania, available at: http://www.enar-eu.org/en/national/romania/Romania_2006.pdf (29.10.2007)..

60 ENAR, 2007 Shadow report: Romania, available at: http://www.enar-eu.org/en/national/romania/Romania_2006.pdf (29.10.2007)..

K.5. Additional information

K.5.1. Evidence of serious delays

- [55]. Due to a series of highly publicized cases and initiatives, such as the decisions against the President, against the Prime Minister, or the decision regarding the presence of religious icons in public schools, the NCCD increased in visibility as proved by the increase in the number of petitions filed with the NCCD.⁶¹
- [56]. The changes in the law meant that the NCCD was sub poenaed as intervening party in cases filed directly with the courts, which further contributed to straining the already limited resources of the Council and generated a serious backlog.⁶²
- [57]. In its annual report, *Liga Pro Europa* [Pro Europe League] mentioned that 66.7 per cent of its complaints filed with the NCCD did not receive any solution, while 22.2 per cent received a negative solution and victims had withdrawn 11.1 per cent of the complaints.⁶³

K.5.2. Transposition of Council Directive 2003/109/EC

- [58]. Articles 69-76 of the Romania/Ordonanta de Urgenta a Guvernului 194/2002 on the Regime of Foreigners in Romania ensure the implementation of Council Directive 2003/109/EC on long-term status for third country nationals.⁶⁴
- [59]. Following accession to EU, the aliens' legislation has been modified in 2007 and a National Focal Point was established to receive and dispatch data regarding secondary residence of permanent residents on the territory of a Member State, in compliance with Article 25 of the Directive.⁶⁵

K.6. Good practice

- [60]. *Ministerul Internelor și Reformei Administrative* (MIRA) [the Ministry of Internal Affairs and Administrative Reform] through GIP and *Institutul pentru Cercetarea și Prevenirea Criminalității* [the Institute for the Research and Prevention of Criminality] signed a Memorandum of Cooperation under the

61 Interview with Ms Monica Vasile, member of the Steering Board of NCCD.

62 Until October 2007, the NCCD was sub poenaed in almost 400 cases. Interview with Mr Dezideriu Gergely, member of the Steering Board of the NCCD.

63 *Liga Pro Europa*, Raport Anual 2006, available at: <http://www.proeuropa.ro/raport2006.html> (09.07.2007).

64 Response of the Romanian Office for Immigrations, October 2007, on file with the NFP.

65 Response of the Romanian Office for Immigrations, October 2007, on file with the NFP.

Strategic Initiative: Roma and the Romanian Police, with the OSCE and Romani CRISS. The cooperation resulted in an assessment of the police policies and practices in relation with Roma, the establishment of a Permanent Consultative Committee including representatives of GIP and of Roma NGOs and the establishment of a Focus Group with the mission to identify concrete problems in the relation between the Roma minority and the police.⁶⁶

- [61]. Special measures had been adopted to facilitate recognition of secondary education for foreigners granted a form of protection who lack the required documentation, in order to certify their studies and have their studies accredited by the Romanian authorities.⁶⁷
- [62]. In March 2007, the Executive Board of *Federația Română de Fotbal*, (FRF) [Romanian Soccer Federation] had issued a decision stating that ‘any player, official or spectator who publicly discriminates or defames another person on account of that person’s race, colour, language, religion or ethnic origin shall be subject to sanctions. The organizing club, the perpetrator’s home club or supporter club shall bear sanctions also.’⁶⁸

66 Response of the Inspectoratul General al Poliției Române, Nr. 142.170 from 23.10.2007, on file with the NFP.

67 Romania/Ordonanța de Guvern 41/2006 amending Governmental Ordinance 44/2004 on Social Integration of Foreigners. A Methodology is currently developed as reported by the Romanian Office for Immigrations.

68 Federația Română de Fotbal, Romanian Football Federation (FRF) Decision No. 2/2006 to supplement the existing Disciplinary Regulation of the FRF, which is in compliance with FIFA Circular No. 1026/23.06.2006 on combating discrimination.

L. Racist violence and crime

L.1. New criminal legislation

- [63]. There was no criminal legislation in the field of racist violence and crime adopted in 2007. Important legislation amendments were adopted in 2006 and reported previously.⁶⁹
- [64]. However, there have been some changes in the criminal legislation with an indirect impact on issues related to racist crime: the re-incrimination of insult and calumny after a prior decriminalisation by the Government in July 2006.⁷⁰ The Romanian Constitutional Court repealed the law decriminalizing insult and calumny and concluded in a decision⁷¹ that the decriminalisation of the two offences infringes the Romanian Constitution on access to justice (Art.21) and non-discrimination (Art.16). Both national and international human rights NGOs criticized the decision of the Constitutional Court as a drawback for the Romanian protection of fundamental rights.
- [65]. The Ministry of Justice declared in a press release⁷² issued on 19.04.2007 following the JAI Council on the agreement to adopt the Framework Decision on Racism and Xenophobia, that the implementation of such a decision would not create difficulties to Romania.

L.2. Complaints mechanism

- [66]. The general mechanisms in place for the public to register complaints about abuses of power related to racism and xenophobia perpetrated by the police or other State officials are: complaint to the **National Council for Combating**

69 Romanian NFP: National Data Collection Report – 2006: RAXEN 7, Section 2.1.3. Legislation in the area of criminal law. See also Section A.2.2. New criminal legislation.

70 Romania/Lege 278/2006 (04.07.2006) on the amendment and completion of the Criminal Code, and on the amendment and completion of other laws, published in the Official Journal 601/2006 (12.07.2006).

71 According to the Court, in cases of defamation only by ensuring criminal punishment for these acts the state can provide an effective and real protection of human dignity. The Court maintained that civil remedies to which the victims have access potentially are established by the local jurisprudence and not by special law. Consequently, the amendment of the Criminal Code creates a legislative vacuum, in violation with the right to have access to justice (art.6 of the ECHR) and with the right to have access to an effective remedy (art.13 of the ECHR). The Court also concluded that these moral damages do not constitute real compensation. More information: Decision No. 62/18.01.2007 regarding the non-compliance with the Constitution exception of the provisions from Art. 1 pct. 56 of the Romania/Lege 278/2006 on the amendment and completion of the Criminal Code, and on the amendment and completion of other laws, published in the Official Journal No. 104/2007 (12.02.2007).

72 According to the Ministry of Justice, '...for the transposition of the Framework decision Romania will only need to incriminate the offence of public incitement to violence and racial hatred in other situations than those already included in the Government Emergency Ordinance 31/2002 prohibiting organisations and fascist, racist, xenophobe symbols and promoting the veneration of the persons guilty of crimes against peace and humanity.' The Ministry of Justice's press release is available at: <http://www.just.ro/comunicate.php?idc=387>.

Discrimination – the national equality body (for contraventions), or complaint to the public prosecutor office or to the police (for hate crimes or other particular crimes in this area of criminal law).⁷³ When a complaint is introduced with the NCCD, but it has the characteristics of a crime, then the Council is obliged to direct the complaint to the public prosecutor's office. The National Council for Combating Discrimination is an independent body. Complaints for alleged criminal offences conducted by public officers, including the police, can be also introduced to the public prosecutor's office, according to the general criminal procedure law. The independence of this mechanism is guaranteed within the independence of the judiciary in Romania.

- [67]. There is also a special internal mechanism at the level of the Romanian Police: Romania/ Directia de Inspectie Interna [Internal Inspection Department]. This unit is specialized in organizing and conducting controls, investigating petitions and complains, preventing and combating law infringements by the police and by other units subordinated to the General Inspectorate of the Romanian Police (GIP). Any complaint to the GIP or to the MIRA or mass media information on infraction of discipline or of the professional code of ethics conducted by police officers are investigated by this Department or by the public prosecutor according to the law.⁷⁴
- [68]. In addition, a Permanent Consultative Committee was established within the GIP to deal with the relations between the police and the Roma minority. It analyses particular cases of police intervention using force in Roma communities. It drafts recommendations and regulations with regard to good practices of action. The Committee can be notified by different NGOs or by the GIP's management. The GIP's units implement its recommendations.⁷⁵

L.3. Brief overview

- [69]. The number of complaints reported by the public was only made available by the police in 2007. This is a new development in Romania, meaning that the police did not provided the Romanian NFP with this information in 2006. Consequently, we cannot compare it to data from previous years to register a trend.
- [70]. Police registers thousands of complaints in this area, however after police investigations, a very limited number of cases end up to the prosecutor office with the proposal to open a criminal case.⁷⁶ Please see the table provided in the

73 Romanian NFP: National Data Collection Report – 2006: RAXEN 7, Section 2.1.3. Legislation in the area of criminal law. See also Section A.2.2. New criminal legislation.

74 Response of the Inspectoratul General al Poliției Române, Nr. 142.170 from 23.10.2007, on file with the NFP.

75 Response of the Inspectoratul General al Poliției Române, Nr. 142.170 from 23.10.2007, on file with the NFP.

76 Response of the Inspectoratul General al Poliției Române, Nr. 142.170 from 23.10.2007, on file with the NFP.

Response of the General Inspectorate of the Romanian Police (GIP) in Annex 4 and the Response translated into English.

- [71]. There is an increase in the number of cases solved by the prosecutor office in this area. No case was sent to court in the first semester of 2007, but 3 cases have been taken out from the list for not respecting the conditions for the existence of the crime, while in 2 case the prosecutor considered that the acts do not attain the degree of social danger required for a prosecution.
- [72]. At the level of courts, there is a constant number of cases reported.⁷⁷
- [73]. The collaboration between national minorities rights NGOs (especially Roma) and the public authorities, that was strengthened this year, end up in interethnic conflict prevention.⁷⁸
- [74]. No ethnic profiling was conducted by public authorities as policy, but references to the ethnic origin of alleged offenders or communities where they come from are still present in police declarations at the local level.⁷⁹

L.4. Official data and information (criminal justice and government)

L.4.1. Official criminal justice data

- [75]. See Annex 4 and Annex 2D.
- [76]. This year, there was registered no change in the sources of data that compile statistics in the field on criminal offences. The same public authorities continue to collect data.⁸⁰
- [77]. They still do not publish the data collected. The only authority that publishes this type of statistics is the police; yet, the data available on its website is not relevant for the area of racist violence and crime.⁸¹ According to the public authorities, there have been conducted no analysis or study based on the results

77 Response of the Consiliul Superior al Magistraturii, Direcția Resurse Umane și Organizare, Biroul de Statistică, Nr.1/18531/1154/2007 from 16.10.2007, on file with the NFP.

78 Section B.6. Unofficial data and information - the successful case of Apată, Brasov County.

79 Section B.4.4. Anti-Roma offences.

80 The Romanian General Police Inspectorate, the General Public Prosecutor's Office and the Superior Council of Magistracy.

81 They refer to Article 246 (Abuse in the exercise of authority against the interests of a person) and 248 (Abuse in the exercise of authority against the public interests), and not to Article 247 (Abuse in the exercise of authority against the rights of a person) or other legal provisions relevant for the topic under discussion in this report.

of the data collection activity and they are also not aware of the existence of such an activity in Romania.⁸²

[78]. In comparison with the year 2006, there are improvements in the data collection activity. This year, the police was able to provide us with some statistics relevant for this report. The Superior Council of Magistracy included in its statistics the crimes from Art.317 of the Criminal Code (*Nationalistic and xenophobic propaganda*).⁸³

[79]. There are some inconsistencies in this year official statistics that continue the ones from 2006 statistics:

- The public authorities working in this area do not coordinate their results.
- There is still no data on “hate crimes.”⁸⁴
- There are no data collected on the ethnic origin, race or religion of the victims or any measures targeted to address victimization.
- The data recorded does not have as indicator the author of the complaint according to the general criminal law. Consequently, there is no record of the public authorities’ *ex officio* cases.
- The data available is not disaggregated by gender and age.
- The data available does not offer information about the number of cases involving police officers or public officers as alleged perpetrators.

L.4.1.1. Incidents/crimes reported by the public

[80]. See Annex 4.

[81]. During January 1 – September 30, 2007, the General Inspectorate of the Romanian Police (GIP) recorded a total number of 10,053 complaints on offences of abuse in the exercise of authority (Art.246, Art.247, and Art.248 of the Criminal Code). However, only the cases under Art.247 are relevant for the purpose of this report. Article 247 – *Abuse in the exercise of authority against the rights of the person* consists in a limitation of the use or exercise of the citizen’s rights or the creation of an inferiority situation on the ground of nationality, race, sex, religion conducted by a public officer and it is punished with imprisonment from 6 months up to 5 years. The authorities did not provide

82 Response of the Consiliul Superior al Magistraturii, Direcția Resurse Umane și Organizare, Biroul de Statistică, Nr. I/18531/1154/2007 from October 16, 2007, on file with the NFP. See also Response of the Inspectoratul General al Poliției Române, Nr. 142.170 from October 23, 2007, on file with the NFP.

83 Since July 2006, the article’s title has changed together with its content into *Incitement to discrimination*.

84 The cases of aggravating circumstance included in the new amendments of the Criminal Code from July 2006 (Art.75 para. 1 point c’). Romania/Lege 278/2006 (04.07.2006) on the amendment and completion of the Criminal Code, and on the amendment and completion of other laws, published in the Official Journal 601/2006 (12.07.2006).

us with the number of complaints that refer specifically to Article 247 of the Criminal Code.

- [82]. Also, the overall number of 10,053 complaints apparently does not cover the complaints made under other articles relevant in this area of criminal law.⁸⁵

L.4.1.2. Incidents/crimes recorded by the police

- [83]. See Annex 4.

- [84]. Although the police registers the cases covered by Art.319 (*Profanation*), they do not register whether the monuments have any religious representation, especially with respect to anti-Semitic acts.

L.4.1.3. Crimes recorded by the prosecution service

- [85]. See Annex 4.

- [86]. The General Public Prosecutor's Office offered data for the first semester of 2007. This authority recorded data on crimes that fall under some of the provisions applicable in this area.⁸⁶ A positive point in comparison with the other institutions is that they collect data on the Romania/Ordonanta de Urgenta a Guvernului 31/2002 prohibiting organisations and fascist, racist, xenophobe symbols and promoting the veneration of the persons guilty of crimes against peace and humanity. However, they do not collect data on the provisions of Art.319 (*Profanation*) and on Art.75 para.1 point c¹ of the Criminal Code ("*hate-crimes*"). In addition, the data collection with respect to abuses in the exercise of authority (Art.246, Art.247, and Art.248 of the Criminal Code) cumulates two articles (Art.246, Art.247). No separate data is collected under Art.247 alone.

L.4.2. Categories of incidents and crimes

- [87]. All the authorities that collect data on incidents and crimes declared that they do not register data on ethnic origin, race or religion of the victim or of the alleged perpetrator. The only reference to the characteristics of the perpetrator recorded by the police is with respect to number of foreigners committing criminal acts.⁸⁷

⁸⁵ Art.317, Art.318, and Art.319 of the Criminal Code, as well as crimes included in the Romania/ Ordonanta de Urgenta a Guvernului 31/2002 prohibiting organisations and fascist, racist, xenophobe symbols and promoting the veneration of the persons guilty of crimes against peace and humanity and hate crimes provided by Art.75 para.1 point c¹ of the Criminal Code.

⁸⁶ According to their official response, they collect data on Art.317, on Art.318 of the Criminal Code and on Romania/ Ordonanta de Urgenta a Guvernului 31/2002 prohibiting organisations and fascist, racist, xenophobe symbols and promoting the veneration of the persons guilty of crimes against peace and humanity. Reponse of the General Public Prosecutor's Office No.2560 from 26.10.2007, on file with the NFP.

⁸⁷ Police statistics available at: http://www.politiaromana.ro/date_statistice_2006.htm.

Consequently, there is no official data available on: violence against the person, violence against property, verbal threats and abusive behaviour – including harassment and hate speech, racist, xenophobic publications – including internet based, extremist offenders, with clear explanation as to what this encompasses, victim and offender characteristics (by gender, age, citizenship, nationality and ethnicity etc.) – including an analysis of the main victim and offender groups.

L.4.3. Anti-Semitic and Islamophobic offences

- [88]. According to the public authorities' responses, there is no official data collected on any of the Anti-Semitic and Islamophobic offences included under this point.

L.4.4. Anti-Roma offences

- [89]. According to the public authorities' responses, there is no official data collected on any of the Anti-Roma offences. Furthermore, authorities declare that they do not collect data on Roma as suspects or offenders. However, Romanian Police Reviews contain information on Roma origin of suspects, offenders or Roma communities where the local police operates.⁸⁸
- [90]. A recent Resolution of the Committee of Ministers from the Council of Europe underlines that 'significant efforts have been made to improve the public image of the Roma as well as their relations with the police'. Yet, 'public manifestations of hostility and intolerance are still reported, in certain media, as well as in the statements made by certain members of public authorities and in spite of improvements in this area, in the conduct of certain members of the police.'⁸⁹
- [91]. Two important cases against Romania⁹⁰ regarding violent acts from the '90s have been solved before the ECHR this year through settlement. Besides the civil damages offered, the State engaged itself before the court to implement a set of general measures with the aim to combat discrimination against Roma in Harghita County and throughout the country: to ensure the eradication of racial discrimination within the justice system, to improve the education program so that it combats discrimination against Roma, to implement raising awareness

88 Romanian Police Review No.1/2007, p.23, available at: http://www.politiaromana.ro/Revista_Politiei/Nr_1_2007_format_nou/index.htm; see also Romanian Police Review No.2/2007, p.30, available at:

http://www.politiaromana.ro/Revista_Politiei/Nr_2_2007_format_nou/index.htm; see also Romanian Police Review No.2/2007, p.27, available at: http://www.politiaromana.ro/Revista_Politiei/Nr_5_2007_format_nou/index.htm.

89 Resolution CM/ResCMN(2007)8 on the implementation of the Framework Convention for the Protection of National Minorities by Romania (Adopted by the Committee of Ministers on 23 May 2007 at the 996th meeting of the Ministers' Deputies), p. 2, available at: [http://www.coe.int/t/e/human_rights/minorities/2_FRAMEWORK_CONVENTION_\(MONITORING\)/2_Monitoring_mechanism/6_Resolutions_of_the_Committee_of_Ministers/1_Country-specific_resolutions/2_Second_cycle/PDF_2nd_CM_Resolution_Romania_eng.pdf](http://www.coe.int/t/e/human_rights/minorities/2_FRAMEWORK_CONVENTION_(MONITORING)/2_Monitoring_mechanism/6_Resolutions_of_the_Committee_of_Ministers/1_Country-specific_resolutions/2_Second_cycle/PDF_2nd_CM_Resolution_Romania_eng.pdf).

90 ECHR/Appl. No. 57884/00 (26.04.2007) Kalanyos and others v. Romania, and ECHR/Appl. No. 57885/00 (26.04.2007) Gergely v. Romania.

programs and information campaigns addressing the general public, to strengthen the public participation of the Roma community, to implement programs of housing rehabilitation and allocate financial resources in this sense, to identify, to prevent and to solve the conflicts appearing within the family, or within the community, or the interethnic conflicts.

L.5. Trends in racist and religiously motivated violence and crime

- [92]. This year, one could register a raise in the public preoccupations towards the racist and discriminatory discourse made by public officials, due to the public debate around the affirmations made by President Basescu in May 2007, and Prime Minister Calin Popescu Tariceanu in July 2007.⁹¹ The NCCD took two very courageous decisions, highly debated in the society, to give an administrative warning to the first public official and acquit the second one.⁹² They brought about a lot of aggressive affirmations towards Roma on the national newspapers' internet forums showing a lot of intolerance against this social group but also as a way of showing political support for the President.⁹³ However, Roma activists viewed these reactions as very dangerous for the community, reminding of the interethnic conflicts from the 1990s.

L.6. Unofficial data and information

- [93]. An incident that received a lot of media attention in 2007 was the Apața incident.⁹⁴ A conflict between Roma community and the Hungarian community started on 21.08.2007. According to local police sources the conflict started in the middle of the night, when several members of Roma community were trying to steal the harvest of other people living in the village. Several people have been easy injured. No medical intervention was necessary. The massive in force intervention of the police settled the conflict.⁹⁵ In order to avoid the restart of the conflict, police organized daily patrols in the region. The president of NAR asked the Prime Minister to establish a commission to investigate the real

91 RAXEN Bulletins 2007-Romania No.1&2 on the public statements made by President Basescu and PM Călin Popescu Tăriceanu, considered by the NCCD.

92 RAXEN Bulletins 2007-Romania No.1&2 on the public statements made by President Basescu and PM Călin Popescu Tăriceanu, considered by the NCCD.

93 The respective affirmations were made by the President while he was suspended and a referendum decided his mandate.

94 Apața is a village in Brașov County.

95 '130 policemen have been sent to Apața. Fortunately, in force intervention of the police was not necessary, only the presence of the police settled the conflict. In the morning the situation reverted to normal, the presence of the police deactivated the conflict. The police will start an investigation, the persons involved in the conflict will be interrogated and a report will be presented.', declared Eugen Pop, the chief of the local police (Brașov). More information available at: <http://www.romanioliberal.ro/a104221/cioaba-isi-indeamna-romii-din-apata-laliniste.html>; see also Romani CRISS, *Conflict between Hungarians and Roma in Apața, Brașov County, Draft Report*, August 2007. On file with the NFP.

causes of the conflict.⁹⁶ So far, no investigation results have presented to the public. Roma NGOs and Roma representatives collaborated with the local and national authorities to prevent new conflicts and addressed the Roma to remain calm.⁹⁷

- [94]. A 2007 international report on freedom of religion showed that ‘acts of anti-Semitism, including desecration and vandalism of Jewish sites, continued ... The extreme nationalist press and individuals continued to publish anti-Semitic articles. Some groups held public events or made statements with anti-Semitic themes. According to MCA Romania, authorities tended to minimize the significance of such incidents of vandalism, usually explaining them as being the actions of children, drunkards, or persons with mental disorders.’⁹⁸
- [95]. According to the report, on 11.02. 2007, 4 minors vandalized 22 tombs in a Jewish cemetery in Bucharest, causing damage worth approximately \$3,700 (9,200 RON). Police proposed to the Prosecutor's Office that they not prosecute the minors. A group of minors vandalized an old Jewish cemetery in Tulcea on 12.01.2007, and the Prosecutor's Office also decided not to prosecute them. On 01.01.2007, the Center for the Study of the History of Romanian Jews was vandalized, and the Federation of Jewish Communities filed a complaint with police. In September 2006 a 19-year-old individual was arrested while painting swastikas on some housing blocks in Buzau.⁹⁹
- [96]. In January 2007, the Federation of Jewish Communities and a Jewish NGO filed a criminal complaint against a professor who consistently denied the occurrence of the Holocaust in the country in the media and his books. The Legionnaires¹⁰⁰ continued to republish inflammatory books from the interwar period. Authorities occasionally investigated and prosecuted offenders, but all court cases resulted in acquittals.¹⁰¹
- [97]. On 23.03.2007, the leader of the extreme nationalist Greater Romania Party (PRM), Corneliu Vadim Tudor continued to make statements and write articles containing strong anti-Semitic attacks, including denied that any Holocaust activities had occurred in the country.
- [98]. In March 2007, the Federation of Jewish Communities released a declaration expressing sadness and surprise at a December 2006 ruling by the Bucharest

96 Mr. Gruiu Bumbu, President of the NAR press release available at: http://www.anr.gov.ro/docs/comunicate/decl_romi_apata.pdf.

97 Romanian Police Review No.5/2007, p.14, available at: http://www.politiaromana.ro/Revista_Politiei/Nr_5_2007_format_nou/index.htm; see also Romani CRISS, (August 2007) *Conflict between Hungarians and Roma in Apața, Brașov County, Draft Report*, on file with the NFP; see also <http://www.romanalibera.ro/a104221/cioaba-isi-indeamna-romii-din-apata-la-liniste.html>.

98 Bureau of Democracy, Human Rights, and Labor, *International Religious Freedom. Romania. 2007*, available at: http://www.usembassy.ro/US_Policy/2007_IRF_En.html.

99 Bureau of Democracy, Human Rights, and Labor, *International Religious Freedom. Romania. 2007*, available at: http://www.usembassy.ro/US_Policy/2007_IRF_En.html.

100 Also called the Iron Guard, an extreme nationalist, anti-Semitic, pro-Nazi group that existed in the country in the interwar period.

101 Bureau of Democracy, Human Rights, and Labor, *International Religious Freedom. Romania. 2007*, available at: http://www.usembassy.ro/US_Policy/2007_IRF_En.html.

Appellate Court, which partially exonerated Marshal Antonescu¹⁰² and some others convicted for war crimes.¹⁰³ The Public Prosecutor's Office of the Romania/ Inalta Curte de Casatie si Justitie appealed the decision. The case is pending.

- [99]. In its April 2007 annual report, Simon Wiesenthal Center included Romania in the category of countries that paid insufficient attention to or were unsuccessful in efforts to investigate Nazi war criminals.¹⁰⁴
- [100]. International reports published in 2007 referred to incidents of violence against Roma conducted by the police and other authorities, like the one from Apalina Reghin.¹⁰⁵ According to Amnesty International, the initial police investigation cleared the officers of any wrongdoing. In November 2006, following a visit by two members of the European Parliament, the GIP opened a preliminary investigation into the incident. The investigation was continuing at the end of the year.
- [101]. The cyber-hate against the Roma is very widespread on the national wide newspapers' forums, as reported by NGOs in cooperation with authorities.¹⁰⁶ This phenomenon increased after the discriminatory affirmations made by President Bănescu and sanctioned by the NCCD.¹⁰⁷ Romania has only signed, and did not ratify the Additional Protocol to the Convention on cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

L.7. Good practices

L.7.1. Positive initiatives

- [102]. The MIRA through the GIP and the Institute for the Research and Prevention of Criminality signed a Memorandum of Cooperation under the Strategic Initiative: Roma and the Romanian Police, with the OSCE and the Romani CRISS. The cooperation resulted in an assessment of the police policies and

102 Antonescu was responsible for widespread atrocities against Romanian Jews during World War II.

103 http://www.divers.ro/actualitate_ro?wid=37455&func=viewSubmission&sid=6359.

104 <http://www.wiesenthal.com/site/apps/s/content.asp?c=fwLYKnN8LzH&b=253162&ct=3761331>.

105 The case was covered by the Romanian NFP in RAXEN 7 Bulletin No.5; see also: Amnesty International, *Annual Report 2007*, available at: <http://thereport.amnesty.org/eng/Regions/Europe-and-Central-Asia/Romania>.

106 Two Romanian NGO's, the Institute for Public Policies (IPP) and Romani CRISS – participants in the project *Stop discriminatory messages on the discussion forums of the Romanian papers*, produced a research on this subject during July-September 2007, as proof of the current situation and background for a debate, available at: http://www.ipp.ro/documente_postate/Raport%20monitorizare%20forumuri%20cotidiene.pdf.

107 <http://www.cncd.org.ro/index.php?&lb=1>; see also <http://www.rompres.ro/news.php?c=17&p=4&w=3&h=&t=0&v=&s=17,19,18&q=>; <http://news.bbc.co.uk/1/hi/world/europe/6684261.stm>; see also: <http://www.nineoclock.ro/index.php?page=detalii&categorie=homenews&id=20070523-6822>.

practices in relation with Roma citizens, the establishment of a Permanent Consultative Committee including representatives of the GIP and of Roma NGOs and the establishment of a Focus Group with the mission to identify concrete problems in the relation between the Roma minority and the Romanian police.¹⁰⁸

- [103]. The *Action Plan for the Implementation of the Romanian Police Modernization* introduced affirmative measures to raise the number of national minorities within the police force. In all counties where national minorities are significantly represented, the local police reserved special places for them. The effective access is guaranteed by: the possibility given to the minority candidates to replace the international language exam with their mother tongue exam, the measures to support their ethnic accommodation at the workplace.¹⁰⁹ The policy was introduced from 2005 and continued in 2007 along with a raising awareness campaign among national minorities' communities.¹¹⁰
- [104]. The NCCD initiated several collaborations with local police departments and other governmental structures or non-governmental organizations in order to provide raising awareness and training for police officers at the local level.¹¹¹

L.7.2. Practical initiatives by civil society and government

- [105]. Two training initiatives proving sustainability and transferability were implemented in a public-private traditional partnership.¹¹² They aimed to promote communication, representation and participation in multiethnic communities. A large number of police officers from all around the country have been trained on human rights protection and conflict resolution in multiethnic communities. Meetings in multiethnic communities took place with the participation of the police, public local administration, mass-media, ethnic minorities.

108 Response of the Inspectoratul General al Poliției Române, Nr. 142.170 from 23.10.2007, on file with the NFP.

109 Response of the Inspectoratul General al Poliției Române, Nr. 142.170 from 23.10.2007, on file with the NFP.

110 Response of the Inspectoratul General al Poliției Române, Nr. 142.170 from 23.10.2007, on file with the NFP.

111 See Romanian Police Review No.3/2007, p.40, available at:

http://www.politiaromana.ro/Revista_Politiei/Nr_3_2007_format_nou/index.htm; see also Romanian Police Review No.2/2007, p.14, available at: http://www.politiaromana.ro/Revista_Politiei/Nr_2_2007_format_nou/index.htm.

112 The Institute for the Research and Prevention of Criminality and two Romanian local NGOs: the Ethnocultural Diversity Resource Center and the Regional Negotiation and Facilitation Center. Information is available at: <http://www.rfnc.ro/>.

M. Key areas of social life

M.1. Employment

M.1.1. New complaints and monitoring bodies - differentiated data

- [106]. There are no new specific bodies focusing on recording segregated data on migrants, refugees, asylum seekers and ethnic minorities and employment or with a mandate on processing complaints or allegations of racism and discrimination in employment.
- [107]. *Ministerul Muncii, Familiei și Egalității de Șanse* (MMFES) [the Ministry of Labour, Family and Equal Opportunities] was reorganized.¹¹³ The main effect of the reorganisation has been the dissolution of *Oficiul pentru Migrarea Forței de Muncă* [the Office for Labour Force Migration].¹¹⁴ Its previous functions have been assumed by *Agenția Națională pentru Ocuparea Forței de Muncă* (ANOFM) [the National Agency for Employment], through its county and local branch offices in part,¹¹⁵ and by the recently established *Oficiu Român pentru Imigrări* (ORI), [the Romanian Office for Immigrations (ROI)].
- [108]. ROI was established in June 2007 as a result of the merger and reorganisation of *Autoritatea pentru Străini* [the Authority for Aliens] and of *Oficiul Național pentru Refugiați* [the National Office for Refugees].¹¹⁶ ROI also received, as a part of its mandate, competencies on issuing work permits,¹¹⁷ and the right to stay on Romanian territory. This transfer of competencies was meant to solve systemic problems such as the delays in administrative procedures, the big number of documents requested by a large number of institutions involved in the procedures, as well as the lack of resources of the institutional actors involved. Under the new regime, the norms had been simplified and issuance of work permits is linked with the right to stay, the deadlines are shorter and more

113 The ministry changed its name from the *Ministry of Labour, Social Solidarity and Family* to the *Ministry of Labour, Family and Equal Opportunities*.

114 Its role was to act as a broker between Romanians willing to work abroad and foreign employers willing to hire Romanian workers.

115 European Employment Observatory, Quarterly Reports, July 2007, available at: http://www.eu-employment-observatory.net/resources/quarterly_reports_exec_summary/QRExecSummJuly07-EN.pdf (20.10.2007).

116 Romania/ Ordonanța de Urgență 55/2007 (20.06.2007) on Establishing the Romanian Office for Immigration and the Amendment of Various Legal Provisions.

117 Previously under the Office for the Migration of Labour Force.

flexible, and the text included provisions of Council Directive 2005/71/EC on admission procedures for non-member states nationals.¹¹⁸

- [109]. The Romania/Ordonanța de Urgență a Guvernului 55/2007 harmonises Romanian legislation on asylum and migration with EU norms. The text defines as foreigner ‘the person who does not have Romanian citizenship, or the citizenship of an EU or EEA Member State’ and provides for the different requirements and procedures for work permits, short term and long term visas and permits to stay.¹¹⁹
- [110]. The Emergency Ordinance on Hiring and Transferring Foreigners in Romania further clarified the transfer of competencies from the Office for the Migration of Labour Force to ROI and established different categories of permits for foreign workers: permanent, apprentice, seasonal, trans-border, transferred, with high qualifications.¹²⁰
- [111]. Article 5 of the Romania/ Ordonanța de Urgență a Guvernului 56/2007 seeks to support the integration and access to labour of refugees and asylum seekers, as well as of some categories of migrants, by eliminating the obligation to have a work permit for specific categories of aliens.¹²¹
- [112]. ISPMN was established in 2007.¹²² The Institute has as tasks drafting, coordinating, commissioning and carrying out inter- and multi-disciplinary studies¹²³ relevant to the ethnic, cultural and religious identity of national minorities and of other ethnic communities set up as a result of recent migrations.
- [113]. The *National Occupation Plan of Action* includes for the first time a distinct chapter on Roma inclusion.¹²⁴ The Governmental Decision endorsing the Plan mentions as main problems of the labour agencies in relation with active measures for Roma employment the following: the fact that Roma ethnicity is not declared, as well as resistance to being involved in professional training

118 Nota de fundamentare pentru Ordonanța de Urgență a Guvernului nr. 55/2007 privind înființarea Oficiului Român pentru Imigrări prin reorganizarea Autorității pentru străini și a Oficiului Național pentru Refugiați, precum și modificarea și completarea unor acte normative, available at <http://www.guv.ro/notefundam/afis-nota.php?id=3611> (10.10.2007).

119 Romania/Ordonanța de Urgență 55/2007 (20.06.2007).

120 Romania/Ordonanța de Urgență 56/2007 (20.06.2007) on Hiring and Transferring Foreigners in Romania.

121 Such as: foreigners granted the permanent right to stay, foreigners for whom the access to the labour market is regulated by conventions or bilateral treaties if these norms provide for such exemptions, foreigners granted a form of protection in Romania, foreigners carrying out educational or scientific activities on temporary basis, as regulated by bilateral agreements, foreigners carrying out temporary activities upon the request of Romanian ministries or public authorities, foreigners appointed as heads of Romanian branches of foreign companies, foreigners who are relatives of Romanian citizens, foreigners working for legal entities registered in the EU or in EEA, transferred to Romania. See Art.5 of Romania/Ordonanța de Urgență 56/2007 (20.06.2007).

122 Romania/ Institutul pentru Studiarea Problemelor Minorităților Naționale (ISPMN) [the Institute for the Study of National Minority Issues] was established following the Government Decision No. 893/2007 and the Government Ordinance No. 121/2007, as a public institution in the subordination of the Government and under the coordination of Departamentul pentru Relații Interetnice (DRI) [the Department for Inter-ethnic Relations].

123 Both qualitative and quantitative research.

124 National Agency for Roma, *Raport Anual 2006*, available at http://www.anr.gov.ro/docs/rapoarte/raport_de-activitate_2006.pdf (10.10.2007).

programmes, high drop out rates for those in professional trainings, lack of primary education preventing access to professional qualification programmes.¹²⁵

- [114]. A Unit for Social Inclusion has been established by Romania/Hotarare de Guvern 1217/2006 on Creating a National Mechanism for Promoting Social Inclusion.¹²⁶ The Unit has as purpose monitoring social inclusion of Roma. The National Strategy on Roma was amended in 2006 to include as objectives increasing the efficiency of active measures for Roma employment in the workforce and promoting measures for access to minimum income.¹²⁷
- [115]. According to the BIR published in 2007, the area most affected by discrimination is employment.¹²⁸

M.1.2. Racism and discrimination (incidents and practices)

C.1.2.1. Brief overview

- [116]. The former Office for Labour Force Migration declared a number of 7,102 active work permits for foreign citizens as of 15.11.2006, out of which 25 per cent were owned by EU citizens and 17 per cent by citizens of the Republic of Moldova, the main fields of activity being commerce, services and industry. See **Annexes Tables C.1.1- C.1.9.**
- [117]. Denmark, Germany, United Kingdom, Ireland, France, Hungary, Austria, Belgium, Italy, Greece, Spain, Luxemburg, Holland, Portugal and Malta officially announced that they impose restrictions on the free movement of Romanian workers, while Estonia, Finland, Poland, Slovakia, Czech Republic, Cyprus, Sweden, Slovenia, Latvia, Lithuania and Bulgaria opened their labour markets. In response, Romania applies the reciprocity principle, requesting work permits for the workers coming from these countries.¹²⁹

125 Romania/H.G. 970/2006 (26.07.2006) on the Approval of the National Action Plan for Employment-2006, available at <http://www.mmssf.ro/website/ro/munca/PNAO2006.pdf> (10.10.2007).

126 Governmental Decision 1217 from 2006 on Creating a National Mechanism for Promoting Social Inclusion.

127 Romania/H.G. 522/2006 (28.04.2006).

128 Open Society Institute, Bădescu, Gabriel, Grigoraş, Vlad, Rughiniş, Cosima, Voicu, Mălina, Voicu, Ovidiu, Roma Inclusion Barometer, (Bucharest: Open Society Foundation, 2007), available at <http://www.edrc.ro/docs/docs/barometrulper cent20includiuniiper cent20romilor.pdf> (11.10.07).

129 Oficiul pentru Migrarea Forţei de Muncă, available at <http://www.omfm.ro> (10.09.2007).

- [118]. The UNDP *Human Development Report, Romania 2007* states that immigration will most likely be the best solution to future low-skill labour shortages, and recommends that a comprehensive migration policy be soon drafted.¹³⁰
- [119]. A research published by the Intercultural Institute from Timișoara under the project RURAL IN evidenced the different sectors of employment and the choice of residence for the various groups of foreigners present in Romania. Thus, most EU citizens choose to live in counties with big cities and work in industry, services, trade, while most foreigners from the Middle East and Arab countries gather in Bucharest, Cluj, Timiș, Constanța, Iași, Asians tend to congregate in Bucharest, and most foreigners from African countries can be found in Bucharest, Cluj and Bihor.¹³¹
- [120]. In its Follow-up Report on Romania, the High Commissioner for Human Rights underlined that ‘as regards access to employment, the Roma, who are often little qualified for work, suffer directly from unemployment and indeed discrimination...’¹³² The report of the Commissioner for Human Rights concluded that while initiatives such as job fairs for Roma ‘must be welcomed, for the time being they affect only a limited number of Roma.’¹³³
- [121]. Similarly, the Committee of Ministers of the Council of Europe declared that ‘in spite of the many initiatives taken by the government, a large number of Roma continue to confront serious difficulties and manifestations of discrimination in different fields, including employment, housing, health and education.’¹³⁴
- [122]. ANOFM reported in 2006 that 2,283 Roma were offered free professional training and that there were 3,563 trips in 2,903 Roma communities for job fairs, attended by 70,971 persons. Consequently, 27,207 persons had been

130 UNDP, *Human Development Report Romania 2007: Making EU Accession Work for All - Fostering Human Development by Strengthening the Inclusiveness of the Labor Market*, July 2007, available at: http://www.undp.ro/publications/pdf/NHDR2007_final.doc (27.10.2007).

131 Rural IN, Calin Rus, Valentin Pepenel, Alina Despi si Oana Nestian, Institutul Intercultural Timisoara, *Cercetare cu privire la integrarea imigrantilor în zonele rurale din România*, available at http://www.rural-in.org/contenidos/word/noticia_159_romania.pdf (23.10.2007).

132 Council of Europe, Commissioner for Human Rights, FOLLOW UP REPORT ON ROMANIA (2002-2005), Assessment of the progress made in implementing the recommendations of the Council of Europe, March 2006, CommDH(2006)7, para 63, available at <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&Command=com.instranet.CmdBlobGet&DocId=961640&SecMode=1&Admin=0&Usage=4&InstranetImage=92682> (25.10.2007).

133 Council of Europe, Commissioner for Human Rights, FOLLOW UP REPORT ON ROMANIA (2002-2005), Assessment of the progress made in implementing the recommendations of the Council of Europe, March 2006, CommDH(2006)7, para 63, available at <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&Command=com.instranet.CmdBlobGet&DocId=961640&SecMode=1&Admin=0&Usage=4&InstranetImage=92682> (25.10.2007).

134 Council of Europe, Committee of Ministers, Resolution CM/ResCMN(2007)8 on the implementation of the Framework Convention for the Protection of National Minorities by Romania (adopted on 23 May 2007 at the 996th meeting of the Ministers' Deputies), available at [http://www.coe.int/t/e/human_rights/minorities/2_FRAMEWORK_CONVENTION_\(MONITORING\)/2_Monitoring_mechanism/6_Resolutions_of_the_Committee_of_Ministers/1_Country-specific_resolutions/2_Second_cycle/PDF_2nd_CM_Resolution_Romania_eng.pdf](http://www.coe.int/t/e/human_rights/minorities/2_FRAMEWORK_CONVENTION_(MONITORING)/2_Monitoring_mechanism/6_Resolutions_of_the_Committee_of_Ministers/1_Country-specific_resolutions/2_Second_cycle/PDF_2nd_CM_Resolution_Romania_eng.pdf) (25.10.2007).

registered with the national database out of which 10,273 were women and 4,219 persons had been employed, 1,188 of whom being women.¹³⁵

- [123]. An assessment requested by NAR, published in December 2006, states that the percentage of Roma employment in Romania is significantly lower than that of the general population (47 per cent compared to 61.7 per cent); the number of Roma housewives is four times bigger than the number of Romanian housewives; 13.2 per cent of Roma are not employed; two thirds of Roma in workforce are men and less than one third of them have a salary; 41.7 per cent of the Roma population is employed on daily basis; 33.5 per cent of Roma have no professional qualification, 14.3 per cent work in agriculture and 37.3 per cent have modern qualifications, while 10.3 per cent have traditional professional qualifications.¹³⁶
- [124]. The BIR from 2007 found that ‘most Roma (73 per cent) declare that what they earn is not enough to satisfy even their basic needs.’¹³⁷ The Barometer highlights that official statistics do not record the high number of Roma who find income-generating opportunities in the informal sector (grey and black markets).
- [125]. According to a study carried out by the Max Weber Sociology Professional College and Research Centre on Inter-ethnic Relations, 45 per cent of the population thinks that Roma are the most disadvantaged group in employment and 60 per cent of the respondents think that discrimination in employment is legitimate and gave a positive answer to the statement: ‘If I had my own business, I would not hire Roma because most of them are lazy and are stealing.’¹³⁸
- [126]. A 2007 comprehensive report issued by the European Roma Rights Center (ERRC) on discrimination against Roma in employment, finds that employers – public and private – are not explicitly required to have a written diversity policy.¹³⁹ The ERRC research in Romania indicated that policies to tackle unemployment of Roma are ‘limited in scope and do not result in any noticeable improvement of the position of Roma in the labour market.’

135 Romania/ Agenția Națională pentru Ocuparea Forței de Muncă, *Raport Anual 2006*, available at:

http://www.anofm.ro/informatii_publice/raport_activitate_2006/Raport_de_activitate_pentru_anul_2006.htm (16.10.2007).

136 Romania/ Agenția Națională pentru Romi, *Analiză comparativă în domeniul ocupare*, available at:

<http://www.anr.gov.ro/docs/programe/GRANT/Indicatoripercent20occupationalipercent20pentrupercent20populatiapercent20depercent20romipercent20dinpercent20Romania.pdf> (18.10.2007).

137 Open Society Institute, Bădescu, Gabriel, Grigoraș, Vlad, Rughiniș, Cosima, Voicu, Mălina, Voicu, Ovidiu, *Roma Inclusion Barometer*, (Bucharest: Open Society Foundation, 2007), available at: <http://www.edrc.ro/docs/docs/barometrulpercent20includiunipercent20romilor.pdf> (11.10.07).

138 Max Weber' Sociology Professional College and Research Center on Inter-ethnic Relations, *Relații interetnice în pragul integrării europene. Câteva tendințe comentate/ Interethnic Relations before the European Integration. A Few Tendencies Interpreted*. (Cluj Napoca, CRDE, 2006) available at: http://www.edrc.ro/docs/docs/Relatii_interetnice_integrare.doc (11.11.2006).

139 European Roma Rights Centre, *The Glassbox: Exclusion of Roma from Employment, 2007*, available at: <http://www.errc.org/db/02/14/m00000214.pdf> (10.10.2007).

- [127]. In the study, the ERRC finds that 'employers in the public and private sector alike are not under serious threat of financial loss in case of discrimination, because sanctions imposed by anti-discrimination laws are usually not dissuasive, especially for larger companies.'¹⁴⁰
- [128]. Similarly, another report¹⁴¹ mentions that the only available data on employment outcomes for Roma in Romania consisted in the job fairs for Roma, organized annually by the National Employment Agency. The assessment highlights that 'still, the data provided mentions only the number of participating Roma at the job fairs and the number of successful employments.' The report concludes that 'outside these very small annual snapshots of the jobs fairs, there is no reliable, nationally representative, regularly collected data on the employment situation of Roma.'¹⁴² Even the success of job fairs is assessed by the author as very small scale due to 'the small samples of potential employers and actual job-seekers.'¹⁴³
- [129]. The report further asserts that 'it is not even clear whether Roma inclusion in employment is in fact a priority area for the work of the Ministry of Labour' and concludes that the mechanism of the NCCD has proven to be 'a blunt, imperfect instrument for Roma in the area of employment.'¹⁴⁴
- [130]. According to the Romanian chapter of the Eurobarometer, 78 per cent of the respondents agree with the importance of establishing affirmative measures in employment based on ethnic origin.¹⁴⁵
- [131]. A Roma NGO,¹⁴⁶ analysed in a report typical cases of discrimination in employment of Roma.¹⁴⁷ The study found that 'from the total active workforce population, approximately 27.5 per cent [of Roma] are wagedworkers, from which a percentage of 65 per cent are men. The proportion of housewives is over four times bigger in the Roma population than the national level which indicates the poor participation of the woman on the labour market.'¹⁴⁸

140 Savelina Danova-Russinova, ERRC, *Tackling the Systemic Exclusion of Roma from Employment*, available at: <http://www.errc.org/cikk.php?cikk=2534> (08.08.2007).

141 DecadeWatch : Roma activists assess the progress of the Decade of Roma Inclusion 2005-2006, available at: <http://www.romadecade.org/index.php?content=6>, (10.10.2007).

142 DecadeWatch : Roma activists assess the progress of the Decade of Roma Inclusion 2005-2006, available at: <http://www.romadecade.org/index.php?content=6>, (10.10.2007).

143 DecadeWatch : Roma activists assess the progress of the Decade of Roma Inclusion 2005-2006, available at: <http://www.romadecade.org/index.php?content=6>, (10.10.2007).

144 DecadeWatch : Roma activists assess the progress of the Decade of Roma Inclusion 2005-2006, available at: <http://www.romadecade.org/index.php?content=6>, (10.10.2007).

145 Eurobarometrul Opiniei Publice, Discriminarea în Uniunea Europeană, Fișa de țară: România, available at: http://www.mmssf.ro/website/ro/rapoarte_studii/200307eurobarometru.pdf (28.10.2007).

146 Romania/ Agenția pentru Dezvoltare Comunitară Impreună [the Agency for Community Development Together].

147 Gelu Duminică, Agenția pentru Dezvoltare Comunitară Impreună, *Roma Access On The Labor Market, CASE STUDY – ROMANIA*, on file with the NFP.

148 Gelu Duminică, Agenția pentru Dezvoltare Comunitară Impreună, *Roma Access On The Labor Market, CASE STUDY – ROMANIA*, on file with the NFP.

- [132]. According to the study ‘most of the Roma ethnics from Romania (71.7 per cent) are workers on their own account (day-workers).’¹⁴⁹ The study finds that ‘Roma representation is bigger in companies active especially in ‘community services’ (public cleaning and constructions),’ and explains this mentioning the avoidance of these fields by non-Roma population, due to poor wages and also due to the inferior social status conferred by the practice of these jobs. In international corporations, ‘regardless the profile of the foreign company (banking, marketing, publicity, services, etc.) the presence of Roma ethnics is almost inexistent.’¹⁵⁰
- [133]. Based on field interviews, the study determined that ‘even if they are employed, the workplaces offered to Roma ethnics are of poorest quality. Employed Roma, in their quasi-majority, do not beneficiate from additional professional training sessions and/or promotions offered by their employers.’¹⁵¹
- [134]. The report concluded that ‘the measures taken so far for the improved access of the Roma to the labour market are rather fragmented and are especially initiatives of the Roma civil society. The intervention of the state has so far been limited to passive, universalistic, measures, which did not focus on the Roma population and which only superficially touch upon this segment.’¹⁵²
- [135]. The Ministry of Labour, Family and Equal Opportunities reports a number of 13,810 Roma, 20 foreign citizens and three refugees employed through the *National Action Plan for Employment*, by regions/counties and target groups in 2006.¹⁵³ For the first quarter of 2007, the minister reports that 5,925 Roma, and 15 foreigners had been employed through the National Employment Program, by regions/counties and target groups.

C.1.2.2. Statistical data and tables on incidents of discrimination and racism

- [136]. Similar to previous years, official agencies recording access to the labour market do not segregate data based on ethnicity or nationality, the only

149 Gelu Duminičă, Agenția pentru Dezvoltare Comunitară Impreună, *Roma Access On The Labor Market, CASE STUDY – ROMANIA*, on file with the NFP.

150 Gelu Duminičă, Agenția pentru Dezvoltare Comunitară Impreună, *Roma Access On The Labor Market, CASE STUDY – ROMANIA*, on file with the NFP.

151 Gelu Duminičă, Agenția pentru Dezvoltare Comunitară Impreună, *Roma Access On The Labor Market, CASE STUDY – ROMANIA*, on file with the NFP.

152 Gelu Duminičă, Agenția pentru Dezvoltare Comunitară Impreună, *Roma Access On The Labor Market, CASE STUDY – ROMANIA*, on file with the NFP.

153 Romania/ Ministerul Muncii, Familiei și Egalității de Șanse, *Buletin statistic trimestrial în domeniul muncii și protecției sociale*, [Quarterly Statistical Bulletin on Labour and Social Protection], available at: http://www.mmssf.ro/website/ro/statistici/buletin_pdf.jsp (29.10.2007).

segregating lines being gender and rural/urban, eventually correlated with age or educational background.^{154 155}

- [137]. In the absence of a mechanism for the compilation of segregated data, there are no official statistics and tables available on incidents of discrimination and racism in employment.
- [138]. In its Concluding Comments on Romania, the Committee for the Elimination of All Forms of Discrimination against Women ‘regrets the limited availability of statistical data disaggregated by sex as well as by ethnicity, age, and by urban and rural areas, which makes it more difficult to assess progress and trends over time in the actual situation of women and their enjoyment of their human rights in regard to all areas covered by the Convention.’¹⁵⁶

C.1.2.3. Exemplary cases

- [139]. A current case, still pending before the Court of Appeal, poses the question of the relation between the principle of the autonomy of recognized religious denominations and labour law. As reported by the lawyer of the plaintiff in this case, his client working as Moslem clergy was sanctioned for being critical of the leadership of the religion. The disciplinary sanction of transfer to another work place (in this case a different place of worship) is a sanction provided by the Labour Code.¹⁵⁷ As the plaintiff challenged the disciplinary decision before the court as a labour case, the labour court rejected the case by declaring that the case does not fall under its jurisdiction and invoked Article 26 of the Law on Religious Freedom and the General Status of Religious Denominations.¹⁵⁸

154 Romania/ Institutul Național de Statistică, *Anuarul Statistic al României: Piața de muncă*, available at: <http://www.inse.ro/cms/files/pdf/ro/cap3.pdf> (28.10.2007).

155 The requests of information of the NFP revealed a tendency to refer all requests on segregated data in any field towards the NCCD, even if the issue falls under the scope of the mandate of each institution responsible for each area. See correspondence with the National Labour Inspectorate, the Romanian Office for Immigrations, the Department for Interethnic Relations and the National Agency for Roma which declined competency on any employment related statistics segregated by ethnicity, race or religion. Response of the Labour Inspectorate from 18 September 2007 on file with the NFP. Response of the Romanian Office for Immigrations, October 2007, on file with the NFP. Response of the Department for Interethnic Relations, October 2007, on file with the NFP. Interview with Mr Dan Oprescu, the National Agency for Roma on October 8, 2007.

156 Committee on the Elimination of Discrimination against Women, Concluding comments of the Committee on the Elimination of Discrimination against Women, Romania, CEDAW/C/ROM/CO/6, Thirty-fifth session, 15 May-2 June 2006, available at [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/7a0261ea8f5ffd59c125723d0059a29a/\\$FILE/N0638379.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/7a0261ea8f5ffd59c125723d0059a29a/$FILE/N0638379.pdf) (15.10.2007).

157 Correspondence with Mr Enghin Osman, lawyer for the plaintiff, 23.10.2007, on file with the NFP.

158 The article provides that ‘religious denominations can have their own jurisdiction mechanisms for problems of internal discipline, according to their own statutes and internal norms’ and that ‘problems of internal discipline are solved exclusively according to statutory and canon provisions.’ See Romania/ Lege 489/2006 (8.01.2007).

C.1.2.4. Additional information

- [140]. In January 2007, the media reported that almost 200 Chinese factory workers started a strike and chased their employer who refused to grant them a salary increase. Local Romanian officials, labour officials, as well as representatives of the Italian and Chinese embassies intervened to mediate a conflict that was allegedly generated by the Chinese mafia.¹⁵⁹ Following the conflict, out of the 1,000 women brought to work in the textile company, only 180 chose to stay, the rest of them preferring to return to China.¹⁶⁰
- [141]. The Law on Religious Freedom and the General Status of Religions adopted in December 2006, does not include any provisions addressing discrimination on the grounds of religion and belief in the workplace.¹⁶¹

M.1.3. The situation of migrants and minorities in employment

C.1.3.1 Brief Overview

- [142]. Lack of employment is one of the most pressing issues faced by the Roma community as asserted by the Shadow Report for 2007 of ENAR. The report finds that lack of employment 'generates lack of income and generalized poverty. A large part of the Roma lack qualifications and, when employed, a large part works in the informal economy. Another barrier against employment is employers' prejudice and discrimination.' The Shadow Report continues by stating that 'job stability and thus social security is the lowest in the case of Roma.'¹⁶²
- [143]. An ERRC study on Roma in Central and South-Eastern Europe, including in Romania, based on structured narrative interviews, found that two out of every three Roma of working age are currently unemployed. 'Of those out of work, 35% fit the description of long-term unemployed as they have been out of work for a year or more and a staggering one in three working age Roma have had a period of unemployment lasting five years or more.'¹⁶³ The research further found that 'almost 50% of working age Roma reported periods of continuous employment which lasted five years or more. About two-thirds have had

159 *Evenimentul Zilei, Bacău*: Chinezoaicele își atacă directorul cu linguri și furculițe!, [The Chinese Women Attack Their Director with Knives and Forks!], available at: <http://www.evz.ro/article.php?artid=288875>, see also *Cotidianul*, Răscoală chinezească la Bacău, [Chinese Riot in Bacău], available at: <http://www.cotidianul.ro/index.php?id=8903&art=23335&cHash=614413100o> (22.01.2007).

160 *Ziarul de Bacău*, După chinezoaice, vin muncitori din Bangladesh, [After the Chinese Women, the Bangladeshi Workers Are Coming], available at: <http://www.ziaruldebacau.ro/index.php?articol=24076> (20.10.2007).

161 Romania/ Lege 489/2006 (8.01.2007).

162 ENAR, 2007 Shadow report: Romania, available at: http://www.enar-eu.org/en/national/romania/Romania_2006.pdf (29.10.2007).

163 Ann Hyde, Systemic Exclusion of Roma from Employment, available at: <http://www.errc.org/cikk.php?cikk=2535> (18.08.2007).

continuous employment of periods exceeding one year.’¹⁶⁴ According to the study, ‘most Roma search for work that is at the lower unskilled end of the labour market where jobs are menial and low paid...some 16 % of those in employment are in ‘informal’ employment, which in this research means casual, without a contract and not paying tax; two out of every three working age Roma are likely to experience employment discrimination.’¹⁶⁵

- [144]. A joint study published in November 2006 by the Department for Labour Abroad, the Office for the Migration of Labour Force and the Faculty of Political Sciences of Oradea University on the liberalization of the labour market shows that the regime of access to employment for EU and EEA citizens is similar with the one of Romanian citizens, pointing out that 25 per cent of the total of work permits were granted to EU citizens, most of them working in trade, banking, services, out of which 83 per cent are men. The study finds that 83.3 per cent of the EU citizens working in Romania have as declared income, the minimum required by the Romanian legislation, which is the average salary in the economy (1,077 RON/month meaning EURO 300).¹⁶⁶
- [145]. The study discusses the particular situation of citizens of the Republic of Moldova, ranking third in the number of work permits issued, 95 per cent of which being granted permanent labour permits. Most of these Moldovan citizens work in services (27.84 per cent), production (23.33 per cent), trade (19.35 per cent).¹⁶⁷
- [146]. According to the Romanian Immigration Office (ROI), the number of permits to stay issued with the purpose of employment increased with 50 per cent in the first semester of 2007 compared with the same semester of 2006, most applicants coming from Turkey, China and the Republic of Moldova.¹⁶⁸
- [147]. Another study on the dynamic of immigration states that the number of foreigners granted long-term visas for employment purposes increased with 27 per cent compared with 2006 and the number of foreigners granted short-term visas for employment purposes increased with 57 per cent.¹⁶⁹
- [148]. The ROI reported at the end of July 2007, that out of the 810 foreigners registered with a form of protection (granted refugee status or subsidiary protection), 64.3 per cent of the adults were employed.¹⁷⁰ The report further

164 Ann Hyde, Systemic Exclusion of Roma from Employment, available at: <http://www.errc.org/cikk.php?cikk=2535> (18.08.2007).

165 Ann Hyde, Systemic Exclusion of Roma from Employment, available at: <http://www.errc.org/cikk.php?cikk=2535> (18.08.2007).

166 The salary of Romanian citizens can go below the average salary in the economy, but in the case of Romanian employees the employer will not have to pay the various taxes to be paid only in the case of foreign employees for a certificate recognizing the diplomas of the employee, the work permit and the permission to stay which amount to approximately 1,700RON (400 EURO).

167 The figures do not include Moldovan citizens who regained their Romanian citizenship.

168 Romania/ Oficiul Român pentru Imigrări, Response, October 2007, on file with the NFP.

169 Serban Buscu, Căpșunarii altora exportă masiv bani din România, in: *Cotidianul*, available at: <http://www.cotidianul.ro/index.php?id=13136&art=34008&cHash=0273b5fbbe> (15.08.2007).

170 Romania/ Oficiul Român pentru Imigrări, Annual Report 2007, RAPORT ANUAL privind situația străinilor care au obținut o formă de protecție în România, on file with the NFP.

details that 76.4 per cent of the men granted protection are employed, while only 31 per cent of the women have a job. The remaining 69 per cent of women declared that they are staying at home and that they are not seeking employment.¹⁷¹

- [149]. Out of the 64.3 per cent of foreigners registered with a form of protection employed, the qualitative study conducted by ROI showed that 31 per cent have their own businesses and 31.5 per cent work illegally. A significant percentage (19.5 per cent) of those working in Romania participated in professional training programmes offered by ROI. The majority of foreigners employed speak Romanian (55 per cent) and spent at least 10 years in Romania (55 per cent).¹⁷²
- [150]. When interviewed about the strategy used to seek a job, 54.1 per cent of the foreigners granted a form of protection by ROI stated that they found a job with the support of their relatives or friends, 37 per cent stated that they found a job on their own and 13.3 per cent sought the support of employment agencies.¹⁷³
- [151]. The ROI Annual Report evidenced that 16.6 per cent of the men and 12.7 per cent of the women interviewed underwent professional/vocational trainings in Romania. Previous education and professional competencies and current employment overlap for 27 per cent of the men interviewed and 9.7 per cent of the women.¹⁷⁴
- [152]. Out of the 87 persons included in the volunteer program of integration, the adults had been registered with local *agenții de ocupare a forței de muncă* [employment agencies], but, due to their limited knowledge of Romanian, none of them received employment or was included in a professional training course.¹⁷⁵
- [153]. Up to October 2007, ROI identified 97 aliens working illegally. As a sanction, the Ministry of Foreign Affairs revoked the visas for these persons and ROI issued decisions for their return.¹⁷⁶
- [154]. JRS avowed that nationals of third countries in possession of a tolerated stay as well as rejected asylum seekers have no right to access the formal labour market

171 Romania/ Oficiul Român pentru Imigrări, Annual Report 2007, RAPORT ANUAL privind situația străinilor care au obținut o formă de protecție în România, on file with the NFP.

172 Romania/ Oficiul Român pentru Imigrări, Annual Report 2007, RAPORT ANUAL privind situația străinilor care au obținut o formă de protecție în România, on file with the NFP.

173 Romania/ Oficiul Român pentru Imigrări, Annual Report 2007, RAPORT ANUAL privind situația străinilor care au obținut o formă de protecție în România, on file with the NFP.

174 Romania/ Oficiul Român pentru Imigrări, Annual Report 2007, RAPORT ANUAL privind situația străinilor care au obținut o formă de protecție în România, on file with the NFP.

175 Romania/ Oficiul Român pentru Imigrări, Annual Report 2007, RAPORT ANUAL privind situația străinilor care au obținut o formă de protecție în România, on file with the NFP.

176 Response of the National Office for Immigrations, October 2007.

and are subsequently forced into destitution.¹⁷⁷ JRS found that most of interviewed rejected asylum seekers and holders of a tolerated status had been working illegally in the past or were currently involved in short-term work and that, although the majority succeeds in finding work occasionally, this usually relates to short-term work of several days.¹⁷⁸ The lack of papers, not being able to have a stable address, homelessness are also described as barriers in accessing the labour market.

- [155]. The JRS study further reported that short-term jobs yield insufficient income to rent private accommodation and that rejected asylum seekers and holders of a toleration are prone to exploitation, in the sense that they are paid very low wages. 'They are usually involved in unskilled work. Construction work is carried out by male rejected asylum seekers and holders of a toleration, while cleaning is mostly done by females.'¹⁷⁹

C.1.3.2. Statistical data and tables on the situation of migrants and minorities

- [156]. See **Annex 5**.

C.1.3.3. Additional information

- [157]. Reportedly, the almost 3,000 Chinese workers present legally in Romania, will be represented by one of the trade unions, a protocol of cooperation being brokered between one of the major trade unions, *Blocul Național Sindical* [the National Trade Block] and the Federation of Trade Unions from China (AFTSU).¹⁸⁰
- [158]. A sociological research finds that 48 per cent of the respondents think that it is desirable to appoint or hire for positions of responsibility such as judge, policemen etc., only Romanians.¹⁸¹

177 Jesuit Refugee Service, 'We are Dying Silent' - Report on Destitute Forced Migrants, available at: <http://www.jrseurope.org/EPIM/intro.htm>, chapter on Romania (04.10.2007).

178 Jesuit Refugee Service, 'We are Dying Silent' - Report on Destitute Forced Migrants, available at: <http://www.jrseurope.org/EPIM/intro.htm>, chapter on Romania (04.10.2007).

179 Jesuit Refugee Service, 'We are Dying Silent' - Report on Destitute Forced Migrants, available at: <http://www.jrseurope.org/EPIM/intro.htm>, chapter on Romania (04.10.2007).

180 Florel Manu, 'Chinezii își fac sindicat în România, [The Chinese Establish a Trade Union in Romania]', (17.06.2007).

181 Max Weber' Sociology Professional College and Research Center on Inter-ethnic Relations, 'Relații interetnice în pragul integrării europene. Câteva tendințe comentate/ Interethnic Relations before the European Integration. A Few Tendencies Interpreted. (Cluj Napoca, CRDE, 2006) available at http://www.edrc.ro/docs/docs/Relatii_interetnice_integrare.doc (11.11.2006).

M.1.4. Good practice

C.1.4.1 Policy initiatives

- [159]. *The National Occupation Plan* for 2007 provides that 10,125 Roma, 20 immigrants, 15 refugees and 15 foreign citizens will be supported in finding a job in 2007. The plan also provides for a Special Program for Roma to be carried out in 180 communities with a big number of Roma forecasting that 5,215 Roma will be employed as a result of the project.¹⁸² *The National Plan on Professional Training* provides that for 2007, local agencies for labour force will seek to train and provide professional formation for a number of 1,945 Roma.¹⁸³
- [160]. A positive discrimination measure of the MIRA for 2006 continued in 2007 consisting in allocating special places in the police forces for Roma ethnics and other national minorities.¹⁸⁴ Thus, the Police Academy ‘Alexandru Ioan Cuza’ from Bucharest offers 5 special slots for Roma candidates out of the 355 slots, ‘Vasile Lascăr’ School for Police Agents from Câmpina offers 20 special slots for Roma students out of the 705 places and ‘Septimiu Mureşan’ School for Police Agents from Cluj-Napoca reserved 5 special slots for Roma candidates out of a total of 150.¹⁸⁵

C.1.4.2 Practical initiatives by civil society and government

- [161]. The NGO, *Centrul de Resurse pentru Diversitate Etnoculturală* (CRDE) [Ethno-cultural Diversity Resource Centre] conducted a campaign in partnership with public institutions¹⁸⁶ aimed at encouraging young people from ethnic minorities, especially Roma and Hungarian to choose a career as police officers. The information campaign took place in five multicultural counties. Brochures in three languages (Romanian, Romani and Hungarian) informing on the admissions process and the number of places especially created for the Roma have been edited.¹⁸⁷

182 Romania/ Agenția Națională pentru Ocuparea Forței de Muncă, Planul Național de Ocupare, available at: http://www.anofm.ro/mpm/program_ocupare_2007.pdf (15.11.2007).

183 Romania/ Agenția Națională pentru Ocuparea Forței de Muncă, Planul Național de Formare Profesională, available at: http://www.anofm.ro/mpm/program_formare_2007.pdf (15.11.2007).

184 Interview with Ms Rodica Precupețu and Monica Andriescu, Department on Inter-ethnic Relations, 28.09.2007.

185 <http://www.mira.ro> (20.10.2007).

186 The campaign was called ‘Mission Possible: Information Campaign Regarding A Career as Police Officer for Young Persons Belonging to National Minorities’. The campaign run in partnership with ‘Septimiu Mureşan’ Police Agents School from Cluj-Napoca and The Institute for the Research and Prevention of Criminality.

187 The campaign run from August 2006 through July 2007, and it was funded by EU PHARE Programme, Office for Democratic Institutions and Human Rights - OSCE, and Communitas Foundation, available at: http://www.edrc.ro/projects.jsp?program_id=1&project_id=58 (01.10.2007).

- [162]. Two NGOs¹⁸⁸ carried on a qualitative research on ‘Combating Discrimination in the Workplace’ and subsequently developed a guide of good practices for companies and promoted the guide by disseminating a brochure. The programme also included organizing one pilot training for 20 human resources managers from big public and private companies on diversity management.¹⁸⁹
- [163]. Major information, sensitisation and education initiatives included trainings for NGOs and trade unions on specific information and discussions on strategies on combating discrimination and anti-discrimination litigation.¹⁹⁰
- [164]. The Intercultural Institute in Timișoara tried to identify methods for the placement of migrants in rural communities to facilitate local development under an European project Rural IN.¹⁹¹
- [165]. The Roma Communities Resource Center implemented a project¹⁹² having the aim to improve the managerial capacity of 15 rural NGOs and inter-ethnic initiative groups to elaborate income-generating projects through specific training and further support for the NGO representatives. Ten NGOs have developed business plans for social enterprises and two of them got bank loans to start a business while the rest were supposed to apply for EU funding or to other financing sources.¹⁹³

M.2. Education

M.2.1. New complaints bodies – differentiated data

- [166]. An institute that may monitor complaints or allegations of racism and/or discrimination in education in the future, called Romania/Institutul pentru Studiarea Problemelor Minoritatilor Nationale, was launched on 11 October 2007.¹⁹⁴

188 Center for Legal Resources and Center Partnership for Equality run the Phare 2004 project called ‘European Employee=Equal Employee!’

189 www.crj.ro (01.10.2007).

190 Centre for Legal Resources implemented in Romania the program entitled Capacity Building of NGOs and Trade Unions to Combat Discrimination, available at: www.crj.ro (05.10.2007).

191 <http://www.rural-in.org/default.asp?Idioma=English> (01.10.2007).

192 The project was called ‘Income-Generating Projects for Inter-ethnic NGOs in Rural Areas – a Step Further for the Better’. It was implemented with PHARE funding.

193 <http://www.romacenter.ro/> (09.10.2007).

194 According to Mr. Istvan Horvath, the president of the newly established institute, ‘The provision of [...] statistics will ensure the basis for decisions in educational policy-making, and would help prevent certain conflicts and suspicions.’ For more information, see: www.divers.ro.

M.2.2. Racism and discrimination (incidents and practices)

M.2.2.1. Brief overview

- [167]. In 2007, there has been an increase in the number of complaints related to discrimination in education received by the NCCD. While in the previous reporting period, there was only one case of complaint related to access to education, in 2007 there have been three, and a fourth complaint is being documented.¹⁹⁵

M.2.2.2. Statistical data and tables on racist and religiously motivated incidents

- [168]. No statistical tables/data regarding racist or xenophobic incidents is publicly available.
- [169]. Education-related data is planned to be collected by means of the Romania/*Baza de Date Națională a Educației*.¹⁹⁶ The database is envisaged to be an essential tool for the management of the educational system, serving monitoring and evaluation, as well as policy-making purposes. The database is structured in a way as to collect data about the students' and teachers' nationality,¹⁹⁷ but the tables only disaggregate data by the students' country of origin and gender.

M.2.2.3. Exemplary cases of discrimination

- [170]. In the multiannual Phare programme of the Romanian Ministry of Education, Research and Youth,¹⁹⁸ reports of the technical assistance team contain some information about segregation identified in 25 of the pilot schools of the 27 project counties.¹⁹⁹ In the Fourth Quarterly Report, it is stated that out of a total of 209 schools investigated, nine schools had 100 percent Roma students, and in 31 schools there were segregated classes.

¹⁹⁵ Information provided by Romani Criss upon request.

¹⁹⁶ Established through Romania/ Ordinul ministrului 5760/2006 (28.11.2006) of the Minister of Education and Research, Mihail Hardau, Romania/ Ordin privind Managementul și Utilizarea Bazei de Date Naționale a Educației, available at: <http://ha.bdne.edu.ro/bdne-client/> (16.10.2007).

¹⁹⁷ <http://www.acces-la-educatie.edu.ro>, presentation made by the Technical Assistance team in the third seminar for county teams, Access to education for Disadvantaged Groups, Phare 2004, 16 July – 1 August, 2007, Sinaia, Romania (20.10.2007).

¹⁹⁸ Access to education for disadvantaged groups. See inception and interim reports of Phare RO 2004/016-772.01.01.02, available at: <http://www.acces-la-educatie.edu.ro> (22.10.2007).

¹⁹⁹ Argeș, Bihor, Bistrița-Năsăud, Botoșani, Brașov, București, Buzău, Călărași, Constanța, Caraș-Severin, Dolj, Galați, Giurgiu, Gorj, Hunedoara, Ilfov, Mehedinți, Olt, Prahova, Sălaj, Satu Mare, Vrancea, Suceava, Teleorman, Timiș, Tulcea, Vaslui.

- [171]. On 25.01.2007, Romani Criss²⁰⁰ filed a complaint to the NCCD regarding the differentiated treatment applied to Roma pupils in Dumbrăveni²⁰¹ by separating them from the majority pupils in grades 1st-8th and moving them from the local Theoretical Highschool to a special school.
- [172]. On 07.02.2007, Romani Criss²⁰² filed a complaint to the NCCD reporting on discrimination against some Roma children in Craiova.²⁰³ These children are allegedly segregated from majority students because their parents enrol them late. Roma parents state that the teachers physically abuse their children and the educational provision is of worse quality than that received by the majority students in the same school. The NCCD issued a decision stating that discrimination occurred in the schools, and urging the school to initiate the desegregation process. This was the result of another complaint filed in March 2007.²⁰⁴
- [173]. An incident of discrimination against a young Roma student was reported on an electronic discussion group.²⁰⁵ Allegedly, a 10-year old Roma girl from School No.2, Cugir, Alba County, was not allowed by the teacher to join her class on a trip to Geoagiu Băi, the teacher saying that the girl did not have money to pay the entrance fee to the spa, she was dirty, and smelt. When confronted by a Roma civil society activists and social workers, the school principal and the girl's teacher burst out saying, 'I have had enough of these gypsies!' There has been no public report on the follow-up of the incident.
- [174]. A newspaper reported a racist incident²⁰⁶ on 09.06.2007. Allegedly, mothers of Roma children who are provided after-school care in a day centre within School no.12 Hunedoara, Hunedoara County, together with a teacher from the same school, complained that the centre's employee called the children 'stinky, dirty gypsies'. The Hunedoara Police, and the Town Hall of Hunedoara, which coordinates the activities of the centre, stated that they would investigate the case. There has been no public report on the follow-up of the incident.

200 According to Romani Criss, over 90 percent of the students in the special school are Roma, and they are transferred to the special schools because they fail to obtain passing grades in the mainstream school, and not because they have special needs. Roma parents claim that their children fail because they are seated at the back of the classroom, and the teachers do not pay due attention to them. Available at: <http://www.romanicriss.org> (20.10.2007).

201 Sibiu County.

202 Romani Criss took legal action to have the Romania/Judecatoria Craiova force the school inspectorate to implement a desegregation plan. Available at: <http://www.romanicriss.org> (20.10.2007).

203 The Roma children were 3rd, 4th and 6th grade students in School no. 17, and 1st, 3rd and 4th grade students in School no. 19, both in Craiova, Dolj County.

204 On 16 March 2007, Romani CRISS filed another complaint to the NCCD about a case of segregation of 1st through 8th grade Roma students at School no. 3 Roman, Neamt County. The NCCD found that there was discrimination in the school. Available at: <http://www.romanicriss.org> (20.10.2007).

205 rom_link@yahoo.com, reported on 14 June 2007 by Mr. Cosmin Pienar, president of the Romania/Asociatia pentru Dezvoltarea Comunitara a Romilor din Cugir.

206 <http://www.evenimentulzilei.ro/article.php?artid=308695>.

M.2.2.4. Restrictions to access to education

- [175]. The report 'Equal Access to Quality Education for Roma, Romania',²⁰⁷ identifies the following constraints on access to education for Roma in Romania: structural constraints, legal and administrative requirements, costs, residential segregation/geographical isolation, school and class placement procedures, and language. The same report discusses the following barriers to education: school facilities and human resources, school results, curricular standards, classroom practice and pedagogy, school-community relations, discriminatory attitudes, and school inspections. Lack of identification documents acts as a significant barrier to school enrolment. The costs for maintaining a child in school are not affordable for most Roma families: a clear connection exists between the economic status of Roma and the educational attainment of their children. Widespread geographical segregation in Romania has led to a high proportion of Roma children living in Roma-majority settlements and neighbourhoods, often at a distance from majority communities and infrastructure, including schools. Some Roma children are still placed in special schools to take advantage of meals and accommodation benefits.²⁰⁸
- [176]. In pre-schools with a high proportion of Roma, lack of space and therefore the inability to enrol all the children from two to six years due to overcrowding has been reported as a problem.²⁰⁹
- [177]. Lack of Romanian language skills is a barrier in access to education. Adults who have been granted a form of protection in Romania participating in an integration programme were prevented from enrolment in professional or vocational training courses due to their reduced knowledge of Romanian language.²¹⁰

207 Report produced by the Open Society Institute, EU Monitoring and Advocacy Program, Education Support Program, Roma Participation Program, in 2007. According to the report, Roma appear more likely to drop out of school than their non-Roma peers, and a much higher percentage of Roma over the age of ten have not completed any level of schooling. Segregation is a persistent and pervasive issue; the separation of Roma settlements from majority communities has led to the growth of Roma-only schools serving these settlements and neighbourhoods. Available at: <http://www.eumap.org/topics/romaed> (20.10.2007).

208 <http://www.eumap.org/topics/romaed> (20.10.2007).

209 <http://www.eumap.org/topics/romaed> (20.10.2007).

210 Annual report regarding the situation of foreigners who have received a form of protection in Romania, issued by the Ministry of Interior and Administrative Reform, Romanian Office for Immigrations, 2007. The major obstacle as concerns access to education of foreigners who have received a form of protection in Romania, which had been recognition of diplomas and documents proving education for those who do not hold proof of education, was removed by issuing Romania/ Ordonanta Guvernului 41/2006 which amends Romania/ Ordonanta Guvernului 44/2004 regarding the social integration of foreigners who have obtained a form of protection in Romania.

M.2.3. The situation of migrants and minorities in education

M.2.3.1. Brief overview

- [178]. Reports, surveys, and research about the situation of minorities in education relate exclusively to the Roma minority. However, there is still no official, comprehensive data about the various initiatives. A number of independent studies have collected relevant information on the Roma population and educational issues. The numbers of Roma enrolling in school have been steadily increasing. Despite the important contribution that pre-school makes to a child's later school success, there is still a large number of Roma children who do not attend preschool, due to costs, lack of space, and geographical isolation.²¹¹
- [179]. The 'Access to Education for Disadvantaged Groups' project, which has reached its 4th phase²¹², with support from the EU's Phare programme, includes support for county-level strategies and has been effective in piloting a variety of approaches aimed at improving access to education especially of the Roma minority.
- [180]. The ongoing process of decentralisation particularly affects education, as local authorities gain greater autonomy, but often without clear responsibilities, and the central Government retains fewer and fewer mechanisms to combat negative trends such as segregation.²¹³
- [181]. Romania has an established system offering Romani language instruction, with the numbers of both students and teachers increasing steadily, supported by the good cooperation between civil society and Government efforts in this area. Out of the 250,000 Roma self-identified students, 25,500 are studying Romani language in the current academic year, under the guidance of 460 teachers of Romani language.²¹⁴
- [182]. The school results of Roma pupils have been improving, although this is still measured in terms of declining failure rates. Decentralisation has had a positive impact on curricular development, as schools are encouraged to develop modules reflecting local culture and traditions.²¹⁵
- [183]. After the Minister of Education, Research and Youth²¹⁶ issued an order regarding the issue of diversity in the national curriculum, a public-private

211 Equal Access to Quality Education for Roma, Romania, From Vol.1, available at: <http://www.eumap.org/topics/romaed> (20.10.2007).

212 For information about Phare 2005, see <http://www.edu.ro> and <http://www.acces-la-educatie.edu.ro> (20.10.2007).

213 Equal Access to Quality Education for Roma, Romania, From Vol. 1, <http://www.eumap.org/topics/romaed> (20.10.2007).

214 Romania/ Ministerul Educatiei, Cercetarii si Tineretului, Starea invatamantului din Romania, Bucuresti, 2007, available at: <http://www.edu.ro/index.php/articles/8907> (20.10.2007).

215 Equal Access to Quality Education for Roma, Romania, From Vol. 1, <http://www.eumap.org/topics/romaed> (20.10.2007).

216 Cristian Mihai Adomnitei.

initiative²¹⁷ produced a guidebook for history teachers which will include information about the history, culture and traditions of all ethnic minorities in Romania. A series of meetings of representatives of the ethnic minority history teachers were held in 2007, to discuss the role of research and history teaching in interethnic relations, and to plan the guidebook for teachers.²¹⁸

[184]. For the facilitation of foreign students' access to education, the ministry has done the following:²¹⁹

- Enrolment of foreign students and students of Romanian origin whose residence is abroad in schools, without requesting them to pay a tuition fee.
- Granting free access to Romanian language courses for adults who have received a form of protection in Romania.²²⁰
- Issuing 3,610 letters of acceptance for foreign citizens who applied for enrolment in the Romanian education system with payment of tuition fee (816 more such applications are being processed at present).
- 170 approval letters for enrolment in higher education and post-graduate studies have been issued for the personnel of foreign official representations in Bucharest.
- Upon the request of school inspectorates, over 460 children of foreign citizenship were enrolled in the pre-university education.

M.2.3.2. Statistical data on participation and achievements in education

[185]. In October 2007, Minister of Education, Research and Youth²²¹ produced the annual report on the state of education in Romania/ Starea învățământului din România.²²² However, none of the data presented in the report are disaggregated by ethnicity or religion.

[186]. Statistical data regarding participation and achievement in education disaggregated by ethnicity and/or religion is hardly available. Annex 4 to the fourth interim report covering the period 16 January-15 April 2007, produced

217 Romania/Centrul Regional PER pentru Europa Centrala, de Est si de Sud-Est, in partnership with the Romania/Departamentul pentru Relatii Interetnice, and the Ministry of Education, Research and Youth.

218 Information provided by Maria Koreck, programme director, Romania/Centrul Regional PER, by email: per-ms@per.org.ro.

219 Romania/ Ministerul Educatiei, Cercetarii si Tineretului, Starea invatamantului din Romania, Bucuresti, 2007, available at: <http://www.edu.ro/index.php/articles/8907> (20.10.2007).

220 A textbook was produced to facilitate Romanian language learning.

221 Cristian Mihai Adomniței.

222 The report includes three chapters: I. Analysis of the educational system using the basic indicators of EUROSTAT; II. The situation of lifelong learning, which was identified as a priority of the Romanian educational system; and III. Achievement of the objectives of the government's program in education. For more information, see Annexes and report available at: <http://www.edu.ro/index.php/articles/8907> (20.10.2007).

by the Technical Assistance team of the Phare 2004 project²²³, contains data gathered from 209 pilot schools in 27 beneficiary counties. The data refer to both the community in which the investigated schools are,²²⁴ and the school.²²⁵

M.2.3.3. Statistical data on segregation

- [187]. The only publicly available data about segregation is included in Annex 4 of the fourth interim report produced by the Technical Assistance team of the Phare 2004 project Access to Education for Disadvantaged Groups. The report mentions ‘segregated classes.’²²⁶
- [188]. By the end of the Phare 2004 project, 91 desegregation plans were in place.²²⁷

M.2.3.4. Statistical data on support measures for migrant and minority children

- [189]. In order to ensure equal access to education, the Ministry of Education, Research and Youth has provided the following²²⁸:
- Special places for Roma students who have completed the 8th grade to transfer to the 9th grade in upper secondary education²²⁹, and 454 special places in 2007 in universities. Roma ethnics have access to higher education to any university and any department. However, the special places set aside for them are to encourage those who would not be able to pay the tuition fee if they failed to be admitted to the subsidised places. These specially set aside places are accessible only to Roma ethnics who have completed upper secondary education, and are eligible for higher education. There is no break-down available by universities or by departments in the report. In order to prove that they qualify, the candidates must produce proof of their

223 Access to Education for Disadvantaged Groups, <http://www.acces-la-educatie.edu.ro/index.php/articles/c182> (25.10.2007).

224 Providing information about the school support groups that operate in the community, about the percentage of the Roma population in the school catchment area, about the nature of the Roma community – whether traditional or not, about the use of Romani language in the community.

225 If the school has Roma teachers; if there is a school mediator, the percentage of Roma children enrolled in the school, if there are segregated classes, if the school provides Second Chance education at the primary and/or lower secondary levels, if the children had been to kindergarten prior to school, about drop-out rates, if Romani language is taught in the school, if Romani history and culture is taught in the school, and the existence of ‘certified’ Special Education Needs students in the school.

226 There are 31 segregated classes in the 209 schools referred to in the report. out of which: 3 in Bihor County, 2 in Bistrita-Nasaud County, 2 in Buzau County, 1 in Caras-Severin County, 1 in Dolj County, 4 in Galati County, 3 in Ilfov County, 3 in Olt County, 2 in Prahova County, 1 in Salaj County, 3 in Satu Mare County, 1 in Suceava County, 4 in Teleorman County, and 1 in Vaslui County. For more information, see: <http://www.acces-la-educatie.edu.ro/index.php/articles/c182> (25.10.2007).

227 <http://www.acces-la-educatie.edu.ro/index.php> (25.10.2007).

228 Romania/ Ministerul Educatiei, Cercetarii si Tineretului, Starea invatamantului din Romania, Bucuresti, 2007, available at: <http://www.edu.ro/index.php/articles/8907> (20.10.2007).

229 Between 2000-3000 places set aside annually.

Roma ethnicity, which is a statement by a Roma party or by a Roma NGO endorsing the students' ethnicity.

- 460 teachers teach Romani language or the history and traditions of the Roma.
 - 420 non-Roma teachers who teach Roma students were trained in 10 seminars in the interval May-July 2007.²³⁰
 - School textbooks for Romani language classes and the history and traditions of the Roma were published.²³¹
 - 422 scholarships were granted in 39 universities for Roma students.
- [190]. In the summer of 2007, all the 27 Phare 2004 pilot counties organized summer schools (Romania/gradinita estivala) for children who had not attended nursery school, and started school in September. There is no overall centralised situation on the number of such activities.²³²
- [191]. Second Chance education continued during the reporting period, both at the primary, and at the lower secondary levels. In the Phare 2004 project,²³³ 40 schools provided primary second chance education, and 20 lower secondary Second Chance education, 39 planned to start primary Second Chance, while 38 planned to start lower secondary Second Chance education. The Methodology for organizing Second Chance Education was revised.²³⁴
- [192]. School mediators were recruited or identified in 143 of the 209 schools referred to in the Phare project's fourth interim report.²³⁵
- [193]. A second class of Roma children who will be instructed in their mother tongue was started beginning in the 2007-2008 school year in the Romania/Scoala Dr. Aurel Vlad, Orastie, Hunedoara County.²³⁶
- [194]. The Resource Center for Roma Communities²³⁷ are implementing a four-year project, which aims to provide 275 Roma high-school students financial

230 In the 'Multiannual National Teacher Training Programme for Non-Roma Teachers Teaching Roma Students.'

231 At present, there are textbooks for all grade levels 1st through 12th.

232 <http://www.acces-la-educatie.edu.ro/index.php> (25.10.2007). Reports from some of the counties are relevant in this respect. For instance, in Bihor County, Ruhama Foundation, in partnership with the County School Inspectorate, the Prefect's Office, ABN AMRO Bank, and Ovidiu Rom Foundation provided nursery school activities in 22 locations across the county, for a total number of 520 children (46 percent boys and 54 percent girls). 316 of the children were aged between 6 and 8 years, and were enrolled in grade 1 after completing the summer nursery school activities. Thirty-five teachers, alongside twenty-three assistant teachers, and twenty-two community facilitators ensured the success of the nursery school activities. Over 260 parents were informed and counselled on how to enrol their children to school. Fifteen meetings with groups of kindergarten children from were organized to motivate the children for attending school. The average cost per child of the activities was 90 RON (Information provided by Mr Marian Daragiu, president of the Ruhama Foundation.)

233 Annex 4 to the fourth Interim Report of the Technical Assistance team.

234 Romania/ Ordinul ministrului 2268/2007 (28.09.2007); available at: <http://www.edu.ro/index.php?module=articles&func=&catid=492> (25.10.2007).

235 <http://www.acces-la-educatie.edu.ro/index.php/articles/c182> (25.10.2007).

236 http://www.divers.ro/initiative_ro?wid=37619&func=viewSubmission&sid=7836. The first class of this kind is in Timis County.

237 <http://www.romacenter.ro/noutati/index.php?page=15> (25.10.2007).

assistance for the completion of their upper secondary education, thus increasing the chances of their transfer to higher education.²³⁸

M.2.3.5. Multicultural education and anti-racist education

- [195]. The Minister of Education, Research and Youth issued an order,²³⁹ which stipulates the diversification of the curriculum so as to reflect Romania's ethnocultural diversity, and to teach all the students about the history of the national minorities. According to the order, the specialised bodies of the Ministry of Education, Research and Youth are responsible for developing new curricula, and for training teachers to deliver the new curricula.
- [196]. In the Phare 2004 Access to Education for Disadvantaged Groups project, which ends in November 2007, 221 teacher trainers were trained from 27 pilot counties to further train teachers in their respective counties in the delivery of inclusive education, community participation in education, *Rromanipen* (Roma cultural values), active teaching methods, multicultural and intercultural education, etc.²⁴⁰
- [197]. The Department for Interethnic Relations of Romania, in partnership with PER Regional Center for Central, East and South-Eastern Europe, are developing a guidebook for history teachers including elements of the history and culture of all the national minorities of Romania.²⁴¹
- [198]. The Ethnocultural Diversity Resource Center, in partnership with the Romanian Reading and Writing for Critical Thinking Association, are implementing a project called 'Treasure Diversity', which includes running an awareness-raising campaign in secondary schools with specific instruments developed in the project.²⁴²

M.2.3.6. Support and involvement of parents and communities

- [199]. In the Phare 2003 project 'Access to education for disadvantaged groups', which ended in October 2006, 7,268 community members were reported to

238 In partnership with the Ministry of Education, Research and Youth, the Working Apparatus of the State Minister for the coordination of activities in the fields of culture, education and European integration, the Roma Association Pakiv Romania, the Ruhama Association, and the Romanian Reading and Writing for Critical Thinking Association, with the financial support of the Roma Education Fund, www.romaeducationfund.org. (25.10.2007).

239 Romania/Ordinul ministrului 1529/2007 (18.07.2007).

240 <http://www.acces-la-educatie.edu.ro/index.php/articles/c106> (25.10.2007).

241 Information provided by Maria Koreck, programme director, Romania/Centrul Regional PER, by email: per-ms@per.org.ro.

242 A multicultural education toolkit, consisting of a multicultural calendar, and a teachers' guidebook for multicultural education, which are introduced to teachers in seven counties across the country through half-day workshops, available at: http://www.edrc.ro/resources_details.jsp?resource_id=19.

have participated in different activities initiated by schools.²⁴³ However, there is no official information available on follow-up activities.

- [200]. In the Phare 2004 ‘Access to Education for Disadvantaged Groups’ project, in each of the approximately 258 pilot schools, local support groups were set up including representatives of the schools, parents, and representatives of the local communities.²⁴⁴

M.2.3.7. Religious symbols

- [201]. On 21.11.2006, the NCCD issued a decision in the case filed earlier last year by Emil Moise,²⁴⁵ recommending that the Ministry of Education and Research issue an internal order regulating the presence of religious symbols in schools.²⁴⁶ In response, the Ministry of Education and Research issued a press release on 12.12.2006.²⁴⁷

M.2.4. Good practice

M.2.4.1. Policy initiatives

- [202]. The policy initiatives in the reporting period are materialised in three orders of the Minister of Education, Research and Youth related to issues of diversity, school segregation and school mediators.²⁴⁸

243 With some notable exceptions, however, there was little evidence of real involvement of parents and communities in planning, managing or participating in project activities. The report found that most county-level project-steering committees were merely a body to which project activities were reported. Equal Access to Quality Education for Roma, Romania, From Vol. 1, www.eumap.org/topics/romaed (20.10.2007).

244 <http://www.acces-la-educatie.edu.ro>.

245 A philosophy teacher from Buzau, Buzau County, Romania.

246 The decision recommended to the Ministry of Education and research to observe the following principles: the right to education and equal access to culture; the right of parents to provide for the children’s education according to their religious and philosophical beliefs; respect for the secular character of the state and autonomy of cults; respect of the freedom to choose one’s religion, freedom of conscience and beliefs of children in conditions of equality; display of religious symbols only during religious education lessons, and in spaces exclusively allocated for religious education.

247 The press release stated that the presence of religious symbols in schools should be decided based on a common decision of the community, the parents, and the school <http://www.edu.ro/index.php/pressrel/7103> (20.10.2007).

248 Romania/ Ordinul ministrului 1539/2007 (19.07.2007) regarding the norms to employ and regulate the activity of school mediators; Romania/ Ordinul ministrului 1540/2007 (19.07.2007) regarding the prohibition of Roma children’s school segregation and the methodology to prevent and eliminate Roma children’s school segregation; and Romania/ Ordinul ministrului 1529/2007 (18.07.2007) regarding the issue of promoting diversity through the national curriculum. http://www.acces-la-educatie.edu.ro/index.php/articles/resurse_utilitate/438 (25.10.2007).

M.2.4.2. Practical initiatives by civil society and government

- [203]. The multiannual Phare program ‘Access to Education for Disadvantaged Groups’ is the most comprehensive program to prevent and fight marginalization and social exclusion by improving equal access to quality education for disadvantaged groups.²⁴⁹ A set of guidebooks for teachers were developed, county strategies were revised, local support groups were set up in each school community, school mediators were identified to undergo training, desegregation plans were developed for segregated schools.²⁵⁰
- [204]. Ethnocultural Diversity Resource Center implemented the project ‘Multicultural education for teachers and students,’²⁵¹ which aims to raise the general level of implementation of multicultural education in the Romanian primary education.
- [205]. The Resource Center for Roma Communities is currently implementing a project entitled ‘Roma Teachers – a key to the Roma students’ school success.’²⁵²

M.3. Housing

- [206]. The housing sector in Romania is characterized by a huge percentage of private ownership but also by housing shortage, very high prices for both old and new built dwellings, high prices of urban private rent and deficit of social housing. Besides the high cost of public utilities is worsening the situation of some groups. Among the groups with significant housing problems we find Roma population and refugees.

249 Teacher trainers, county project teams including school inspectors and directors, representatives of the county steering committees, school mediators, Roma teachers were trained. The project priorities are to facilitate access to improved preschool education provision, to prevent school drop-out by stimulating students to complete compulsory education, and to remedy drop out by providing a second chance in education. Phare 2004 included 27 counties (out of the total of 42 in Romania), and it focused on institutional development and preparation for accessing the grant scheme in the Phare 2005 project.

250 http://www.acces-la-educatie.edu.ro/index.php/articles/resurse_utilite/438 (25.10.2007).

251 The project is funded by the Department for Interethnic Relations of the Romanian Government. The specific objectives of the project are to raise awareness of teachers teaching in the multicultural counties of Alba, Bistrița-Năsăud, Bihor, Maramureș, Mureș, Sălaj about the ethnocultural diversity and multicultural education in Romania; to transfer to teachers from these 6 counties the instruments and knowledge necessary for the implementation of the multicultural educational elements to 3rd and 4th grade students; to raise teachers’ interest towards the problems concerning ethnocultural diversity; to include elements of multicultural education and ethnocultural diversity in primary education literature, geography and history schoolbooks; to improve the capacity of the implementation of multicultural education in teaching literature, geography and history in primary education. See: http://www.edrc.ro/projects.jsp?program_id=4&project_id=61 (25.10.2007).

252 The project is carried out in partnership with the Romanian Reading and Writing for Critical Thinking Association, and the Teacher Training Houses of the counties Sălaj, Maramureș, Ialomița, Galați, Dolj, Olt, Botoșani. It is funded by FNASAT France – Gens du voyage within the “Programme Roms & Voyageurs”. It aims to increase the quality of educational provision for Roma students in Romania. It builds on the results of previous educational projects in which Roma teacher trainers were trained, who will now act as trainers to their peers. The project aims to train Roma teachers in “Critical Thinking. Active Learning”, in how to provide remedial education for young students who need support to develop their basic literacy skills, and in how to produce children’s literature in Romani language. See: <http://www.romacenter.ro/noutati/index.php?page=14> (25.10.2007).

M.3.1. New complaints bodies – differentiated data

- [207]. The Open Society Foundation undertook in October 2006²⁵³ a survey including the issue of housing situation of Roma population. The main conclusion is that Roma minority have poor housing conditions, lack of access to new social housing and are residentially segregated.
- [208]. Regarding the housing situation of refugees, due to small number of them,²⁵⁴ there are very few data for a comprehensive overview, but no incident was reported the last year.
- [209]. A recent report done by JRS Europe²⁵⁵ states: *‘[in] Romania rejected asylum seekers and holders of a toleration have no entitlements to public housing nor receive financial support to rent private accommodation. Even though holders of toleration have permission to stay on the Romanian territory, no right to housing is granted nor can they claim any financial support.’*
- [210]. There is an increasing concern regarding the Romanian Roma minority travelling in EU countries as EU citizens. Romanian and EU media signalized violent incidents and racist attitudes against Roma people. It is the case of highly mediated case of (Italy) Livornos’ outskirts Roma shanty town where Roma shacks accidentally²⁵⁶ burnt and four children died. On the other hand, as a newspaper article presented,²⁵⁷ twelve France City Halls developed a program of housing integration of Romanian Roma people in order to avoid the “admonishments” the Italy received from Brussels. The French authorities allocated them social housing at a renting price of 50 Euro/month with the condition those children will attend school, learn French and parents seek a job.

M.3.2. Racism and discrimination (incidents and practices)

- [211]. There are no official statistics or systematic data on the housing situation or on racist incidents and discrimination regarding housing rights against Roma and refugees. In some counties data collection was framed as an objective, but there is a weak capacity to put it in practice in the near future.
- [212]. However, local officials report isolated cases in newspapers.

253 Under ‘Decade of Roma Inclusion 2005-2015.’

254 According to ROI at the end of July 2007 were recorded 810 refugees. Romania/ Oficiul Român pentru Imigrări, RAPORT ANUAL privind situația străinilor care au obținut o formă de protecție în România 2007, on file with the NFP.

255 Jesuit Refugees Service Europe, 2007, Report on Destitute Forced Migrants, Brussels, (p.98), available at: <http://www.jrseurope.org>.

256 An Italian extremist group claimed/ assumed the attack against Roma community, but there weren’t enough proofs for such a conclusion.

257 Maria Toader, ‘12 primării din Franța bagă milioane de euro în integrarea țiganilor din România,’ in: *Gândul* (22.08.2007), available at: <http://www.9am.ro/stiri-revista-presei/Actualitate/70441/12-primarii-din-Franta-baga-milioane-de-euro-in-integrarea-tiganilor-din-Romania.html>.

- [213]. The Open Society Foundation has a research in process regarding housing condition of Roma population. Some statistical data are presented in Annex 7.²⁵⁸

M.3.2.1. Brief overview

- [214]. On 23.10.2006, a local newspaper from Cluj-Napoca signalized a case of discrimination against a Roma family²⁵⁹. The Local Council allocated 2 social housing, one for a Roma family. The house with 2 rooms (43 m²) and a very small toilet (used in common with the neighbours) should shelter the 9 members of Roma family. The neighbours were strongly against and made a petition to Mayor in order that Roma family to be relocated because they are unwanted and the value of neighbour properties and vicinity will decrease. It is unknown the final result.
- [215]. The ROI report of 2007 shows that 15,8 per cent of refugees interviewed declared that they felt discriminated, mostly verbally, but 4,0 per cent of them reported discriminative attitudes when intended to rent a house.²⁶⁰

M.3.2.2. Statistical data and tables on racist incidents

- [216]. There are no (available) statistical data on racist incidents in terms of housing.
- [217]. Some racist and xenophobe attitudes could embrace forms of latent tendencies of residential segregation. The RIB 2006 research underline such attitudes against Roma: 34,5 per cent of non-Roma declared that it is bad/ very bad that Roma and Romanians live in the same area of a locality and they should stay separately while only 8,7 per cent of Roma have the same position against living together.
- [218]. There were recorded cases at national and EU level of eviction and mass eviction. In Spain on 22.08.2007 cca. 300 Roma citizens coming from Romania were evicted from 'La Herera' camp by authorities of Castilla-La Mancha region without finding an alternative solution for their accommodation.²⁶¹ Other similar cases were recorded in France. In 28.08.2007 more than 200 Roma – living in the area Venissieux-Rhône in Refugees Forum – were evicted.²⁶² Also in August 2007 other cca. 600 Roma citizens were evicted from Saint-Denis.²⁶³

258 The quantitative data are coming from Roma Inclusion Barometer survey of 2006, commissioned by Open Society Foundation (OSF); data are completed by qualitative analyses done in 6 rural and urban communities in another project undertaken by OSF.

259 Ciprian Iancu, 'Discriminare sau apărare?', [Discrimination or Defensiveness?] in: *Știri locale Cluj* (23.10.2006).

260 Romania/ Oficiul Român pentru Imigrări, RAPORT ANUAL privind situația străinilor care au obținut o formă de protecție în România 2007, on file with the NFP.

261 'El Mundo: 300 romi evacuați din tabara La Herrera' in: *Romania Libera* (23.08.2007).

262 'Sute de romi evacuați dintr-un oraș francez' in: *Atac* (29.08.2007).

263 '600 de romi evacuați din Franta' by: *MEDIAFAX* (30.08.2007), available at: <http://info.40romania.com/?p=433>.

In July 2007 were evicted from Ireland 70 Roma citizens that built tents in Dublin outskirts. Other 450 were evicted from the Roma-Fiumicino camp and send back to Romania.²⁶⁴

- [219]. In Galati city on 07.08.2006, six Roma families (30 people) were evicted from their tents built abusively in front of an abandoned building, next to the building of Galati County Prefecture. Two months before they were evicted from a house returned to the former owner. *'The Police pick them up and bring them to the Police Section No.1 without any explanation.'*²⁶⁵

M.3.2.3. Exemplary cases

- [220]. JRS Europe describes several cases, which not explicitly are linked to racism but to social exclusion and discrimination.
- *'One interviewee with a toleration slept for several weeks on the streets of Bucharest after he was released from detention. He described sleeping rough as the most horrible experience of his life: "everybody treated me as if I was no one; I received no assistance from anybody and had to look for a different place to stay each night."'*
 - *'[...] two interviewees (one rejected asylum seeker and a holder of a toleration) were homeless for more than one month. Both considered living on the streets as extremely harsh and were worried about winter. During the night they did not feel safe on the streets.'* (JRS Europe, 2007:101)

M.3.2.4. Legal restrictions to access to housing

- [221]. There are no legal (formal) restrictions in access to housing specific for a particular group like Roma or refugees. However in the allocation process the only one actor involved is Local Council. At this level are encountered the most significant problems in terms of discrimination based (non-explicit) on ethnicity or refugee status.

M.3.3. The situation of migrants and minorities in housing

- [222]. Excepting the 2002 Census data and some research reports, there are no specific/ detailed official data regarding the situation of migrants and minorities in housing.

264 'Romii din Irlanda si Italia se intorc in Romania' in: *Realitatea* (26.07.2007), available at: <http://www.9am.ro/stiri-revista-presei/Social/68152/Romii-din-Irlanda-si-Italia-se-intorc-in-Romania.html>.

265 'Romi evacuati din corturi improvizate' by: *ROMPRES* (08.08.2007), available at: <http://www.presaonline.com/stire/romi-evacuati-din-corturi-improvizate,71781.html>.

M.3.3.1. Brief overview

- [223]. At the national level the housing conditions of Romanian population are far behind the ones of EU 15 (but also EU 27) average.²⁶⁶ According to B. Voicu²⁶⁷ at least 11 per cent of urban households are living in totally inadequate housing conditions. In the rural area the situation is worst. These statements are in relation with national standards and not EU ones.
- [224]. The 2002 Census shows that 23,8 per cent of Roma households have less than 4 m²/person and 86,7 per cent less than 14 m² (under the national average).

M.3.3.2. Statistical data and tables on the housing situation of migrants and minorities

- [225]. There are few (available) data regarding housing situation of refugees. However in 2007 ROI launched a report that points up that 91,8 per cent of refugees have a house, as tenants or owners, the others benefiting by accommodation in a shelter of ROI or in another shelter of JRS Bucharest.²⁶⁸
- [226]. Regarding the Roma population there are more available data. In 2007 OSF launched a report exclusively dedicated to roma social situation, which figures out a series of data about their housing conditions. These data are presented in more details in Annex 7 but some are commented in the next lines (based on OSF report and primary statistical analyses on RIB database):
- More than a ¼ of Roma households did not have a valid tenancy contract or ownership for the house they reside in.
 - Average square/person for Roma (6,32 m²) represents half of value registered for all others. Over national average value (11,9 m²) is 34,7 per cent of Roma as comparative with 75,0 per cent for other ethnic groups.
 - Only 18,7 per cent of Roma register a density of inhabitants/room up to 1, while the figure for the other ethnics is 51,5 per cent. For 28,9 per cent of Roma the density is extreme – more than 3 inhabitants/ room, and 4,7 per cent have more than 6.²⁶⁹
 - One third of Roma declared that they are unsatisfied with the actual housing conditions and one quarter is not satisfied at all by the neighbourhood.

266 Dan Adrian, 2006, Politici de locuire: România încotro? O analiză comparativă a României în contextul ECE și UE, Ed. Universității din București, București. Research Institute for Quality of Life (ICCV) / Antipoverty Commission and Social Inclusion Support (CASPIIS), 2004, Diagnosis of Housing Conditions: Homelessness and Housing Precariousness.

267 Voicu Bogdan, 'About Urban Housing Precariousness in Romania', in: *Quality of Life* No. 1-2/2005.

268 ROI, 2007, Annual Report regarding the situation of foreigners receiving a legal form of protection in Romania.

269 If we take into account the figure of cca. half million Roma families (figure issued by ICCV in 1998), then we can approximate that between 20.000 and 25.000 families are living in extreme overcrowding – more than 6 inhabitants/ room.

- The housing stock of Roma is dominantly a new one – 2/3 is built after 1990²⁷⁰ as RIB 2006 data shows. This is a spectacular increasing as comparative with 1998 ICCV data – 4 times more new houses. A potential explanation is done by locative change under residential segregation and migration pressure – internal migration toward urban outskirts, and rural areas with the construction of new dwellings. These new dwellings are of poor quality because 43,2 per cent of total are made of “chirpici”.
- A rather positive aspect is that only 1,9 per cent of Roma have arrears in paying the rent, but the average value is high (2320 RON – around 5 minimum income salaries).

M.3.3.3. Segregation and neighbourhood integration

[227]. The local authorities of Dorohoi town made the decision to build a new neighbourhood²⁷¹ called “Drochia” – 36 houses for 48 Roma families and 352 people, which previously (abusively) occupied some buildings in the city centre. The project was perceived by some social actors as an action of residential segregation,²⁷² building a new enclave at the edge of the town.²⁷³ However there are shared views regarding this project. In a recent newspaper article²⁷⁴ the Roma families relocated from the city centre to the “Drochia” “ghetto” are complaining about the fact that the new houses are in the outskirts of Dorohoi and very close to the purge station for residual house-water. On the other hand they recognize that the new housing conditions, including sanitation, are by far better than previous and they have now the chance to live in normal housing conditions.

[228]. An influent political leader and businessman, Gigi Becali, bought at the beginning of 2007 a deteriorated block of flats in Petroșani city²⁷⁵ with the intention to renovate it and relocate 30 Roma families from Bucharest²⁷⁶ to Petroșani.^{277 278} The Roma associations from Petroșani are strongly against this initiative. Roma activists from Petroșani declared that are ready and determined to make public protest because such a decision is inappropriate. They want, and will be right they said, that Gigi Becali allocates the 30 houses to Roma families from Petroșani but not the ones from Bucharest. The main argument (even the block is now the private property of him) underline that by putting in practice

270 Average age of Roma dwellings was in 200f of 30,8 years old as comparative with 39,3 years old for all other dwellings belonging to non-roma ethnics.

271 ‘Rezervație pentru romii dorohoieni’ [Reservation for Roma of Dorohoi town], in: *HotNews.ro* (08.10.2007).

272 As the author of article said ‘started as a generous initiative to solve the housing problems of Roma sheltered in the old civic city centre, in renovation process, this initiative ended up in a glaring attack to human rights.’

273 Also the new housing conditions are very weak due to superficial attention paid to construction and connexions to public utilities.

274 “Vești bune despre țigani: ghetoul din Dorohoi”/ Good news about gypsies: the Dorohoi ghetto – “Cotidianul” – 14 Nov. 2007

275 Jiului Valley, Hunedoara county.

276 Grivița neighbourhood.

277 Airport neighbourhood, one of the poorest areas in the city.

278 Maximilian Gânju, ‘Romii din Valea Jiului, foc și pară pe Gigi Becali,’ in: *Adevarul* (19.09.2007).

this action will breed tensions within community (“native local” Roma will be in conflict with “new comers”/ “strangers” relocated Roma).²⁷⁹

M.3.4. Good practice

- [229]. Following the implementation of Phare 2002 program, in Arad city, Tarafului Street, were built 10 social housing for Roma people, with the participation of beneficiaries and respecting the national standards.²⁸⁰ Due to investment in infrastructure, not only the 10 families, but also the whole community benefited of better housing conditions. Due to specific social problems that many Roma encounter, in many cases this type of project could not be replicated because they do not meet the (rigid) criteria set up by City Halls for allocating social houses.²⁸¹ Another pointed up dilemma regards the choice of creating (through Roma housing programs) a “modern ghetto” or to pursue de-segregation of Roma communities.
- [230]. The Ciorogârla Commune Local Council allocated in 2006 a piece of land for housing construction for 30 Roma families. This decision will partially solve the problem of illegal Roma constructions that tensioned the non-Roma-Roma relations in Darvari village.²⁸²
- [231]. At EU level, the Milano municipality (Italy) had the initiative to allocate decent housing for a large minority of Roma people, most of them coming from Romania.²⁸³ The majority of cca. 9,000 Roma are living in Milano outskirts. The Local Councils built up 11 camps in which the Roma could legally stay, the dwellings from the camps offering decent housing conditions²⁸⁴. They benefit by this support only if they comply with the rules set up by the authorities: send children to school, keep the house in clean conditions and get a formal job. Unfortunately these are ad-hoc programmes developed by some European municipalities, trying to deal with this hot issue, are not at all linked with Romanian housing policies.

279 ‘We defend the rights of Roma from Hunedoara. We don’t want come here Roma people from Bucharest, doesn’t matter they are also Roma like us’ – said Marcel Rad, President of Social Democratic and Cultural Union of Roma from Hunedoara.

280 The new houses are connected to all public utilities (running water, sewerage, electricity, gas).

281 NAR, Raport final de evaluare asupra Proiectelor din Schema de Granturi destinată romilor finanțată prin programul Phare 2002/000-586.01.02 ‘Sprijin pentru Strategia Națională de Îmbunătățire a Situației Romilor’, May 2006.

282 NAR, Raport final de evaluare asupra Proiectelor din Schema de Granturi destinată romilor finanțată prin programul Phare 2002/000-586.01.02 ‘Sprijin pentru Strategia Națională de Îmbunătățire a Situației Romilor’, May 2006.

283 Irina Moldovan, ‘Locuinte decente pentru romii din Milano. Autoritățile italiene au construit 11 tabere pentru romii din Milano,’ in: *Cotidianul* (22.08.2007).

284 Electricity, running water, bath/ shower, flushing toilets, sewerage system.

M.3.4.1. Policy initiatives

[232]. NAR, through Roma Decade Strategy defined a set of five objectives regarding housing sector in order to reach the general scope of “improvement of housing situation for disadvantaged Roma families”:

- Objective 1: Building up social housing for Roma ethnics and families with low income, focusing on prevention and fighting against residential segregation.²⁸⁵
- Objectives 2 and 3 are less explicit presented: “repairing the dwellings in disadvantaged communities” and “improvement of access to infrastructure and minimum of public utilities in disadvantaged communities”. There is no time-frame and budget scheduled for accomplishing these objectives.
- Objective 4: Improvement of housing legislation, with financial support of EU and scheduled for 2007-2008.
 - As Rughinis (2007) underlined,²⁸⁶ the missing property papers has two dimensions: an administrative one,²⁸⁷ and a social one – many Roma living in very inadequate conditions. *‘In many cases solving the property issue through legal procedures is rather impossible, being necessary that Local Councils make political decisions in respect with this issue.’* These decisions have implications both in terms of urban space reshape and changes in the structure of property – which could constitute factors for social cleavages, latent tensions and quite open conflicts between majority and Roma minority.
 - In 2007 the Romanian Government, with the EU support launched the report ‘Methodology for solving the problems linked to lack of civil, identity and property legal papers.’²⁸⁸ The report identifies 5 main types of difficult situations and for each one, possible legal solutions and the actual obstacles for implementing them.^{289 290}
- Objective 5: Capacity development of Local and Central Administrations in the field of housing policy. Among actions scheduled is evaluation and

285 This issue will be accomplished through development by a multi-annual national program for building social housing. There will be new buildings but also the old ones will be rehabilitated. Actors in charge: MTCT, County and Local Councils, NAR, CNCI, ANL, NGO’s. The program is medium term scheduled (2007-2015) and for 2007 was estimated a budget of 215 million lei and 38,9 million lei co-financing from State budget.

286 Rughiniş Cosima, 2007, ‘Excluziunea formală a cetăţenilor de etnie romă’ [Formal exclusion of Roma citizens], in: *Roma Inclusion Barometer*, Open Society Foundation, Bucharest (p.44).

287 The administrative issue refers that Roma people are not entitled in many cases to get various social benefits (linked to a fix domicile).

288 Romanian Government, “Metodologie pentru soluţionarea problemei lipsei actelor de stare civilă, identitate şi locative” within the project “Consolidation of Institutional Capacity and Partnership Development for Improving the Perception and Conditions for Roma Population” (Phare RO 2004/016-772.01.01.01), under coordination of Gabor Fleck.

289 Romanian Government, “Metodologie pentru soluţionarea problemei lipsei actelor de stare civilă, identitate şi locative” within the project “, Table 20, p. 56.

290 On the other hand it is signaled that if in the initial Government Decision 430/2001 an explicit priority was to solve in maximum 4 years the property issues (land and houses) of Roma people, in the new Government Decision 522/2006 this priority was removed but not due to its accomplishment.

monitoring the homeless phenomenon, carry out a study about typology of way of housing of Roma population and set up criteria for allocation of social housing. There is no time-frame and budget scheduled for accomplishing this objective.

- [233]. The housing right of refugee people is stipulated in the law.²⁹¹ The refugees that completed the integration process and cannot be granted by local authorities with a social housing could rent one and ROI will grant a subvention of 50 per cent of the renting price for a maximum 1 year. In 2006-07 only 2 families benefited of this type of support. Partly this is because the procedure is very difficult; sometimes the Local Councils restrict the access to social housing by compulsory condition to have the domicile in Romania. In this sense through Romania/Ordonanta Guvernului 41/2006 was introduced the legal possibility for Local Councils to buy dwellings for foreigners that received a form of protection.

M.3.4.2. Practical initiatives by civil society and government

- [234]. There are various isolated local initiatives channelled to alleviation of Roma housing conditions. But there is no systematic and coherent program, following a clear strategy at the national or at least regional/ county level, *already implemented* in order to alleviate/ solve the very complex issue of Roma housing. The initiatives taken by local authorities and/ or NGO's involved land allocation, dwelling renovation, new social houses and legalization.
- [235]. In Alba County,²⁹² the Local Council analysed a number of 35 files submitted by young Roma families of 18-35 years old, and allocated land plots to 20 of them for building up new houses according with the Romania/Lege 15/2003. Also Mirăslău Local Council will fund the expenditures related with the technical project and getting the building permits, as well as development and access to public utilities in the new neighbourhood.²⁹³
- [236]. In Bârlad city, Vaslui County, the Local Council allocated 40 land plots for Roma families that made the decision to leave the most disdained place in the city, the "ghetto of G1 block".²⁹⁴ The first 40 families received also financial support from City Hall to buy construction raw materials.

291 Art. 6 of Romania/ Ordonanta Guvernului 44/2004.

292 Decea village (Miraslau commune).

293 Cristi Fleschin, 'Familii tinere de romi au primit terenuri pentru locuinte', in: *Monitorul de Alba* (12.07.2007).

294 Bozo Dumitriu, 'Locuinte si terenuri pentru romi, la anul,' in: *Monitorul de Vaslui* (23.11.2006). The article has tendentious tonalities, named the G1 vicinity as an 'infection' glued by years in the core of one of most wanted area in the city and 'in the rib' of prestigious cultural institution. 'It will take years until the <famous> G1 vicinity will be free of the ones that step by step destroyed it, and this will be possible when to all 90 families will be allocated social houses or land plots' (the sense is rather toward segregation). Besides of this attitude, the concern of City Hall is real, trying to solve in a short period all the situations of 80 G1 tenants but also the 10 owners.

[237]. A Roma NGO²⁹⁵ Agency for Community Development “Together”/ Agenția de dezvoltare comunitară “Împreună” developed in 2006 a project in which a component was to build up 10 houses and repair other 5 in Nușfalău village. The side-positive effects of project implementation consisted in betterment of social relations in community, an increasing awareness of both local authorities and non-Roma population about necessity of improving the living conditions for the poorest as a prerequisite for peaceful community relations. Also the beneficiaries took active part in the project, but also were created jobs through an income-generation activity – a brickyard, and other local resources were mobilized to accomplish project goals. This is an exemplary case that could and should be replicated in many mixed communities facing housing and community development problems. Please see more information on this project in Annex 1 – Positive initiatives.

M.4. Health and social care

M.4.1. Complaint bodies – differentiated data

- [238]. There are no official information on the number of complaints or allegations of racism and/or discrimination regarding health and social care, affecting migrants, refugees, asylum seekers or ethnic minorities.
- [239]. In Romania, the NCCD is the State agency responsible also with the investigation of the complaints regarding the discrimination cases on the ground of health services, unless the complaint did not involved a criminal case.²⁹⁶ So far, there are no public authority recorded data with respect to racism or discrimination in access to social services and health services.
- [240]. Both, the Ministry of Public Health and the Ministry of Labor, responsible with the development and promotion of health and social care in Romania, are allowed to receive and investigate allegations or complaints.²⁹⁷
- [241]. The National House of Health Insurance is empowered to receive petitions with regard to the system of public health insurance.²⁹⁸

295 Agency for Community Development ‘Together’ developed this project within the framework of ‘Access of Roma Population to Social Services.’

296 Art.10, point. 6 from the Romania/ Ordonanta Guvernului 137/ 2000, republished on 08.02.2007 states that: ‘constitutes a contravention, (...), to refuse the access of a person or a group of persons at the public health services – to select a family doctor, health care, health insurances, emergency services or other health services.’

297 Romania/Lege 95/2006 (14.04.2006) on the reforming the health system.

298 Romania/Lege 95/2006 (14.04.2006) on the reforming the health system.

M.4.2. Racism and discrimination (incidents and practices)

M.4.2.1. Brief overview

- [242]. One of the major problems mentioned by the Roma population in a study elaborated by the Anti-Poverty and Social Inclusion Commission²⁹⁹ was the health of the children with 8.6 per cent³⁰⁰ and on top of the grade of dissatisfaction with different areas of life, 38,6 per cent mentioned the status of health.³⁰¹
- [243]. Newspaper articles or information from media on the issue of health and social care covers only the Roma population, and no information was found with regard to other categories of the population analysed in this report.
- [244]. One of the main factors for the exclusion of the Roma population from the health care services is the lack of identity papers, precondition for receiving health care insurance in Romania. Consequently, persons who do not have an identity card are excluded from most of the social rights and they cannot have access to a general practitioner. An older survey³⁰² stated that approximately 10% of Roma do not have identity documents and 2,4% do not have birth certificates. According to a 2007 study: ‘The situation of the missing documents is more frequent in big cities than in the small ones and in villages – this may be a consequence of the frequent changes of domicile and the greater difficulties in interacting with the public servants. This is an interesting difference, given the fact that in the rural area there is a higher share of paperless people who cannot prove their domicile, which is a major obstacle in getting an ID.’³⁰³
- [245]. The general practitioners’ attitude towards Roma patients, and the segregation of Roma patients in ‘Gypsy rooms’ are also obstacles, as reported by several NGOs.^{304 305}

299 A government body.

300 After the lack of money – 44, 6 %, and the poverty with 15%.

301 The study of the The Anti-Poverty and social inclusion Commission, Social support for Roma populations, 2004 (calculations made for the period 1994-1999), available at: <http://www.caspis.ro/pagini/ro/studii.php>, pp. 6-7.

302 Sorin Căce, Cristian Vladulescu, ‘The Health Status of Roma Population and Their Access to Health Care Services,’ Bucharest, 2004, p. 62.

303 Open Society Institute, Bădescu, Gabriel, Grigoraș, Vlad, Rughiniș, Cosima, Voicu, Mălina, Voicu, Ovidiu, Roma Inclusion Barometer, (Bucharest: Open Society Foundation, 2007), available at: <http://www.edrc.ro/docs/docs/barometrulper cent20includiuniiper cent20romilor.pdf> (11.10.2007), p. 47.

304 The report mentions that ‘The GP stated that “the gypsies show up in my office very often, as often as they can, even, and they won’t leave without a free prescription. Even if they’re perfectly healthy, you still have to give them something for their appetite.” The Roma said that they are not discriminated against by the GP, but “if you don’t give the doctor something, he won’t treat you the same way” (I.V., Roma informal leader).’ For more information, see: Integrated Community Development Program Bălțești, Prahova Open Society Foundation Romania, available at: http://www.osf.ro/ro/program_articol.php?articol=36# (11.10.2007).

305 ERRRC, ‘Ambulance Not on the Way. The Disgrace of Health Care for Roma in Europe,’ September 2006, pp.52-53, 56, available at: http://www.soros.org/initiatives/health/focus/roma/articles_publications/publications/ambulance_20061004.

- [246]. The Romanian system of public health has no statistical information with regard to the number of complaints issued by the different category of population based on ethnicity or immigration status. Staff member of the health and social care institutions are sometimes afraid to ask a patient/beneficiary of their services if he/she is from other group than the Romanian population.³⁰⁶
- [247]. ‘The health of an alien person represents an essential factor in the process of his/her integration in society. In respect to the perception of their own state of health, 81,8 per cent stated that they are in good health, compared to 1,2 per cent who declared to have health problems. At the moment of the interview 46,6 per cent of the adults had medical insurance.’³⁰⁷

M.4.2.2. Statistical data and tables on racist incidents

- [248]. **See Annex 8**

M.4.2.3. Exemplary cases

- [249]. In the report of the Romanian Soros Foundation it was mentioned that: ‘The Băcești commune has one of highest birth rates in the Vaslui county, but the main health problems are related to the semi-nomadic Roma population –the GP, speaking about the Roma community: “I don’t mind assisting Roma people, as long as they come to vaccination regularly, but the gypsies only care about themselves, the kids are always last on their list of priorities.”’³⁰⁸
- [250]. Example of most frequent diseases in an area with a large Roma community,³⁰⁹ analysed within a civil society study, are: ‘...hypertension, diabetes, asthma, TB was more frequent when many of the locals were working in mines, respiratory infections, heart conditions; and the main causes are: “They don’t live well, they have no wood for fire, no food, there are many children, and I’m not referring only to the Roma now. Many families in the community are thus affected.”’³¹⁰ There are three GP’s offices in Rodna and a permanent center with ten employees. Most people are registered with a GP and visit them frequently. Each GP sees an average of 40 people during one day.’³¹¹
- [251]. In Veresti, Suceava County, OSF researchers observed that: ‘Health problems are mainly related to water. „Water is contaminated with nitrites,” says the

306 According to interviews made by the Centre for Legal Resources researchers in psychiatric hospitals and social care institutions in Romania.

307 2006, ANNUAL REPORT on the status of aliens granted a form of protection in Romania. For more information, see: http://aps.mai.gov.ro/pagini/inf_utilite/RAPORT_ANUAL__2006_final%20engleza.pdf.

308 Open Society Foundation Romania, Bacesti Report, available at: http://www.osf.ro/ro/program_articol.php?articol=36# (27.10.2007).

309 The area of Rodna, Bistrita County.

310 Declaration of a General Practitioner.

311 Open Society foundation Romania, Reports on Roma Coummunity, Rodna, Bistrita Nasaud, (2007), available at: http://www.osf.ro/en/program_articol.php?articol=36.

medical nurse. „The DSP (Sanitary Directorate) know it too but nothing can be done. The water causes genetic malformation and nitrite intoxication especially in children. We instruct people to buy water from the store. When problems appear we call the ambulance and send them to the hospital. Adults have palpitations because of the water.” Cardio-vascular diseases hold the lead of incidence in adults here. The medical staff thinks that the DSP should do more and that „They should collaborate with us more, as we know the situation in the field much better. We have a good collaboration in general but it can improve. The DSP came and sampled the water. The Town Hall should get involved too as well as the people at the top especially in the water problem from the Calderash’ community”, says the medical nurse.³¹²

- [252]. Two Roma NGOs reported to CEDAW in 2006, a series of case typologies of discrimination against Roma women in accessing health services, like: the distribution of free hormonal injections in Roma communities, not in the presence of a specialised physician, systematically hospitalising Roma women in ‘special’ rooms, especially in maternity wards, lower quality of medical and extra-medical services available for Roma women, inequitable geographic distribution of health-care services that affects mostly Roma communities.³¹³

M.4.2.4. Additional information

- [253]. According to the law on the guaranteed minimum income, couples living in customary-law marriages are eligible for social support,³¹⁴ but an ordinance on social medical insurance³¹⁵ stipulates that only the ‘wife of’ or the ‘husband of’ an insured person have the right to non-contributory health insurance. According to ERRC,³¹⁶ this opens the way for administrative discretion regarding interpretations of eligibility for social support and thus access to health insurance. This provision, which discriminates against persons on the basis of marital status, has a disparate impact on the Roma because a large number of Romani couples – as opposed to Romanians – live in common-law marriages.

312 Open Society foundation Romania, Reports on Roma Community, Veresti, Suceava, (2007), available at: http://www.osf.ro/en/program_articol.php?articol=36.

313 ERRC, Romani CRIS, ‘Shadow Report United Nations Convention on the Elimination of All Forms of Discrimination against Women in Romania for its consideration at the 35th Session 15 May to 2 June 2006,’ available at: [http://www.iwraw-ap.org/resources/pdf/Romania\(2\)_SR.pdf](http://www.iwraw-ap.org/resources/pdf/Romania(2)_SR.pdf).

314 Romania/ Lege 416/2001 (18.07.2001) concerning the minimum guaranteed income, Art.2 (3).

315 Romania/ Ordonanta de Urgenta a Guvernului 150/2002 (31.10.2002) concerning the organization and the functioning of the system of social medical insurance, Art.6 (1) (b).

316 ERRC, ‘Ambulance Not on the Way. The Disgrace of Health Care for Roma in Europe,’ September 2006, pp.27-28, available at: http://www.soros.org/initiatives/health/focus/roma/articles_publications/publications/ambulance_20061004.

M.4.3. The situation of migrants and minorities in health

M.4.3.1. Brief overview

- [254]. According to the Council of Ministers within the Council of Europe: ‘in spite of the many initiatives taken by the government, a large number of Roma continue to confront serious difficulties and manifestations of discrimination in different fields, including (...), health and education (1, lit. b, “issues of concerns”).’³¹⁷
- [255]. As a consequence of the low standard of living of the Roma population and the limited access to health services, including the access to reproductive health care services, the status of health of the Roma population is much less inferior than of the rest of the population. The rate of infant’s mortality rate is for instance, four times higher than the national average.³¹⁸
- [256]. In a report made by the Romanian Academy in 2005³¹⁹ it was mentioned that regard to the health status there are no objective information, but the authors of the report conclude that around 14 per cent of the Roma population suffer of severe health problems and at this percentage around 2,3 per cent have a disability.

M.4.3.2. Statistical data and tables on relevant health and social care issues

- [257]. See Annex 8.

M.4.4. Good practice

M.4.4.1. Policy initiatives

- [258]. The following recommendation was adopted by the Council of Europe with regard to Romania: ‘take more resolute action to prevent and combat discrimination and social exclusion of the Roma and address, as a matter of priority, the difficulties they face in (...) health and education.’³²⁰

317 Resolution CM/ Res CMN(2007)8 on the implementation of the Framework Convention for the Protection of National Minorities by Romania.

318 The study of the The Anti-Poverty and social inclusion Commission, Social support for Roma populations, 2004 (calculations made for the period 1994-1999), available at: <http://www.caspis.ro/pagini/ro/studii.php>.

319 The diagnosis of poverty and risks in development of children in Romania, Romanian Academy, Zamfir, Catalin (coordinator), 2005.

320 Resolution CM/ Res CMN(2007)8 on the implementation of the Framework Convention for the Protection of National Minorities by Romania, Adopted by the Committee of Ministers on 23 May 2007 at the 996th meeting of the Ministers' Deputies.

M.4.4.2. Practical initiatives by civil society and government

- [259]. Starting with 1993 Romani CRISS has set up a series of programmes aimed at improving the state of health of Roma communities and their access to health services. In 1996 they started training Romani women to mediate between local health care institutions and Roma communities, and thus created what is called “health mediators”, today recognized as an official qualification.³²¹ The aim of the sanitary mediator is to improve the health situation of the Roma communities, increase the efficiency of curative and prevention services, increase accessibility to social services, improve the social environment where health services are given and also increase the level of medical education of Roma ethnics. The sanitary mediator has the following mission:
- Helps the medical staff to do the medical paperwork for the Roma.
 - Facilitates communication among health institutions and Roma communities.
 - Identifies the health problems of the Roma.
 - Monitors the community in terms of its health condition.
- [260]. By contributing to the process of obtaining identity papers for the Roma especially after the national system for population evidence was reorganised, in 2005 and 2006, Romani CRISS has contributed to the elimination of one of the obstacles to enrolling in the health system faced by the Roma. The organization has trained hundreds of sanitary mediators and continues to do so in 2007.³²²
- [261]. ROI published an annual report for 2006.³²³ The target group of this report is represented by aliens who were granted a form of protection in Romania (recognized refugees and persons with subsidiary protection). The report covers the interval June 2005 – July 2006. The data presented was extracted from the statistics and reports drafted at the level of the ROI within the MIRA³²⁴ or have as source a sociological research carried out by NRO within the above mentioned interval.
- [262]. According to the law, aliens who were granted a form of protection in Romania have the right to medical assistance under the same conditions as those established by law for Romanian citizens. In practice, problems were signalled, caused by different interpretations related to payment of the health insurance

321 Romania/ Ordinul ministrului sanatatii si familiei si ministrului muncii si solidaritatii sociale 619/ 2002 (14.08.2002) for the approval of functioning of the profession of sanitary mediator and the technical norms of appliance and the Classification of Occupations in Romania (Clasificarea ocupatiilor din Romania), code number 513902.

322 Romani CRISS, available at: <http://www.romanicriss.org/noutati.php?id=28&lang=ro>.

323 In accordance with Article 19 (3) of the Government Ordinance 1483/2004 (09.09.2004) for the approval of the Methodological Norms for the implementation of Government Ordinance 44/2004 on the social integration of aliens who were granted a form of protection in Romania, ordinance approved through Law 185/2004 (17.05.2004).

324 The institution coordinating the activities aiming at the integration of the aliens who were granted a form of protection in the Romanian society.

contributions.³²⁵ There are cases when these persons were forced to pay the contribution for the previous three years, although they enter the category of those bound to pay starting May 2004. It is expected that these incongruities would be solved once Romania/Lege 95/2006 on the reform in the medical system enters into force.

[263]. According to the law, aliens' access to the social assistance system is ensured under the same conditions established by law for Romanian citizens. They may benefit from a reimbursable financial support from the Ministry of Labour, Social Solidarity and Family, which can be obtained for an interval of 6 months, with the possibility of prolongation with extra three months.³²⁶ Practice proved that refugees have access to this type of support.³²⁷ A positive practice is represented by the cases of vulnerable persons taking part in the integration program and accommodated in the former National Refugee Office centre, persons who benefited from social assistance services offered by Sector 2 City hall of Bucharest (social support, supplementary alimonies or alimonies for monoparental families, assistance for persons with disabilities).

[264]. According to ENAR Shadow Report on Romania 2006, the high percentage of uninsured persons among aliens (53,4 per cent) brings up the issue of adequate information and counselling on the necessity and obligation of concluding a health insurance; there is also a need for the National House of Health Insurance to intensify the information procedure related to the territorial houses for health insurance with the aim of carrying out a joint uniform practice on calculating the contribution to the payment of the health insurance by the aliens who were granted a form of protection in Romania.

325 In order to obtain the status of insured person, the aliens who were granted a form of protection are bound to pay the contribution starting the date of obtaining the form of protection, except those who were granted protection before Romania/ Ordonanta Guvernului 44/2004 entered into force.

326 The reimbursable financial support amounts to the value of the minimum salary per economy, for each family member and is granted after a social investigation.

327 According to ENAR Shadow Report on Romania 2006, during June 2005-June 2006, the National Refugee Office submitted to the Directorate for Dialogue, Family and Social Solidarity in Bucharest the files of 67 aliens who were granted a form of protection in Romania and who are likely to benefit from the reimbursable financial support.

N. Annexes

[265]. Annex 1 – Positive initiatives

Area:	Racist Violence and Crime
Title (original language)	Memorandumul de Cooperare cu privire la Inițiativa Strategică : Rromii și Poliția Română
Title (EN)	Memorandum of Cooperation under the Strategic Initiative: Roma and the Romanian Police
Organisation (original language)	Ministerul Internelor și Reformei Administrative prin Inspectoratul General al Poliției Române prin Institutul pentru Cercetarea și Prevenirea Criminalității, OSCE/ODHIR-National Focal Point for Roma and Sinti, Centrul Romilor pentru Intervenție Socială și Studii – Romani CRISS
Organisation (EN)	Ministry of Internal Affairs and Administrative Reform through General Inspectorate of the Romanian Police – Institute for the Research and Prevention of Criminality, OSCE/ODHIR-National Focal Point for Roma and Sinti, Roma Center for Social Intervention and Studies – Romani CRISS
Government / Civil society	Government
Internet link	http://www.romanicriss.org/documente/Noutati/Raport%20anual%20criss%20%202006_final.doc , http://www.mai.gov.ro/Documente/Relatii%20internationale/RE_INT_OSP.pdf (25.10.2007)
Type of initiative	Code of ethics, code of conduct, community cohesion – social integration, legal advocacy
Main target group	Roma, police
Brief description (max. 1000 chars)	The initiative aims to implement a strategic initiative on Roma and policing in Romania. The cooperation resulted in an assessment of the police policies and practices in relation with Roma citizens, the establishment of a Permanent Consultative Committee including representatives of the General Inspectorate of the Police and of Roma NGOs and the establishment of a Focus Group with the mission to identify concrete problems in the relation between the Roma minority and the Romanian police.

[266].	
[267].	
Area:	Racist Violence and Crime
Title (original language)	Promovarea bunei guvernări în comunitățile multiculturale. Acces și participare a minorităților etnice la viața publică
Title (EN)	Promoting good governance in multicultural communities. Access and participation of the ethnic communities in the public life
Organisation (original language)	Institutul pentru Cercetarea și Prevenirea Criminalității, Centrul de Resurse pentru Diversitate Etnoculturală
Organisation (EN)	Institute for the Research and Prevention of Criminality, Ethnocultural Diversity Resource Center
Government / Civil society	Government - NGOs
Internet link	http://www.edrc.ro/resources_details.jsp?resource_id=18 (25.10.2007)
Type of initiative	Awareness raising, intercultural dialogue
Main target group	Youth, ethnic minorities
Brief description (max. 1000 chars)	The information campaign targeted the high school students from 6 counties with multiethnic communities: Cluj, Satu Mare, Mureș, Harghita, Covasna, Bihor. It aimed to promote the interest of the youth to embrace a professional carrier in the police forces. The informative materials developed within the project were largely published in ethnic minorities' media, police website, Romanian Police Review etc.
[268].	
[269].	
Area:	Racist Violence and Crime
Title (original language)	Planul de acțiuni pentru implementarea Strategiei de modernizare a Poliției Române 2004-2007, continuat prin Concepția de recrutare și selecție a personalului Poliției Române

Title (EN)	The Action Plan for the Implementation of the Romanian Police Modernization, followed by the Outlook of recruitment and selection of the Romanian Police personnel
Organisation (original language)	Inspectoratul General al Poliției Române
Organisation (EN)	General Inspectorate of the Romanian Police
Government / Civil society	Government
Internet link	http://www.politiaromana.ro/cariera.htm (25.10.2007)
Type of initiative	Community cohesion – social integration, improving employment skills
Main target group	Ethnic minorities, Roma, police
Brief description (max. 1000 chars)	It provided for the introduction of affirmative measures to raise the number of national minorities within the police force. In all counties where national minorities are significantly represented, the local police reserved special places for them. These measures are accompanied by others to ensure effective access: possibility given to these candidates to replace the international language exam with the mother tongue exam, measures to support the accommodation at the workplace. The policy was introduced from 2005 and continued in 2007 along with a raising awareness campaign among the national minorities' communities
[270].	
[271].	
Area:	Racist Violence and Crime
Title (original language)	Dezvoltarea capacității Poliției Române de rezolvare a conflictelor (2006) continuat de proiectul Poliția și minoritățile etnice
Title (EN)	Developing the Romanian Police Capacity of conflict resolution (2006) followed by the project Police and ethnic minorities
Organisation (original language)	Institutul pentru Cercetarea și Prevenirea Criminalității, Agenția Națională pentru Romi, Centrul Regional de Facilitare și Negociere – Iași, Centrul Danez pentru Soluționarea Conflictelor, Centrul de Resurse pentru Diversitate Etnoculturală
Organisation (EN)	Institute for the Research and Prevention of Criminality, National Agency for Roma, Regional Center for Facilitation and Negotiation

	– Iasi, Danish Center for Conflict Resolution, Ethnocultural Diversity Resource Center
Government / Civil society	Government - NGOs
Internet link	http://www.rfnc.ro/html/proiecte/proiecte_politia_si_conflictele.htm , http://www.politiaromana.ro/Prevenire/programe_in_derulare.htm (25.10.2007).
Type of initiative	training, education, awareness raising, codes of ethics, code of conduct, intercultural dialogue
Main target group	police, ethnic minorities, Roma
Brief description (max. 1000 chars)	The project aims to strengthen the relationship between the police and ethnic minorities through 42 training session in the field of human rights and conflict management targeting police officers at the local level and through the organization of 8 meetings within multiethnic communities.
[272].	
[273].	
Area:	Employment
Title (original language)	Misiune posibilă - campanie de informare privind cariera de polițist pentru tinerii aparținând minorităților etnice
Title (EN)	Mission possible: information campaign regarding a career as police officer for young persons belonging to national minorities'
Organisation (original language)	Centrul de Resurse pentru Diversitatea Etnoculturală
Organisation (EN)	Ethno-cultural Diversity Resource Center
Government / Civil society	The NGO, the Ethno-cultural Diversity Resource Centre, Septimiu Mureșan' Police Agents School from Cluj-Napoca and The Institute for the Research and Prevention of Criminality
Internet link	http://www.edrc.ro/projects.jsp?program_id=1&project_id=58 (01.10.2007).
Type of initiative	training, education, awareness raising

Main target group	ethnic minorities, Roma and Travellers
Brief description (max. 1000 chars)	The campaign aimed at encouraging young people from ethnic minorities, especially Roma and Hungarian to choose a career as police officers. The information campaign took place in five multicultural counties. Brochures in three languages (Romanian, Romani and Hungarian) informing on the admissions process and the number of places especially created for the Roma have been edited and disseminated.
[274]. [275].	
Area:	Employment
Title (original language)	Angajat/ă European/ă= Angajat/ă Egal/ă!
Title (EN)	European Employee=Equal Employee!
Organisation (original language)	Centrul de Resurse Juridice, Centrul Parteneriat pentru Egalitate
Organisation (EN)	Legal Resources Center, Center Partnership for Equality
Government / Civil society	NGOs
Internet link	www.crj.ro (05.10.2007).
Type of initiative	training, education, awareness raising, codes of ethics, code of conduct
Main target group	employers and their associations
Brief description (max. 1000 chars)	Under a Phare 2004 project ‘European Employee=Equal Employee!’ the Center for Legal Resources and the Center Partnership for Equality carried on a qualitative research on ‘Combating Discrimination in the Workplace’ and subsequently developed a guide of good practices for companies and organized a training for 20 human resources managers from big companies on diversity management
[276].	

[277].	
Area:	Education
Title (original language)	Acces la educație pentru grupuri dezavantajate
Title (EN)	Access to education for disadvantaged groups
Organisation (original language)	Ministerul Educației, Cercetării și Științei
Organisation (EN)	Ministry of Education, Research and Youth
Government / Civil society	Government
Internet link	http://www.edu.ro/index.php/articles/c115 , http://www.acces-la-educatie.edu.ro/
Type of initiative	training, education, support, advice to minorities
Main target group	youth (children, young people, students), ethnic minorities, Roma and Travellers, teachers, public authorities
Brief description (max. 1000 chars)	<p>PHARE 2004 Programme of the Ministry of Education, Research and Youth, “Access to Education for Disadvantaged Groups”, pursues institution development at national, county and community level, taking into consideration the Ministry of Education and Research (MER) strategies related to ensuring full access to education for all children, irrespective of their social, cultural, geographical or ethnic background.</p> <p>The expected outcomes are:</p> <ul style="list-style-type: none"> revised county school inspectorate strategies for ensuring equal access to quality education; training programmes for school inspectors, school directors, teacher trainers, directors of Casa Corpului Didactic (CCD), and members of the Roma communities who will become primary school teachers or school mediators Curriculum and educational materials developed Activities for community participation in education Cases of segregation in education identified in all participating counties and plans for desegregation designed and implemented

	Awareness campaign on access to education, related issues and dissemination of project outcomes developed
[278].	
[279].	
Area:	Education
Title (original language)	Educație multiculturală pentru profesori și elevi
Title (EN)	Multicultural education for teachers and students
Organisation (original language)	Centrul de Resurse pentru Diversitate Etnoculturală
Organisation (EN)	Etnocultural Diversity Resource Center
Government / Civil society	Civil society
Internet link	http://www.edrc.ro/projects.jsp?program_id=4&project_id=61
Type of initiative	awareness raising, training, education
Main target group	youth (children, young people, students), teachers
Brief description (max. 1000 chars)	“Multicultural education for teachers and students” aims to raise the general level of implementation of multicultural education in the Romanian primary education. The project is funded by the Department for Interethnic Relations of the Romanian Government. The specific objectives of the project are to raise awareness of teachers teaching in the multicultural counties of Alba, Bistrița-Năsăud, Bihor, Maramureș, Mureș, Sălaj about the ethnocultural diversity and multicultural education in Romania; to transfer to teachers from these 6 counties the instruments and knowledge necessary for the implementation of the multicultural educational elements to 3 rd and 4 th grade students; to raise teachers’ interest towards the problems concerning ethnocultural diversity; to include elements of multicultural education and ethnocultural diversity in primary education literature, geography and history schoolbooks; to improve the capacity of the implementation of multicultural education in teaching literature, geography and history in primary education.

[280].

[281].	
Area:	Education
Title (original language)	Profesorii romi – un factor de succes pentru educația elevilor romi
Title (EN)	Roma Teachers – a key to the Roma students’ school success
Organisation (original language)	Centrul de Resurse pentru Comunitățile de Romi
Organisation (EN)	Resource Center for Roma Communities
Government / Civil society	Civil society
Internet link	http://www.romacenter.ro/noutati/index.php?page=14
Type of initiative	training, education, support, advice to minorities
Main target group	youth (children, young people, students), Roma and Travellers, teachers
Brief description (max. 1000 chars)	The Resource Center for Roma Communities is currently implementing a project entitled “Roma Teachers – a key to the Roma students’ school success”, in partnership with the Romanian Reading and Writing for Critical Thinking Association, and the Teacher Training Houses of the counties Sălaj, Maramureș, Ialomița, Galați, Dolj, Olt, Botoșani. The project is funded by FNASAT France – Gens du voyage within the “Programme Roms & Voyageurs”. The project aims to increase the quality of educational provision for Roma students in Romania. It builds on the results of previous educational projects in which Roma teacher trainers were trained, who will now act as trainers to their peers. The project aims to train Roma teachers in “Critical Thinking. Active Learning”, in how to provide remedial education for young Roma students who need support to develop their basic literacy skills, and in how to produce children’s literature in Romani language.
[282].	
[283].	
Area:	Health and Social Care

Title (original language)	Programul de dezvoltare comunitara integrata
Title (EN)	Integrated community development program
Organisation (original language)	Fundatia Soros Romania
Organisation (EN)	Romanian Soros Foundation
Government / Civil society	Civil society
Internet link	http://www.soros.ro
Type of initiative	Community cohesion – social integration
Main target group	Ethnic minorities, Roma and Travellers
Brief description (max. 1000 chars)	<p>The program is aimed to develop replicable integrated community development models within Roma communities. The concept “integrated community development” essentially refers to approaching the communities from a comprehensive perspective: economic, health, education, infrastructure and housing issues.</p> <p>The program has been initiated in 2005 and currently continuing. Three hypotheses fundament this program:</p> <ol style="list-style-type: none"> 1. The healthy development of a community implies the consultation and the involvement of all its members, no matter their religion, ethnic appurtenance, economic status etc 2. Infrastructure projects, economic development, education etc. are valuable and sustainable only if they are part of a long-term plan 3. The involvement of the Roma ethnics as “first-hand citizens” within the community life helps in raising their self-esteem reduces the gap between them and other ethnics and brings long-term benefits for the entire community.
[284].	
[285].	
Area:	Health and Social Care

Title (original language)	Oameni sanatosi!
Title (EN)	Healthy people!
Organisation (original language)	Romani CRISS
Organisation (EN)	Romani CRISS
Government / Civil society	Civil society
Internet link	http://www.romanicriss.org
Type of initiative	Education, support, advice to Roma
Main target group	Ethnic minorities, Roma and Travellers
Brief description (max. 1000 chars)	<p>The purpose of the project was to diminish the stereotypes, prejudices and practices that encourage discrimination, in Hadareni community and at level of certain public officers from local and county public institutions. The project targets the Roma, Romanian and Hungarian ethnic minority in Hadareni, Mures County.</p> <p>Five training courses were organized for police officers (within the Ludus city Police), medical staff, teaching staff, local authorities and magistrates in Mures county in regard to the international systems of human rights protection and anti-discrimination legislation in Romania.</p> <p>In addition, the local campaign “<i>Manusa Sasteveste! Oameni sanatosi! Egészséges emberek!</i>” (“Healthy people”) was implemented on the topic of access and rights to public health services, prevention and combating discrimination in the field of health.</p> <p>In the field of education, there was organised another information campaign with the title “We have rights, we are equal. This is not a slogan – this is a reality!” Thus, the children attending Hadareni school were informed about the human rights and the rights of the child, about various aspects on inter-culturality, prejudices and stereotypes.</p> <p>Few indicators of the project:</p> <ul style="list-style-type: none"> - In regard to the staff in local institutions - approximately 100 people (police officers, physicians, teachers, health mediators, magistrates, etc) participated in the working sessions on discrimination and prejudices

	<p>- In regard to joint actions of Roma, Romanians and Hungarians in Hadareni – approximately 80 children, 100 young people and 200 adults participated in the project actions (information campaigns, football match, discothèque, school fair)</p> <p>- The support provided by institutions and organisations (although not planned in the project), which not only supported the community, but also became aware and interested in the problems of this community. Red Cross – Tg.Mures and SMURD joined us in the information campaigns.</p>
Area:	Housing
Title (original language)	Acces la locuire pentru populatia de romi
Title (EN)	Access to housing for roma population
Organisation (original language)	Agenția de dezvoltare comunitară “Împreună”
Organisation (EN)	Agency for Community Development “Together”
Government / Civil society	Civil Society
Internet link	Internal report (access facilitated by Andrei Constantin) http://www.agentiaimpreuna.ro
Type of initiative	<ul style="list-style-type: none"> • Dwellings building and repairing • Support and improvement of local relations between roma and Romanian ethnics
Main target group	<ul style="list-style-type: none"> • Roma ethnic minority • Local authorities
Brief description (max. 1000 chars)	The project was developed within the framework of “Access of Roma Population to Social Services”. One component of the project was built up 10 houses and repairs other 5 in Nusfalau village. The side-positive effects of project implementation consisted in betterment of social relations in community, an increasing awareness of both local authorities and non-Roma population about necessity of improving the living conditions for the poorest as a prerequisite for peaceful community relations. Also the beneficiaries

took active part in the project, but also were created jobs through an income-generation activity – a brickyard, and other local resources were mobilized to accomplish project goals. This is an exemplary case that could and should be replicated in many mixed communities facing housing and CD problems.

Area:	Housing
Title (original language)	Locuinte sociale pentru. romi în Municipiul Arad, str.Tarafului
Title (EN)	Social Housing for Roma people in Arad City, Tarafului street
Organisation (original language)	Consiliul Local Arad, PHARE RO 2002/000/586.01.02-03
Organisation (EN)	Local Council Arad, PHARE RO 2002/000/586.01.02-03
Government / Civil society	Government
Internet link	http://primariaarad.ro/primariaarad/files/hotariri/h2336.pdf www.sgg.ro/docs/File/UIP/doc/rap_final_PHARE2002.pdf
Type of initiative	<ul style="list-style-type: none"> • Dwellings building and repairing • Support for roma ethnics and de-segregation
Main target group	<ul style="list-style-type: none"> • Roma ethnic minority • Local authorities
Brief description (max. 1000 chars)	<p>Following the implementation of Phare 2002 program, in Arad city, Tarafului Street, were built 10 social housing for Roma people, with the participation of beneficiaries and respecting the national standards (connected to all public utilities (running water, sewerage, electricity, gas). Due to investment in infrastructure, not only the 10 families benefited by better housing conditions, but whole community. Also it was concluded that due to specific social problems that many Roma people are encountering, in many cases this type of project can't be replicated because they do not meet the (rigid) criteria set up by City Halls for allocating social houses. Another pointed up dilemma regards the choice of creating (through Roma housing programs) a “modern ghetto” or to pursue de-segregation of</p>

Roma communities.

O. Annex 2A: Statistics court/tribunal/special body cases and decisions on ethnic discrimination

P. Table 2A.1: Table with the situation of petitions received by the NCCD based on the criteria of discrimination (23.07.2007)

No	Criterion for discrimination	Number of petitions received	Number of petitions solved
1	Race	0	0
2	Nationality	8	2
3	Ethnicity	40	5
4	Language	4	1
5	Religion	5	1
6	Social category	183	42
7	Beliefs	8	2
8	Gender	9	3
9	Sexual Orientation	3	0
10	Age	11	4
11	Disability	20	33
12	Chronic disease – not contagious	0	0
13	HIV status	4	0
14	Un-favorised category	3	1
15	Other	86	41
TOTAL		384	105

Source: The National Council on Combating Discrimination, October 2007, on file with the NFP

Q. Table 2A.2: Notoriety of the National Council for Combating Discrimination

Question 1: Have you heard about the NCCD?

Probe	National	Roma
No	75	75
Yes	25	25
For those who heard about NCCD		
Probe	National	Roma
What is your opinion about the NCCD?		
Rather good	68	46
Rather bad	22	33
In what degree is the NCCD helping in diminishing discrimination in Romania?		
A lot + very much	28	47
A little + not at all	48	41
The figures indicate percentage. The difference up to 100% is represented by responses of “I don’t know.”		

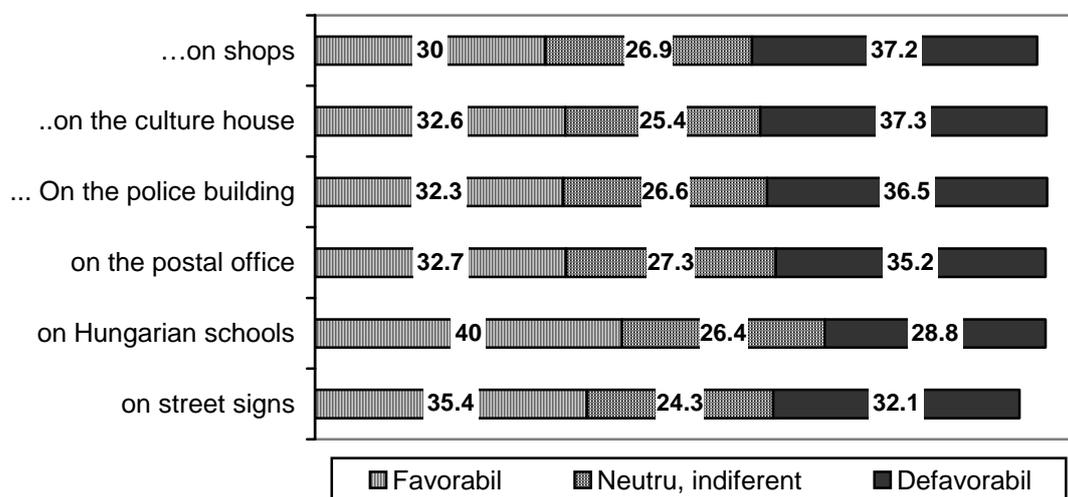
Question 2: In your opinion, are laws applied to everybody equally or are there citizens disfavoured before the law?

Probe	National	Roma
The Law is the same for everybody	40	43
There are disfavoured citizens	46	44
Only for those who think that there are disfavoured citizens: Who are the disfavoured citizens? (open question)		
Probe	National	Roma
Poor people	40	27
Gypsy/ Roma	9	60
Older people/retired persons	6	
Those without connections	4	2
Minorities	2	
Peasants/ those from rural areas	6	
Those without education	2	
Other	13	5
The figures indicate percentage. The difference up to 100% is represented by responses of “I don’t know.”		

Source: Open Society Institute, Roma Inclusion Barometer 2007 - Bădescu, Gabriel, Grigoraş, Vlad, Rughiniş, Cosima, Voicu, Mălina, Voicu, Ovidiu, Roma Inclusion Barometer, (Bucharest: Open Society Foundation, 2007), <http://www.edrc.ro/docs/docs/barometrul%20incluziunii%20romilor.pdf> (11.10.07)

R. Graph 2A.3: Level of acceptance of bilingual inscriptions

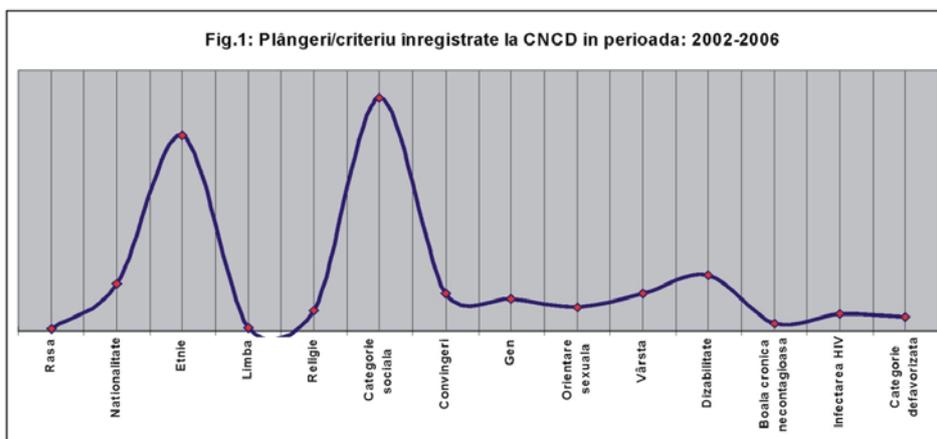
*In the Romanian cities where there are a lot of Hungarians, there should be inscriptions in Hungarian (%)**



Source: Max Weber” Sociology Professional College and Research Center on Inter-ethnic Relations, Relații interetnice în pragul integrării europene. Câteva tendințe comentate/ Interethnic Relations before the European Integration. A Few Tendencies Interpreted. (Cluj Napoca, CRDE, 2006)
http://www.edrc.ro/docs/docs/Relatii_interetnice_integrare.doc

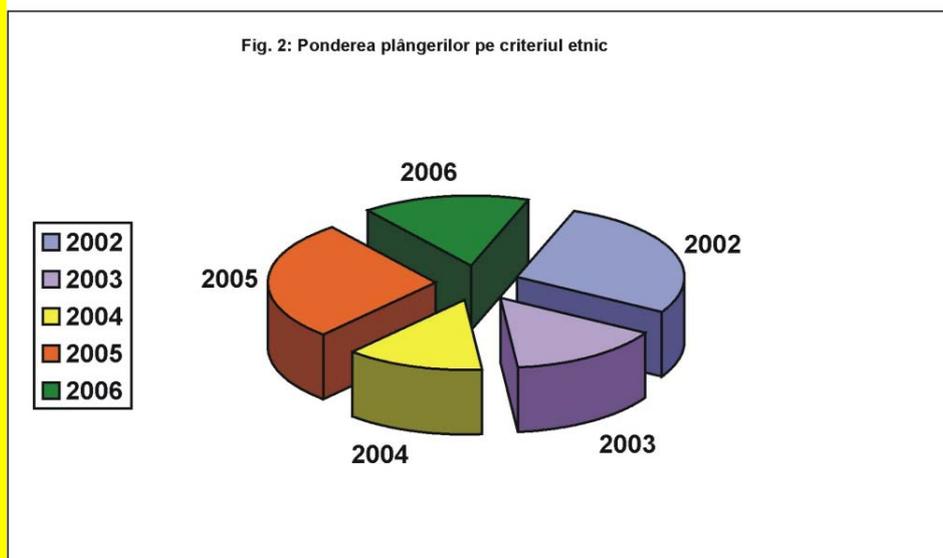
S.

T. Graph 2A.4: Evolution of complaints filed with the National Council on Combating Discrimination for 2002-2006



Source: Consiliul Național pentru Combaterea Discriminării, Raport de activitate, 2006, on file with the NFP.

U. Graph 2A.5: Preponderance of complaints of discrimination based on ethnic criteria



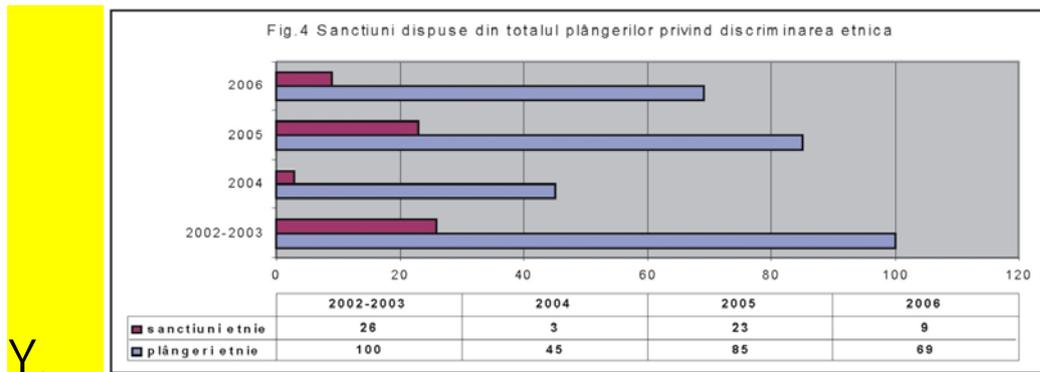
	2002	2003	2004	2005	2006
Total plângeri	134	473	353	382	432
Plângeri criteriu etnic	34	66	45	85	69

V.

Source: Consiliul Național pentru Combaterea Discriminării, Raport de activitate, 2006, on file with the NFP.

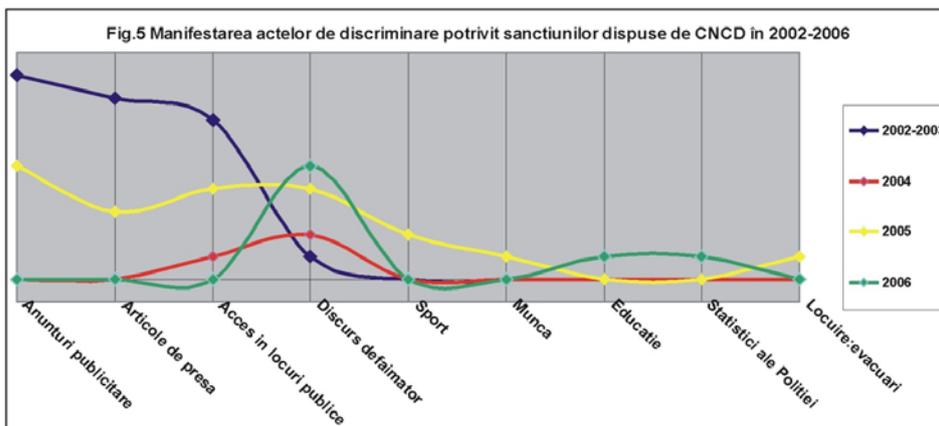
W.

X. Graph 2A.6: Number of sanctions out of total number of complaints on grounds of ethnic discrimination



Source: Consiliul Național pentru Combaterea Discriminării, Raport de activitate, 2006, on file with the NFP.

Z. Graph 2A.7: Evolution of sanctions issued by NCCD by type of discrimination in 2002-2006



Source: Consiliul Național pentru Combaterea Discriminării, Raport de activitate, 2006, on file with the NFP.

AA. Annex 2B: Statistics court cases criminal law

Supreme Council of Magistracy – statistic – first semester 2007 Crimes sentenced			
Category of crime	Number of cases sentenced	Number of cases sanctioned with the penalty of imprisonment from 1 year to 5 years	Number of cases sanctioned with the penalty of imprisonment under conditionate suspension
Art.247 - Abuse in the exercise of authority against the rights of the person	9	2	7
Art.317 - Nationalistic and xenophobic propaganda	0	0	0
Art.318 - Impeding the free exercise of religion	0	0	0
Art.319 - Profanation	Not recorded. It will be recorded beginning with next year using ECRIS Application.		

Source: Response of the Romania/ Consiliul Superior al Magistraturii [Superior Council of Magistracy], Direcția Resurse

Umane și Organizare, Biroul de Statistică, Nr.1/18531/1154/2007 from 16.10.2007, on file with the NFP.

BB. Annex 2C: Court, specialised body or tribunal decisions

Case title	Fundația P.M. v. Consiliul Național pentru Combaterea Discriminării, Decision 957/2006 in File no. 2072/2005
Decision date	March, 21st, 2006
Reference details (type and title of court/body; in original language and English [official translation, if available])	Înalta Curte de Casație și Justiție, Secția de contencios administrativ și fiscal, Dosar nr. 2072/2005, nr. 8675/1/2005, High Court of Cassation and Justice, Administrative Law Section
Key facts of the case (max. 500 chars)	The Foundation P.M. was sanctioned by the NCCD following a complaint of one of its employees for discriminating in labour relations. The Foundation appealed against the decision issued by the NCCD both on substantive and procedural grounds as the decision was signed by five out of the seven members of the Steering Board. The Court of Appeal maintained the decision of the NCCD and the Foundation P.M. appealed to the High Court.
Main reasoning/argumentation (max. 500 chars)	The High Court interpreted the provisions of Governmental Decision 1514/2004 and maintained that the Steering Board as collegial deliberating body can not issue legal documents such as decisions, instructions and orders in the field of sanctioning discrimination, unless all seven members of the Steering Board are present and their votes are valid.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Steering Board of the NCCD as collegial body must work collectively in order for its decisions to be legal.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The High Court quashed the decision of the NCCD as illegal due to the fact that the decision was not signed by all the members of the Steering Board of the NCCD. The decision of the High Court highlights the need for procedures and internal regulations for the NCCD.

Case title	Romani CRISS v. Traian Băsescu
Decision date	May 23rd, 2007
Reference details	Consiliul Național pentru Combaterea Discriminării Decision 92 of the National Council on Combating Discrimination, the NCCD rejected the appeal and a judicial appeal is currently pending before Bucharest Appeal Court, both the plaintiff and the defendant appealing against the decision of the NCCD
Key facts of the case	On May 19th 2007, the President of Romania was recorded while discussing with his wife in his car, while calling a journalist who allegedly harassed him “filthy Gypsy,” after publicly calling her “birdie” (pășărică), a pejorative with demeaning and sexual connotations. The NGO Romani CRISS filed a complaint with the National Council for Combating Discrimination for the racist remarks of the President. (The video recording and the press articles are available at http://www.antena3.ro/Basescu-despre-o-jurnalista--tiganca-imputita_act_32833_ext.html , accessed on May 21 st , 2007.)
Main reasoning/argumentation	The NCCD decided that the expression “filthy Gypsy,” is “discrimination according to Art.2.1 and 4 of the GO 137 from 2000...and that the use of this expression damaged the dignity of persons belonging to Roma community.” Mr Băsescu subsequently contested the decision before the courts of law arguing that the decision is illegal.
Key issues (concepts, interpretations) clarified by the case	The case raised both substantive and procedural issues such as the discussion on the legal value of the general definition spelled out as principle in the anti-discrimination legislation in the cases when it is not subsequently detailed in express provisions, balancing the right to privacy in the case of public persons and the right to information, the definition of private message (can a private discussion become public due to a fraudulent recording?), the use of evidences under anti-discrimination legislation,
Results (sanctions) and key consequences or implications of the case	The NCCD found that a) the act reported by the plaintiff in terms of discrimination on grounds of gender does not fall under administrative liability; b) the act reported by the plaintiff in terms of discrimination on grounds of ethnicity amounts to discrimination as per art.2, para.1 and para.4 of the Governmental Ordinance 137/2000, republished and decided that Mr. Traian Băsescu will be sanctioned with an administrative warning.

Case title	Adunarea Spirituală Națională a Bahá'ilor din România v. the Ministry of Education, Centrul Național pentru Curriculum și Evaluare în Învățământul Preuniversitar, File no. 366/2007
Decision date	02 October 2007
Reference details	Consiliul Național pentru Combaterea Discriminării; National Council on Combating Discrimination
Key facts of the case	Romanian Baha'i filed a complaint with the NCCD invoking their right to dignity as protected by the anti-discrimination legislation, in the context of offensive language describing them in a manual published by the Ministry of Education as " <i>sects...tools of Satan or gates to hell, practicing sustained proselytising...a danger for the society...affecting the family and the community of the church...using methods of indoctrination, bribery, blackmail, extortion, exploiting poverty and fanaticism.</i> " The manual was addressed to pupils in their 11 th grade and was certified by the Ministry of Education.
Main reasoning/argumentation	The NCCD found that the presentation of Baha'i in the manual contributed to creating a hostile environment and that the right to dignity of the Baha'i community was infringed.
Key issues (concepts, interpretations) clarified by the case	The right to dignity in the context of religious minorities. The prohibition to use demeaning and degrading language in relation with religious minorities in public educational materials.
Results (sanctions) and key consequences or implications of the case	As the Ministry of Education and the publishing house Corint, in their submission undertook to withdraw all copies of the manual and to publish an errata for subsequent editions, the NCCD decided not to issue a fine and to monitor the observance of the withdrawal of the manuals.

Case title	"Ziua" and The Union of Armenians from Romania v. Traian Băsescu, File No. 534/2007
Decision date	2 April 2007
Reference details	Consiliul Național pentru Combaterea Discriminării; National Council on Combating Discrimination
Key facts of the case	Following a surgery conducted by a doctor of Armenian descent, president Băsescu, mentioned in a press conference on 9.09.2007 while shaking hands with dr. Ghemigian: „ <i>Finally, I see a good Armenian</i> ” and added „a competent Armenian.”
Main reasoning/argumentation	The NCCD decided that the statement of the President was of a political nature in the context of a pending conflict between the President and the ministry of Finances also of Armenian descent and hence protected by the constitutional shield of immunity and that his statement must be read in the context of other statements of the president expressing his respect for the Armenian community.

Key issues (concepts, interpretations) clarified by the case	Freedom of speech and jeopardizing the dignity of a community, creating a degrading, humiliating and offensive environment in relation with the Armenian community in Romania; immunity of the President in case of a discourse of political nature.
Results (sanctions) and key consequences or implications of the case	The NCCD decided that the statements of president Bănescu were not meant to trigger a distinct treatment against Armenians and that there was no discrimination.

Case title	Glina School Segregation `case, File no. 22A Bis /2006, ex officio investigation of the NCCD against 3 schools in Ilfov county
Decision date	27 August 2007
Reference details	Consiliul Național pentru Combaterea Discriminării; National Council on Combating Discrimination
Key facts of the case	The NCCD started an ex officio investigation following a newspaper article entitled “ <i>La Glina, țiganii sunt exilați în clasele lor</i> ” [In Glina, Gypsies are Exiled in Their Own Classrooms] published in „Gândul” on 10.11.2006. The report mentioned the disparate percentage of Roma pupils in two different schools in Jilava (almost no Roma pupils in one of the schools and 95% Roma pupils in the other) and the segregation of Roma pupils in Jilava and Glina where Roma students were enrolled in separate classes.
Main reasoning/argumentation	In its reasoning, the NCCD referred to international prohibitions of school segregation (1960 UNESCO Convention on Fight Against Discrimination in Education and Council of Europe and CERD recommendations) and used the definition of school segregation proposed by the Ministry of Education as „establishment of groups including exclusively or preponderantly Roma pupils, regardless of the reasons invoked for the segregation.” The NCCD found that the composition of the two schools in Jilava is justified by the topography of the Roma community and that Roma pupils were segregated in the case of the school from Glina.
Key issues (concepts, interpretations) clarified by the case	School segregation (geographic segregation, segregation determined by the teaching of Romani language).
Results (sanctions) and key consequences or implications of the case	The NCCD found that the situation in one of the schools amounted to segregation and issued an administrative warning to sanction the deed of discrimination under Art. 2 para. 1 and Art. 2 para. 4 of the Ordinance 137/2000.

Case title	Romani CRISS v. Călin Popescu-Tăriceanu
Decision date	July, 17th,2007
Reference details	Consiliul Național pentru Combaterea Discriminării, Decision no.180; National Council on Combating Discrimination, appeal currently pending before the Appeal Court Bucharest
Key facts of the case	The Prime Minister Mr. Călin Popescu-Tăriceanu reportedly declared that Romanian police officers will be sent to Italy to help catch and repatriate the Roma who commit felonies, as they commit “ <i>all crimes possible, from violent theft, prostitution, to robbery and drug trafficking.</i> ” The police officers who will be sent would train Italian officers on “ <i>how to deal with the psychology and modus operandi of Roma who commit crimes.</i> ” <i>I want you to understand me very well; if Italy has been known in the 20’s due to the Mob, I don’t want Romania to affect, ruin its image because of these groups who commit all possible crimes from robbery, prostitution, drug trafficking, paedophilia and the list could continue.</i> ”
Main reasoning/argumentation	The NCCD maintained that the provisions of Art. 20 para.6 of the law on the burden of proof is not an accurate transposition of the reversal of the burden of proof and stated that the Romanian legislation provides in fact for a division of the burden of proof and a transfer of responsibility towards the defendant in relation with the elements under his responsibility. The NCCD stated that the Romanian law establishes “ <i>the obligation of the plaintiff to support his statements by proving the existence of a deed of such a nature which would create a presumption of differential treatment...only than, the defendant has the duty that the facts (complained against) are not discriminatory</i> ” In debating, ways in which media reported statements can amount to discrimination, the NCCD stated that “ <i>the use of appellatives such as ‘Gipsy/Gipsies’, ‘Rom/Roma’, ‘homosexuals’, ‘sidos’ [pejorative for person living with AIDS], ‘crow/crows’ etc., when speaking about certain categories of persons, must be analysed in the context, taking into consideration the manner of doing it and the location of the speech, the reason, the statements, articulated, publications, title of articles as well as their content, the points of view of those who wrote them, the method and the context of the statements as well as their impact and effects.</i> ”
Key issues (concepts, interpretations) clarified by the case	Infringement of the dignity of the Roma community; alleged racist discourse in the context of discussions on measures taken to combat crime as reported by the media; interpretation explaining what ‘diving the burden of proof’ means under the Romanian legislation.
Results (sanctions) and key consequences or implications of the case	The NCCD decided that the reported statements were not consistent with the transcripts of the recordings of the press conference and decided that the facts are not a deed of discrimination.

Case title	Daniel Zăvoian v. Distrigaz Sud, Decision 4222 in File no.710/4/2006
Decision date	August, 1st, 2007
Reference details (type and title of court/body; in original language and English [official translation, if available])	Judecătoria sectorului 4 București; First instance court No.4, Bucharest
Key facts of the case	The plaintiff complained of being subjected to discriminatory conduct based on his affiliation with an NGO defending the rights of LGBT in Romania (ACCEPT București). The plaintiff is employed by the NGO and when he went to pay the monthly bill to the defendant, employees of the defendant subjected him to degrading remarks. The plaintiff sought civil damages and asked the court to order to the defendant to take institutional measures to preclude discriminatory behavior in the future, to include in its internal norms a specific prohibition of discrimination on all grounds and to train its employees on anti-discrimination provisions.
Main reasoning/argumentation	The court defined “interest” in conjunction with “the practical gain obtained.” The interest must exist, be personal, real and actual and legal. The plaintiff proved the existence of the facts entailing an act of discrimination but the defendant did not prove that the facts proved are not discriminatory.
Key issues (concepts, interpretations) clarified by the case	The court clarified the concept of liability of the employer for the deeds of its employees under the anti-discrimination legislation in conjunction with the provisions of the Civil Code for torts. The court also discussed the issue of system remedies such as the institutional measures on combating discrimination and diversity management policies or the trainings requested by the plaintiff as a possible remedy. In deciding, the court also offered an explanation of the concept of reversal of the burden of proof, linking it to accessibility of evidence.
Results (sanctions) and key consequences or implications of the case	The defendant was ordered to pay 1000 Euro as civil damages but the Court considered that there is no interest for the plaintiff to request institutional measures on combating discrimination in the workplace. The decision was appealed both by the defendant and by the plaintiff.

Case title	The Decision on the Display of Icons in Public Schools
Decision date	November, 21 st , 2006
Reference details	Consiliul Național pentru Combaterea Discriminării, Decision No. 323, National Council on Combating Discrimination, the appeals filed by the plaintiff, the Ministry of Education, a series of religious NGOs was rejected by the Court of Appeal and the final appeal is currently pending before the High Court of Cassation and Justice
Key facts of the case	Mr. E.M. filed the NCCD arguing that the display of icons and religious symbols in the classroom of his daughter and in all classrooms of public schools in Romania amounts to discrimination on grounds of religion and requested for religious symbols to be allowed in classrooms only during the facultative course of religious education.
Main reasoning/argumentation	The NCCD analyzed the jurisprudence of the ECHR to discuss the “negative duty of the state to establish an environment which is not conducive to discrimination.” The NCCD argued that “the norm of the negative duty of the state, it is not a norm of neutrality in relation with the morals, it is a principle resulting from the equality of citizens and from their right to dignity.” The NCCD found that public schools must remain neutral and impartial and should take into consideration the religious options of all parents and pupils and that the unlimited and uncontrolled presence of religious symbols in public schools can run against the principle that the state is secular and against the principle of neutrality as well as against freedom of religion and belief.
Key issues (concepts, interpretations) clarified by the case	The debate around the case ended up highlighting key substantive issues such as: the relation between state and church, the meaning of neutrality and secularism, the rights of the child, the obligation of the state to create an environment free of discrimination versus the duty to maintain and foster the dissemination of traditional religious values. In the heat of the debate, particularly after the publication of the decision, the case also generated a vivid discussion on the mandate of the NCCD, the relation between the NCCD and other institutions (such as the Ministry of Education, the State Secretariat for Religious Denominations or the courts of law).
Results (sanctions) and key consequences or implications of the case	In its most controversial decision since its establishment, the NCCD decided that religious symbols can be displayed in public schools only in specific circumstances and recommended the Ministry of Education to develop regulations along these lines.

CC. Annex 2D: Criminal court cases

Case title	Decizia 1283 Dosar No. 13261/3/2007 (1667/2007) Romani CRISS (Roma Centre for Social Intervention and Studies) v. Noua Dreaptă and Tudor Ionescu
Decision date	06.09.2007
Reference details	Curtea de Apel București [Bucharest Court of Appeal], penal section
Key facts of the case	<p>Romani CRISS filed a criminal complaint against Noua Dreaptă[the New Right] and against its leader, Tudor Ionescu following a series of articles posted on the www.nouadreapta.org site, articles containing degrading, humiliating and offensive language about the Romani community and promoting a behaviour aiming to infringe a person's dignity or to create an intimidating, hostile, degrading, humiliating or offending environment against Roma minority. The plaintiff considered that the article ‘For how long will you stay aside?’ is prejudicial to the dignity of Roma ethnics and incites to racial hatred due to assertions such as: ‘You stayed away and witnessed the Gypsy aggressions. You witnessed the violence, effrontery and delinquency of this ethnic group that prejudices dignity and endangers the majority population. How long will you put up with this humiliation?’</p> <p>Another article, written by N.C., with the title We have had enough! includes the following: ‘We are fed up with bearing with the Gypsy aggression! To this danger of death that threatens our existence as people itself, we have the holy duty to fire an alarm signal and take URGENT measures.’</p> <p>Another defendant, P.V.M. signs the article “The Gypsy Problem” and presents his opinion on Roma people: “The Gypsy community represents an explosive criminal potential. Burden with their condition, impulsive, united in evil, the Gypsies represent a foreign and impossible to integrate community. That is why it’s the duty of the people in power to act.”</p>
Main reasoning/argumentation	The plaintiff, a Roma NGO specialized in the protection of the rights of Roma, asked the defendants to be investigated and judged for the crime of incitement to discrimination and violation of certain provisions of G.O. 31/2002, with

	subsequent modifications and completions. The Prosecutor's office within Tribunalul București [Bucharest High Court of Law] has decided not to initiate criminal investigation. The High Court of Law has confirmed the Prosecutor's decision. The Court of Appeal has confirmed the initial decisions and as a result all internal remedies have been exhausted. The Court of Appeal is to communicate the motivated decision, the intention of the NGO being to file a petition before the European Court on Human Rights.
Key issues (concepts, interpretations) clarified by the case	The case challenged the application of the criminal provisions on incitement to discrimination as introduced in 2006 and the provisions on inciting to hatred, as well as the application of the provisions on the prohibition of fascist, racist and xenophobic organizations and symbols.
Results (sanctions) and key consequences or implications of the case	The criminal complaint of the NGO was rejected by the prosecutor who decided not to send the file before the courts of law and the successive appeals of Romani CRISS against the decision of the prosecutor were rejected by the court.

DD. Annex 4: Statistical data – Racist violence and Crime

Romanian General Police Inspectorate - statistics – 01.01.2007-30.09.2007				
Abuse in the exercise of authority (art.246, art.247, art.248 of the Penal Code)	Number of incidents reported by the public	Number of incidents recorded by the police (the criminal investigation has started or they were declined the competence)	Number of cases solved by the police	Number of cases sent to the prosecutor's office with the proposal to be sent to court
	10.053	2.886	105 (Art.247 - Abuse in the exercise of authority against the rights of the person)	1
			4 (Art.317 - Nationalistic and xenophobic propaganda)	0
			11 (Art.318 - Impeding the free exercise of religion)	1
			118 (Art.319 - Profanation)	30

Source: Response of the Romania/ Inspectoratul General al Poliției Române (IGP) [General Inspectorate of the Romanian Police - GIP], Nr. 142.170 from 23.10.2007, on file with the NFP.

Situation on racist violence and crime for the First Semester, 2007 – General
Public Prosecutor's Office

Crime	Number of cases solved, out of which:	Number of cases sent to court	Number of cases discharged by the prosecutor, out of which:	Because of their acts represent a low danger to society, art.18 ¹ of the Criminal Code	Because the formal conditions for the prosecution are not fulfilled	Number of public officers trialed
Art.317 C.p. - Nationalistic and xenophobic propaganda	5	0	0	0	0	0
Art.318 C.p. - Impeding the free exercise of religion	3	0	0	0	0	0
O.U.G. nr.31/2002 prohibiting organisations and fascist, racist, xenophobe symbols and promoting the veneration of the persons guilty of crimes against peace and humanity	6	0	3	2	0	0

Source: Reponse of the General Public Prosecutor's Office No.2560 from 26.10.2007, on file with the NFP.

Situation with the number of places for Roma minority in police forces

Period and education institution	Number of places in the police force allocated for the Roma minority	Number of places in the police force occupied by the Roma minority
November 2005	22	5
March & April 2006	20	15

Along 2006	53 – police officers 11 – police agents	11 (8 men & 3 women) 10 (7 men & 3 women)
Along 2007 “Vasile Lascăr” Police Agents School, Câmpina	20 (out of a total of 702)	58 candidates – 13 places were occupied
Along 2007 “S. Mureşan” Police Agents School, Cluj Napoca	5 (out of a total of 150)	13 candidates – 3 places were occupied
Along 2007 “Alexandru Ioan Cuza” Police Academy	5	15 candidates – all 5 places were occupied

Source: Response of the Romania/ Inspectoratul General al Poliţiei Române (IGP) [General Inspectorate of the Romanian Police - GIP], Nr. 142.170 from 23.10.2007, on file with the NFP.

EE. Annex 5: Statistical data – Employment

FF. C.1. Employment

Table C.1.1: Total of visa requests for short term staying(VSS) approved by the Romanian Office for Immigrations

Scope	Total VSS 2007	Total VSS 2006	Difference	%
Business	1304	713	591	82.9%
TOTAL	5140	4725	415	8.8%

Table C.1.2: Total of visa requests for long term staying(VLS) approved by the Romanian Office for Immigrations

Scope	Total VLS 2007	Total VLS 2006	Difference	%
Employment	1615	1170	445	38.0%
Trade	372	569	-197	-34.6%
TOTAL	5962	4327	1635	37.8%

Table C.1.3: Requests of short term visas approved by country

Country	Total 2007	Total 2006	Difference	%
MOLDOVA	955	0	955	-
CHINA	399	476	-77	-16.2%
EGYPT	350	356	-6	-1.7%
TURKEY	229	218	11	5.0%
INDIA	215	155	60	38.7%
SYRIA	189	162	27	16.7%
IRAN	181	117	64	54.7%
TUNISIA	158	75	83	110.7%
LIBAN	137	122	15	12.3%
ALBANIA	110	117	-7	-6.0%
Other	1098	1145	-47	-4.1%
Grand Total	4021	2943	1078	36.6%

Table C.1. 4: Requests of short term visa approved for business purposes

Scope	VSS 2007	VSS 2006	Difference	%
Business	809	713	96	13.5%

Table C.1.5: Requests of short term visa denied for business purposes

Scope	VSS Denied 2007	VSS Denied 2006	Difference	%
Business	495	703	-208	-29.6%

Table C.1. 6: Requests of long term staying visas approved by country

Country	Total 2007	Total 2006	Difference	%
TURKEY	1598	889	709	79.8%
MOLDOVA	955	18	937	5205.6%
CHINA	750	815	-65	-8.0%
UKRAINE	367	230	137	59.6%
INDIA	184	64	120	187.5%
IRAQ	156	79	77	97.5%
SERBIA	131	147	-16	-10.9%
SYRIA	119	116	3	2.6%
LIBAN	118	104	14	13.5%
ISRAEL	74	114	-40	-35.1%
Other	792	895	-103	-11.5%
Grand Total	5244	3471	1773	51.1%

Table C.1.7: Requests of long term staying visas approved by purpose

Scope	VLS Aviz. 2007	VLS Aviz. 2006	Difference	%
Employment	1496	1012	484	47.8%

Table C.1.8: Requests of long term staying visas denied by purpose

Scope	VLS Resp. 2007	VLS Resp. 2006	Difference	%
Employment	119	158	-39	-24.7%

Table C.1.9: Total of foreigners with temporary staying by purpose

Scope	Total 2007	Total 2006	Difference	%
Trade/business	7065	8821	-1756	-19.9%
Employment	5948	4471	1477	33.0%

Source: Romania/ Centrul de cercetare, analiză și prognoză al Oficiului Român pentru Imigrări for the period 26.08 – 11.09.2007.

Table C.1.10: Number of active work permits in the 1st Quarter 2007, by county/region in which are the headquarters of the employer of the foreign worker

Region	Number of permits
North-East	564
West	460
South East	557
North West	497
South Muntenia	644
Center	414
South West Oltenia	161
Bucharest	5.655
TOTAL	8952

Table C.1.11. The percentage of persons having active work permits in the 1st Quarter 2007, by monthly wage written in the individual work agreement

Wage groups – RON	Number	% of total
1.270 ¹ – 2.500	8.442	94,3
2.501 – 5.000	254	2,8
5.001 – 141.670	256	2,9

¹In 2007, the average wage for the national economy is 1,270 RON - source: National Forecast Commission.

Table C.1.12.: Number of active work permits, by domain of activity of the employers (Active permits IN March 31, 2007)

FIELD	NUMBER	%
Total, out of which	8.952	100
production	2.366	26,4
commerce	2.510	28,0
gambling	140	1,6
cultural	185	2,1
banking	1.001	11,2
services	1.782	19,9
constructions	834	9,3
transport and telecommunications	134	1,5

Table C.1.13: Number of active work permits, by type of the position held in the unit

FIELD	NUMBER	%
Total, out of which	8.952	100
Management position	2.191	25,0
Execution position	6.761	75,0

Table C.1.14: Number of active work permits, on age groups, March 31, 2007

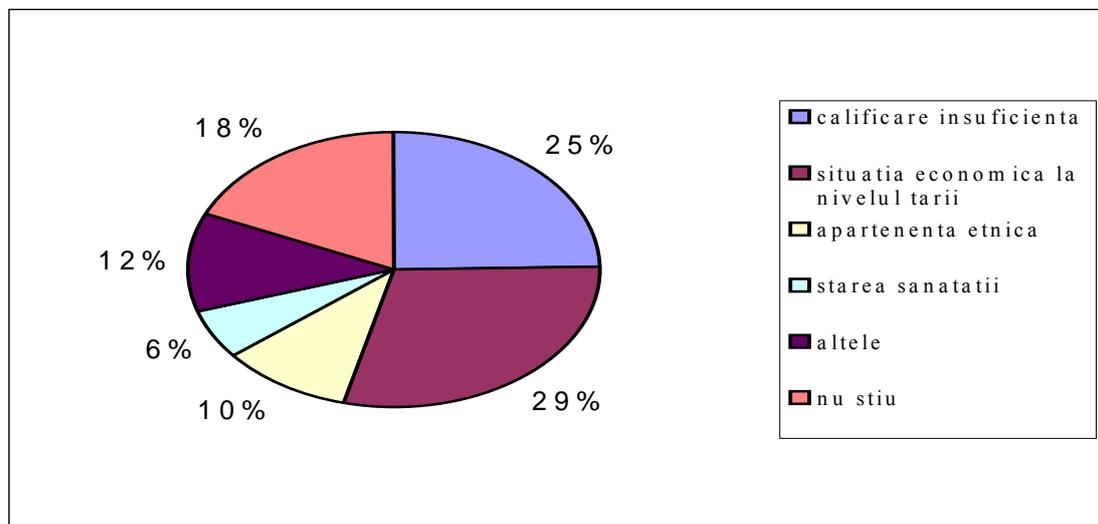
AGE	NUMBER	%
TOTAL	8.952	100,0
18 - 25	1.415	15,8
26 - 35	3.464	38,7
36 - 45	2.489	27,8
Over 45	1.584	17,7

Source: *The Quarterly Statistical Bulletin on Labour and Social Protection of the Ministry of Labor, Family and Equal Opportunities - Buletin statistic trimestrial în domeniul muncii și protecției sociale, Quarterly Statistical Bulletin on Labour and Social Protection,*

http://www.mmssf.ro/website/ro/statistici/buletin_pdf.jsp (29.10.2007)

Graph C.1.15: Barriers in finding employment

Graph 1. Barriers in finding employment



Under – qualification – 25%

The situation of the economy of the country – 29%

Ethnic affiliation – 10%

Health status – 6%

Other- 12%

Don't know – 18%

Source: Gelu Duminiță, Agenția pentru Dezvoltare Comunitară Impreună, “Roma Access on The Labor Market, CASE STUDY – ROMANIA” on file with the NFP. *The study includes a qualitative survey including a multiple-answers interview assessing perceived limits to access to employment: 25 % of the interviewees admit to be under - qualified. The economy of the country, is perceived by 29 per cent of the interviewees, as another determining factor in*

the failure to find employment. The health state is also invoked by six percent and ethnic affiliation is seen as a barrier by ten per cent.

Annex 6: Education

Participation in education. Evolution of student numbers

		2005/2006	2006/2007
Preprimary education	Total	648338	648862
	Urban	320950	320682
	Rural	327338	328180
Primary education*	Total	939330	919439
	Urban	451650	444696
	Rural	487680	474743
Lower secondary*	Total	961231	922769
	Urban	520062	492222
	Rural	441169	430547
Upper secondary	Total	767543	778351
	Urban	542784	543866
	Rural	221759	234485
Vocational education	Total	284394	250366
	Urban	144064	125877
	Rural	140330	124489
Post-secondary education	Total	43596	37678
	Urban	33286	29186
	Rural	10310	8492
Higher education	Total	716464	785506
	Public	513678	520263
	Private	202786	265243
Total		4360896	4342971

* It includes both mainstream, and special education.

Obs. Data do not include foreign students.

Source: INS, 2001-2007.

Gross enrolment rate in all levels of education

	2005/ 2006	2006/ 2007
Total	72,6	71,5
Female	74,7	73,4
Male	70,6	69,7

Obs. The calculations do not include pre-primary education.

Source: Date calculated based on information from INS, 2007

Phare 2004 pilot school visits																							ANNEX 4.			
Counties	AG	BH	BN	BT	BV	B	BZ	CL	CT	CS	DJ	GL	GJ	HD	IF	MH	OT	PH	SJ	SM	SV	TR	TM	TL	VS	Total
0 No. of pilot schools	9	9	9	10	6	8	7	9	6	8	6	10	4	7	11	10	6	6	10	10	10	12	9	9	8	209
4. Schools with classes I-VIII	1	6	8	5	4	7	5	8		6	3	9	3	6	11	7	1	4	5	7	9	11	5	6	3	140
4a. Schools with classes I-VIII +SAM						1		1				1					4	1	3	2	1	1		1		16
4b. Schools with classes I-VIII + Kindergarten		2		1										1											1	5
5. Schools with classes I-IV	6			1			2				1		1			3		1					4	1	2	22
5a. Schools with classes I-IV + kindergarten	2			2																4						8
6. Pre-schools/ kindergartens		2		1															1							4
7. VET schools		1	1		1					2							1							1	2	9
8. School support group working	8	7	7	10	3	6	7	9		6	4	8	3		1	10	6	2	4	10	10	10	2	9	8	150
9. More than 50 % Roma population in school catchment area	9	2	2	4	1		3	4		3	2	2						2		5		2			7	48
10. Less than 50% Roma population in school catchment area		4	7	6	1		4	5		5	1	8						4		5	10	10			1	71
13. Non-traditional Roma communities		3	9	10			7	7		4			4					6		9					6	65

GG.

HH. Annex 7: Housing

Table 1 - „On the next list are enumerated various social groups. Could you choose please the ones that you don't want as neighbours ...?”

	Homosexuals	Roma	Hungarians	Jewish	Immigrants/ workers from abroad
Non-mentioned	41.7	72.9	74.0	74.1	76.0
Mentioned	52.1	21.2	19.8	19.6	17.7
Non-answer	6.2	5.9	6.2	6.3	6.4
Total	100.0	100.0	100.0	100.0	100.0

Source: Roma Inclusion Barometer, Nov. 2006, Open Society Foundation

Table 2 - „Would you say your opinion regarding next sentence:”

	Germans from Romania	Hungarians from Romania	Roma from Romania
	„should be let to live following their ethnic customs” (score 1) or „should live following Romanians customs” (score 10)		
Average score	4.71	4.77	4.61

Source: Roma Inclusion Barometer, Nov. 2006, Open Society Foundation

Table 3 - „Please, express your opinion regarding next sentences:”

Respondent Ethnicity/ nationality	“Roma from Romania should be let to live following their ethnic customs ” or “Roma from Romania should be let to live following Romanians customs ”										Total (%)	Average
	1 <i>ethnic</i>	2	3	4	5	6	7	8	9	10 <i>Romanians</i>		

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Romanian	28.1	5.5	7.1	5.5	9.8	4.6	5.1	5.2	4.4	24.6	100.0	5.230
Hungarian	48.4	6.3	6.3	2.1	9.5	5.3	2.1	4.2	2.1	13.7	100.0	3.716
Roma	37.3	10.4	8.6	4.2	8.6	5.6	3.6	4.2	3.7	14.0	100.0	4.163
Other	23.1	23.1	3.8	7.7	11.5			3.8	11.5	15.4	100.0	4.577
Total	33.4	7.9	7.6	4.7	9.2	5.4	4.3	4.8	3.9	18.9	100.0	4.612

Source: Roma Inclusion Barometer, Nov. 2006, Open Society Foundation

Table 4 - „Currently, in Romania, do you think that Roma people have ...?”

	Other	Roma	Total	Other	Roma	Total
	(total options by ethnicity - by columns)			(total options by perception - by rows)		
<i>Too many rights</i>	14.3%	2.8%	8.3%	82.1%	17.9%	100.0%
<i>Too less rights</i>	26.1%	75.9%	52.1%	23.9%	76.1%	100.0%
<i>As much as necessary</i>	46.8%	16.0%	30.7%	72.7%	27.3%	100.0%
<i>I don't know</i>	8.2%	3.5%	5.8%	67.9%	32.1%	100.0%
<i>Non-answer</i>	4.6%	1.8%	3.1%	70.6%	29.4%	100.0%
Total	100.0%	100.0%	100.0%	47.7%	52.3%	100.0%

Source: Roma Inclusion Barometer, Nov. 2006, Open Society Foundation

Table 5 - Various housing indicators

Other ethnicity Roma ethnic

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Rooms/ dwelling	3,0 6	2,49
Persons/ dwelling	3,6	5,7
Persons/ room	1,2 2	2,28
*Average square room - m²	23, 51	21,69
*Average square of dwelling - m²	69, 83	52,35
Average square / person - m²	11, 92	6,32

* These values are far above the national average (31 m² / dwelling and 14 m² / room). The potential explanation could consist in data gathering/ data base introduction errors.

Table 6 – Roma housing indicators: average square/ room and average square/ person related to national average

<i>Average square room *</i>	<i>Up to 13,86 m²/ room (%)</i>	<i>Over 13,87 m²/ room (%)</i>	<i>Average (m²)</i>
Other ethnicity	16.8	83.2	23,51
Roma Ethnic	27.0	73.0	21.69
Total	22.4	77.6	22,60
<i>Average square / perso n</i>	<i>Up to 11,90 m²/ person (%)</i>	<i>Over 11,91 m²/ person (%)</i>	<i>Average (m²) **</i>
Other ethnicity	25,0	75,0	11,92
Roma Ethnic	65,3	34,7	6,32
Total	47,3	52,7	8,37

* From the analysis were removed the cases of dwellings having a total surface higher than 301 m² (2 cases).

** Were removed from analysis the cases in which average square/ person was over 100,1 m² (16 cases). On the other hand, the average value of this indicator (Total) is very small as comparative with official data (around 12 m²/ person).

Source: Roma Inclusion Barometer, Nov. 2006, Open Society Foundation

Table 7 – Housing density (inhabitants/ room) (%)

Inhabitants /room	Other ethnicity	Roma ethnic	Total
Up to 1 (up to 1,18)	51,5 (51,7)	18,7 (18,8)	34,4 (34,6)
Between 1,01 – 2 (Between 1,19 – 2)	38,2 (37,9)	31,8 (31,8)	34,9 (34,7)
Between 2,01-3	6,6	20,5	13,8
Between 3,01-4	2,0	13,2	7,9
Between 4,01-5	1,3	7,9	4,7
Between 5,01-6	0,2	3,1	1,7
Between 6,01-7	0,2	2,1	1,2
Over 7,01	0,0	2,6	1,4

Source: Roma Inclusion Barometer, Nov. 2006, Open Society Foundation

Table 8 - Housing density (inhabitants/ room) for roma and non-roma by monthly household income * (Income Deciles - %)

	Income Deciles / household	Up to 1	Between	Between	Between	Between	Between	Between	Above 7,01	Total
Other ethnicity	D1	53.3	33.3	13.3						100.0
	D2	37.9	27.6	24.1	6.9	3.4				100.0
	D3	67.4	23.9	4.3	2.2	2.2				100.0
	D4	65.3	24.0	5.3		2.7	2.7			100.0
	D5	60.9	18.8	11.6	5.8	2.9				100.0
	D6	63.1	29.7	3.6	1.8	0.9		0.9		100.0
	D7	58.7	32.1	6.4	1.8			0.9		100.0
	D8	55.9	36.4	4.9	2.1	0.7				100.0
	D9	43.1	44.4	6.9	2.5	2.5		0.6		100.0
	D10	44.7	46.5	6.2	1.6	0.8	0.2			100.0
	Total	51.5	38.2	6.6	2.0	1.3	0.2	0.2		100.0

Roma Ethnic	D1	28.5	26.9	15.4	10.8	13.1	2.3	0.8	2.3	100.0
	D2	21.2	30.6	15.9	14.1	7.1	4.7	2.9	3.5	100.0
	D3	20.5	35.2	13.1	14.8	5.7	4.1	1.6	4.9	100.0
	D4	17.2	31.8	22.9	14.6	6.8	1.6	2.6	2.6	100.0
	D5	15.3	33.3	20.0	16.0	7.3	5.3	1.3	1.3	100.0
	D6	13.9	35.2	25.4	10.7	9.8	2.5	1.6	0.8	100.0
	D7	13.2	33.0	23.1	11.0	12.1	2.2	1.1	4.4	100.0
	D8	19.3	32.5	21.7	14.5	3.6	1.2	4.8	2.4	100.0
	D9	19.2	29.5	24.4	10.3	7.7	3.8	2.6	2.6	100.0
	D10	18.4	31.1	23.4	13.1	7.0	2.9	2.0	2.0	100.0
	Total	18.7	31.8	20.5	13.2	7.9	3.1	2.1	2.6	100.0

* A most significant analysis should take into account income deciles/ person but not per household

Source: Roma Inclusion Barometer, Nov. 2006, Open Society Foundation

Table 9 – Dwellings distribution by number of rooms for Roma ethnics (%)

Dwellings	TOTAL (roma ethnics)
- with 1 room	16.9%
- with 2 rooms	41.9%
- with 3 rooms	24.7%
- with 4 rooms	12.1%
- with 5 rooms +	4,4 %

Source: Roma Inclusion Barometer, Nov. 2006, Open Society Foundation

Table 10 – The way of housing and type of occupancy (%)

Apartment in block	8,3
Cottage / Villa	84,6
Other types ⁽¹⁾	5,7
NA	1,4
Rented: TOTAL – from which	10,0
Public rental	4,6
Private rental	1,4
Owned	43,8
Other types	14,3
Don't know	33,9
NA	2,0

⁽¹⁾“Other forms” include: empty dwelling; no legal papers/ dwelling built on public land; Uscătoria blocului/ in an apartment (clandestin); shack; dwelling abusive occupied.

Source: Roma Inclusion Barometer, Nov. 2006, Open Society Foundation

Table 10 – Do you have currently a valid contract (tenant or owner) for the dwelling you are occupying?

Other ethnicity Roma ethnic

Yes, we have a valid contract	81.1	65.9	73.2
No, we have a contract but it is not anymore valid	1.1	3.9	2.5
No, we don't have any kind of contract	15.4	24.7	20.3
I don't know	1.8	4.4	3.1
Non-answer	0.6	1.1	0.9
Total	100.0	100.0	100.0

Source: Roma Inclusion Barometer, Nov. 2006, Open Society Foundation

Table 11 – Roma households that have kitchen and toilet (%)

		Other ethnicity	Roma ethnic	Total
Kitchen	Normal	73,8	30,0	50,9
	Used also as bedroom	24.2	59.6	42.7
Toilet (WC) *	Inside (flushing)		9,1	
	Outside the house		80,8	
	Without WC		10,1	

Source: Roma Inclusion Barometer, Nov. 2006, Open Society Foundation

Table 12 – Roma dwellings equipments & public utilities (%)

Running water:	24,5
- inside the house	13,2
- outside (courtyard)	11,3
Own fountain in the courtyard	26,6
Public fountain	45,6
Electricity	86,9
Natural gas	12,5
Sewage system	13,4

Source: Roma Inclusion Barometer, Nov. 2006, Open Society Foundation

Table 13 – Roma dwellings heating type (%)

Central district heating	4,0
Electric heating	1,1
With coal, wood	82,9 *
With offal vegetables, cardboards	8,5
Do not heat	3,0
Other types of fuel (grape-wine, sawdust, tyres)	0,5

* (stove, but also including gas)

Source: Roma Inclusion Barometer, Nov. 2006, Open Society Foundation

Table 14 - In general, how satisfied are you with ...?

	your house			your neighborhood		
<i>Very satisfied</i>	24.0	11.3	17.4	16.1	9.5	12.6
<i>Satisfied</i>	52.0	32.0	41.5	49.4	33.2	40.9
<i>Nor satisfied, neither unsatisfied</i>	16.0	23.6	19.9	22.2	30.7	26.6
<i>Unsatisfied</i>	5.7	20.4	13.4	8.8	17.7	13.5
<i>Very unsatisfied</i>	1.6	12.1	7.1	2.9	8.2	5.6
<i>NA/ DK</i>	0.7	0.6	0.7	0.6	0.8	0.7
<i>Total</i>	100.0	100.0	100.0	100.0	100.0	100.0

Source: Roma Inclusion Barometer, Nov. 2006, Open Society Foundation

Table 15 – Your house it is situated ...

	Other ethnicity	Roma ethnic	Total
In the central area	14.4%	8.4%	11.3%
In the middle area	32.6%	18.3%	25.1%
In the periphery area	48.6%	68.0%	58.8%
I don't know	.8%	1.1%	1.0%
No Answer	3.6%	4.2%	3.9%
Total	100.0%	100.0%	100.0%

Source: Roma Inclusion Barometer, Nov. 2006, Open Society Foundation

Table 16 – How do you appreciate the situation of your neighbourhood regarding ...

	Other ethnicity	Roma ethnic	Total	Other ethnicity	Roma	Total
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A.1.1.6.

A.1.1.5.

				ethnic		
	<i>Roads state of repair</i>			<i>Street lighting</i>		
Very good	5.2%	3.3%	4.2%	8.9%	4.8%	6.8%
Good	25.4%	15.5%	20.2%	38.8%	21.2%	29.6%
Satisfied	24.8%	17.6%	21.0%	26.3%	19.2%	22.6%
Bad	25.4%	29.2%	27.4%	12.8%	26.0%	19.7%
Very bad	18.2%	33.1%	26.0%	5.7%	18.6%	12.4%
It is missing	0.4%	0.8%	0.6%	6.7%	9.7%	8.2%
DK/ NA	0.6%	0.4%	0.5%	0.9%	0.6%	0.7%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Source: Roma Inclusion Barometer, Nov. 2006, Open Society Foundation

Table 17 – According with your opinion, it is OK or it is not OK that Romanians and Roma live together in the same area of a locality?

	Other ethnicity	Roma ethnic	Total
Very bad	7.9%	.8%	4.2%
Bad	26.6%	8.7%	17.2%
Good	48.6%	50.2%	49.4%
Very good	11.2%	36.6%	24.5%
DK	5.2%	2.8%	4.0%
NA	.6%	.9%	.8%
Total	100.0%	100.0%	100.0%

Source: Roma Inclusion Barometer, Nov. 2006, Open Society Foundation

How much arrears do you have for public utilities consumption? (intreținere)

92.74% **no arrears at all**

0.95% arrears up to 100 RON

1.73% arrears up to 500 RON

2.15% arrears up to 1000 RON

1.24% arrears up to 2000 RON

0.78% arrears up to 4000 RON

0.41% arrears up to 7000 RON

Average debt was in Nov. 2006 of 94,7 RON

How much arrears do you have for electricity?

87.8% **no arrears at all**

3.4% arrears up to 100 RON

4.3% arrears up to 500 RON

2.3% arrears up to 1000 RON

1.33% arrears up to 2000 RON

0.9% arrears up to 15000 RON

Table 18 – Roma household assets -%-

	Other ethnicity	Roma ethnic	Total
Cooking machine			
Refrigerator	85,1	36,8	59,9
Washing machine	47,8	9,4	27,7
TV set	90,1	63,5	76,2
Automobile	33,8	5,8	19,2
Telephone	43,9	8,0	25,1
Mobile phone (inclusive job one)	55,9	28,2	41,4

Source: Roma Inclusion Barometer, Nov. 2006, Open Society Foundation

Table 20 – Dwelling age (period of construction)

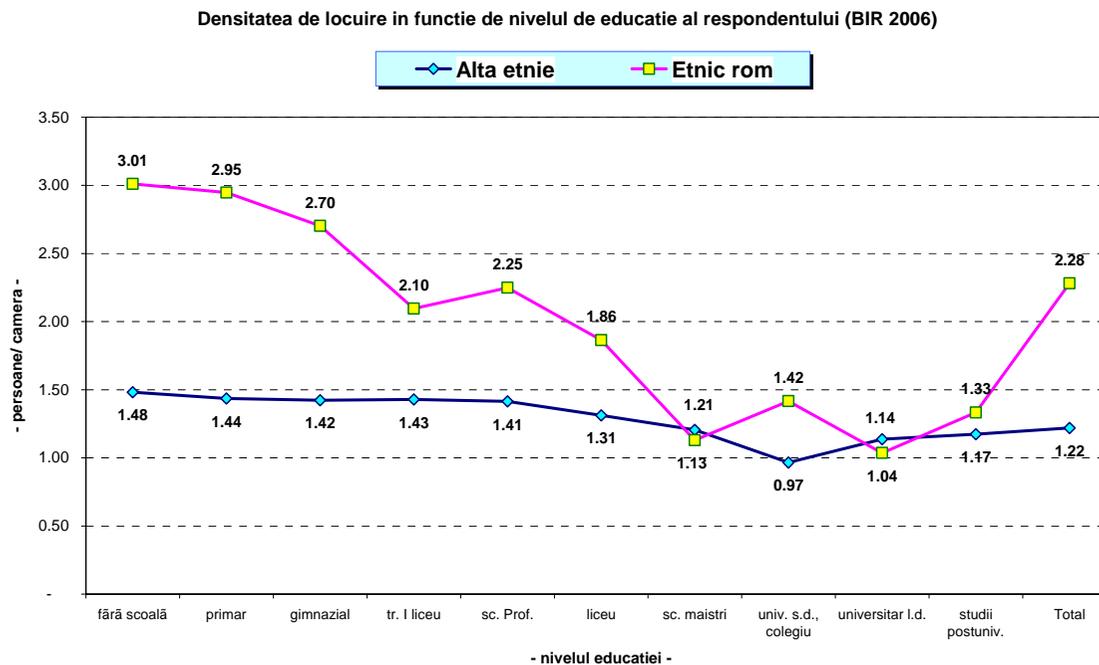
Built between	Total	Other ethnicity	Roma ethnic
1850-1899	0.8	0.7	1.0
1900-1925	1.7	1.9	1.5
1925-1950	6.8	5.9	7.8
1951-1977	22.2	15.1	30.0
1978-1990	14.0	12.3	15.8
1990-2006	54.5	64.1	43.8
Total	100.0	100.0	100.0

Source: Roma Inclusion Barometer, Nov. 2006, Open Society Foundation

Table 21 – What is the dominant construction raw material for your dwelling?

	Other ethnicity	Roma ethnic	Total
Concrete	1.5%	.6%	1.0%
Stone, bricks	32.4%	28.5%	30.4%
Wood	7.1%	10.0%	8.6%
paiantă, chirpici	19.6%	43.2%	31.9%
Other materials	1.2%	2.8%	2.1%
DK	35.0%	8.3%	21.0%
NA	3.2%	6.5%	4.9%
Total	100.0%	100.0%	100.0%

Source: Roma Inclusion Barometer, Nov. 2006, Open Society Foundation



II. Anexe 8

Tabel 1 The profile of poverty³²⁸

³²⁸ The diagnosis of poverty and risks in development of children in Romania, Romanian Academy, Zamfir, Catalin (coordinator), 2005

Individual Characteristics	Structure of population										Total Poverty Rate (against a line of 1.535.370 ROL)									
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Total	100	100	100	100	100	100	100	100	100	100	25,4	20,1	30,3	30,8	33,2	35,9	30,6	28,9	25,1	18,8
Age																				
0-16 years old	23,9	23,5	22,8	22,3	22,0	21,7	21,0	21,0	20,3	19,9	29,1	23,1	33,9	34,9	38,5	42,2	36,4	35,2	30,9	24,4
17-24	13,0	13,2	13,4	13,5	13,5	13,3	12,6	12,3	12,0	12,0	31,3	26,7	37,7	38,1	41,1	43,8	38,4	36,1	30,9	24,7
15-64 years old	51,0	51,1	51,2	51,4	51,6	51,6	52,8	53,0	53,4	53,7	21,0	16,6	25,8	26,3	28,5	31,3	26,0	24,6	21,6	15,9
65 and over	12,1	12,2	12,6	12,8	13,0	13,3	13,6	13,8	14,3	14,5	30,8	21,8	34,1	34,0	34,8	35,2	32,0	29,4	24,9	16,7
Children Characteristics																				
Area of residence																				
Urban	56,1	56	54,8	54,1	52,9	51,7	50,8	50,7	48,4	49,2	18,5	14,8	22,8	23,4	25,8	29,9	21,9	21,6	16,5	15,6
Rural	43,9	44	45,2	45,9	47,1	48,4	49,2	49,4	51,6	50,8	42,7	33,5	47,4	48,5	52,8	55,5	51,3	49,1	44,5	32,9
Children in HH with:																				
1 children	30,1	31,5	32,1	32,9	33,4	33,9	36,6	36,5	37,6	38	18,9	15,3	23,1	24,0	26,1	29,7	24,0	22,1	20,0	14,5
2 children	38,9	39,8	39,2	40,2	40,2	40,5	39,6	39,5	39,3	40	21,0	17,0	27,1	29,1	32,0	36,1	29,7	30,2	26,0	21,1
3 children	15,5	14,8	15,8	14,3	14,9	13,5	11,9	11,7	11,5	11,7	38,7	30,4	44,0	48,0	57,0	62,4	58,5	54,8	48,7	37,3
4 + children	15,5	13,9	12,9	12,7	11,5	12,1	11,8	12,4	11,5	10,3	59,9	50,3	68,9	66,8	73,5	75,4	74,6	70,9	65,5	59,2
Nationality																				
Romanian	90,4	90,5	89,2	89	88,7	88,5	88,9	89,1	88,9	88,2	27,7	21,5	31,9	32,7	36,8	40,2	34,2	33,3	28,9	21,6
Hungarian	5,67	5,66	5,63	5,52	5,67	5,76	5,49	5,14	5,1	5,71	24,8	18,6	28,3	26,3	28,5	36,8	27,3	27,4	18,3	16,5
Rroma	3,13	2,93	4,33	4,65	4,82	4,73	4,84	4,73	5,04	5,32	74,7	73,8	80,5	84,7	80,1	85,9	85,5	82,3	80,3	77,2
Other	0,8	0,96	0,85	0,88	0,86	1,05	0,82	1,06	0,93	0,82	42,3	39,9	42,2	43,8	47,3	48,2	43,2	25,4	23,2	36,1
Children in HH in which the education level of the HH head is:																				
no formal education	2,65	2,28	2,35	2,38	2,27	2,3	3,02	3,17	2,6	3,06	70,1	55,4	72,4	73,0	81,2	79,6	82,9	80,0	75,4	68,4
primary, grades 1-4	12,2	10,9	10,5	10,6	10,9	10,6	11,4	10,7	9,79	10,5	57,8	52,1	63,1	64,2	64,9	71,3	67,0	65,1	60,5	47,4
middle, grades 5-8	23,2	19	18	16,6	17,7	17,2	18,3	19,3	18	17,6	43,8	33,0	53,7	53,3	58,5	61,6	56,9	53,7	48,9	41,3
vocational/apprentice	28,4	30,3	30,8	30,8	31	30,7	30	30	31	31,6	23,1	19,9	29,5	32,2	37,9	42,3	33,0	34,0	28,3	21,9
highschool	21,1	25,6	26	27,6	27,1	28,5	26	25,7	27,8	25,9	14,1	13,4	23,3	24,8	25,5	29,1	20,6	18,1	17,8	11,3
Post-secondary	5,61	5,1	5,48	5,26	4,43	4,55	4,77	4,24	4,16	3,96	7,3	4,7	10,0	10,1	11,3	13,9	9,0	9,7	8,5	3,1
higher school	7	6,76	6,84	6,74	6,69	6,19	6,6	6,94	6,7	7,31	2,1	2,3	2,5	3,3	2,2	5,5	2,8	1,5	2,7	1,4
Children in HH in which the occupation of the HH head is:																				
Employee	63,6	63,1	61,1	56,9	51,6	48,2	45,2	44,9	45,6	46,4	18,7	13,6	21,8	21,7	22,3	24,4	16,7	15,5	12,3	9,4
Employer	0,77	1,02	0,92	0,93	0,71	0,55	0,9	1,33	0,82	1,19	1,0	1,4	1,7	1,0	0,0	4,3	3,5	2,2	0,7	0
self-employed non-agriculture	4,01	4,28	4,98	5,5	6,46	6,6	6,29	6,27	6,57	7,47	42,5	35,8	49,0	51,2	56,7	59,3	45,6	41,6	40,4	32,7
self-employed agriculture	9,9	10,4	11	12,4	12,7	15,2	16,8	17,5	18,6	15,5	63,4	53,4	66,7	64,4	68,0	71,2	69,7	64,1	59,8	46,9
Unemployed	7,35	5,95	7,23	8,92	11,4	11,8	10,7	8,81	7,91	8,81	54,5	43,7	56,4	54,7	55,3	59,3	51,8	55,6	43,0	48,6
Pensioner	12,6	13,3	13,1	13,9	15,7	16,2	18,2	19	18,5	18,7	34,5	29,5	43,2	42,9	47,0	48,3	40,4	42,1	38,1	27,6
pupil, student	0,06	0,05	0,04	0,05	0,03	0,02	0,05	0,08	0,07	0,07	6,3	42,5	13,2	51,3	0,0	30,0	30,9	8,4	8,6	31,1
Housewife	0,59	0,76	0,78	0,8	0,99	0,73	0,89	1,1	1,16	1,25	49,3	43,6	60,2	62,2	72,6	54,6	71,2	72,2	44,9	43,7
Other	1,07	1,2	0,86	0,67	0,48	0,82	0,91	0,96	0,83	0,61	55,1	44,5	65,5	62,3	67,7	69,7	72,1	68,5	67,1	54,5

Individual Characteristics	Income Gap Ratio (against a line of 1.535.370 ROL)										Total Poverty Gap (against a line of 1.535.370 ROL)									
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Total	26,4	23,7	26,2	25,9	26,5	26,7	25,9	26,3	24,2	23,7	6,7	4,8	7,9	8,0	8,8	9,6	7,9	7,6	6,1	4,5
Age																				
0-16 years old	27,5	24,6	28,2	27,2	28,0	28,8	28,0	28,7	25,8	24,7	8,0	5,7	9,5	9,5	10,8	12,2	10,2	10,1	8,0	6,0
17-24 years old	28,5	25,1	28,0	28,4	29,3	28,9	27,9	28,4	26,6	25,6	8,9	6,7	10,6	10,8	12,0	12,7	10,7	10,2	8,2	6,3
25-64 years old	25,4	22,9	25,3	25,0	25,4	25,8	25,0	25,2	23,3	23,1	5,3	3,8	6,5	6,6	7,2	8,1	6,5	6,2	5,0	3,7
65 and over	25,2	22,9	23,3	23,4	23,7	22,9	22,8	22,9	21,7	21,6	7,8	5,0	7,9	7,9	8,2	8,1	7,3	6,7	5,4	3,6
Children Characteristics																				
Area of residence																				
Urban	25,1	22,7	26,2	24,9	25,8	26,9	26,0	25,9	23,5	24,4	4,6	3,4	6,0	5,8	6,7	8,0	5,7	5,6	3,9	3,8
Rural	28,8	25,7	29,3	28,5	29,2	29,9	28,9	29,9	26,6	24,9	12,3	8,6	13,9	13,8	15,4	16,6	14,8	14,7	11,8	8,2
Children in HH with:																				
1 children	25,2	22,6	25,0	25,0	25,9	25,2	23,9	24,2	22,0	22,5	4,8	3,5	5,8	6,0	6,7	7,5	5,7	5,4	4,4	3,3
2 children	25,1	21,7	24,8	25,3	25,9	25,9	24,9	24,9	24,6	22,6	5,3	3,7	6,7	7,4	8,3	9,3	7,4	7,5	6,4	4,8
3 children	27,8	25,9	29,7	27,3	30,6	29,7	29,7	29,0	26,6	25,5	10,8	7,9	13,1	13,1	17,5	18,5	17,4	15,9	13,0	9,5
4+ children	30,7	28,1	33,7	31,8	30,9	36,9	34,8	37,7	30,7	29,1	18,4	14,1	23,2	21,2	22,7	27,8	25,9	26,7	20,1	17,2
Nationality																				
Romanian	26,9	24,0	26,6	25,7	26,7	26,9	26,5	26,7	24,8	23,2	7,4	5,2	8,5	8,4	9,8	10,8	9,1	8,9	7,2	5,0
Hungarian	25,9	21,6	25,1	20,8	25,9	25,7	24,4	26,9	24,8	19,7	6,4	4,0	7,1	5,5	7,4	9,5	6,7	7,4	4,5	3,3
Roma	35,1	30,9	42,9	39,9	39,3	47,0	40,9	44,7	32,4	32,0	26,2	22,8	34,5	33,8	31,5	40,4	35,0	36,8	26,0	24,7
Other	23,8	27,7	27,7	36,3	33,3	33,1	18,0	22,3	23,3	40,4	10,0	11,1	11,7	15,9	15,8	15,9	7,8	5,7	5,4	14,6
Children in HH in which the education level of the HH head is:																				
no formal education	31,6	28,1	38,3	39,3	39,7	42,9	35,5	39,6	30,8	28,4	22,1	15,6	27,8	28,7	32,2	34,1	29,5	31,7	23,3	19,4
primary, grades 1-4	32,0	30,1	34,6	32,6	33,6	33,7	33,6	34,8	31,5	29,8	18,5	15,7	21,9	20,9	21,8	24,1	22,5	22,6	19,1	14,1
middle, grades 5-8	27,8	23,3	29,3	27,9	28,6	32,5	29,9	29,6	27,2	25,8	12,2	7,7	15,8	14,9	16,7	20,0	17,0	15,9	13,3	10,6
vocational/apprentice	24,0	22,0	24,0	23,9	25,1	24,7	23,3	24,6	21,5	21,4	5,6	4,4	7,1	7,7	9,5	10,4	7,7	8,3	6,1	4,7
highschool	22,5	21,8	23,5	23,4	24,2	24,2	22,8	22,1	22,9	19,4	3,2	2,9	5,5	5,8	6,2	7,0	4,7	4,0	4,1	2,2
Post-secondary	16,6	24,2	23,3	20,4	19,7	21,1	16,8	17,3	16,7	21,0	1,2	1,1	2,3	2,1	2,2	2,9	1,5	1,7	1,4	0,6
higher school	18,6	14,0	16,6	18,4	17,5	18,0	14,6	13,0	20,1	12,6	0,4	0,3	0,4	0,6	0,4	1,0	0,4	0,2	0,5	0,2
Children in HH in which the occupation of the HH head is:																				
Employee	22,9	20,5	22,2	21,1	21,1	21,7	19,4	18,0	18,4	18,0	4,3	2,8	4,8	4,6	4,7	5,3	3,2	2,8	2,3	1,7
Employer	4,7	2,7	28,7	2,7	0	15,5	13,6	11,4	8,3	0	0	0	0,5	0	0	0,7	0,5	0,3	0,1	0
self-employed non-agriculture	31,2	29,3	34,5	35,4	33,6	34,7	32,4	29,9	22,4	27,4	13,3	10,5	16,9	18,1	19,1	20,6	14,8	12,4	9,0	9,0
self-employed agriculture	32,4	28,2	32,8	31,2	33,4	33,9	31,3	33,5	29,6	25,4	20,5	15,1	21,9	20,1	22,7	24,2	21,8	21,4	17,7	11,9
unemployed	32,0	27,7	34,4	30,8	30,0	30,5	29,6	32,2	29,1	29,1	17,5	12,1	19,4	16,9	16,6	18,1	15,4	17,9	12,5	14,1
pensioner	26,1	24,0	27,6	25,6	26,9	26,7	25,9	25,6	23,8	24,0	9,0	7,1	11,9	11,0	12,7	12,9	10,5	10,8	9,1	6,6
pupil, student	44,5	15,7	13,0	22,2	0	27,9	33,0	12,8	5,4	38,9	2,8	6,7	1,7	11,4	0,0	8,4	10,2	1,1	0,5	12,1
housewife	26,9	29,0	37,2	34,0	39,5	41,3	39,0	50,2	36,9	29,2	13,3	12,6	22,4	21,1	28,7	22,5	27,8	36,2	16,6	12,7
Other	35,2	28,3	34,7	47,9	27,3	40,1	47,9	40,9	34,6	25,3	19,4	12,6	22,7	29,9	18,5	27,9	34,6	28,0	23,2	13,8

Individual Characteristics	Share of the Total Poor (against a line of 1.535.370 ROL)										Extreme Poverty Rate (against a line of 1.060.658 ROL)									
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Total											9,4	6,3	11,2	11,3	12,5	13,8	11,4	10,9	8,6	5,9
Age																				
0-16 years old	27,3	27,0	25,6	25,2	25,6	25,6	25,0	25,6	25,0	25,8	11,6	7,7	14,2	13,7	16,1	18,3	15,1	15,3	11,8	8,2
17-24 years old	16,0	17,6	16,7	16,7	16,7	16,3	15,8	15,3	14,8	15,7	12,6	9,2	15,5	16,3	17,9	19,4	16,1	15,0	12,1	8,8
25-64 years old	42,0	42,1	43,6	44,0	44,2	45,0	44,9	45,2	46,1	45,6	7,2	4,9	9,1	9,1	10,0	11,3	9,2	8,8	6,9	4,7
65 and over	14,7	13,3	14,1	14,2	13,6	13,1	14,3	14,0	14,2	12,9	10,8	6,2	10,2	10,7	10,9	10,3	9,6	8,7	7,1	4,4
Children Characteristics																				
Area of residence																				
Urban	35,6	36	36,9	36,3	35,5	36,5	30,6	31,1	25,8	31,5	6,1	4,3	8,2	7,9	9,4	11,6	8,2	7,6	5,2	5,4
Rural	64,4	64	63,2	63,7	64,6	63,5	69,4	68,9	74,2	68,5	18,6	12,0	21,5	20,6	23,6	25,5	22,2	23,3	18,0	11,0
Children in HH with:																				
1 children	19,6	20,9	21,9	22,6	22,6	23,8	24,2	22,9	24,3	22,5	6,4	4,3	8,1	8,1	9,3	10,1	8,0	7,2	5,7	4,1
2 children	28	29,3	31,3	33,5	33,4	34,6	32,4	33,9	33,1	34,6	7,0	4,5	9,2	10,3	11,8	13,4	10,0	10,8	9,5	6,0
3 children	20,6	19,5	20,5	19,6	22,1	19,9	19,2	18,2	18,1	17,8	15,9	11,3	19,4	18,9	27,5	27,9	25,9	23,8	20,4	12,6
4+ children	31,8	30,2	26,3	24,3	21,9	21,7	24,3	25	24,5	25	28,8	20,8	38,1	33,2	35,9	47,3	42,7	45,6	31,2	27,2
Nationality																				
Romanian	86	84,4	84	83,5	84,7	84,2	83,5	84,2	83,2	78,1	10,6	6,9	12,4	11,8	14,3	15,9	13,0	13,3	10,4	6,4
Hungarian	4,83	4,55	4,7	4,16	4,19	5,02	4,12	4	3,02	3,85	7,1	4,3	9,2	6,0	9,2	13,7	9,0	11,8	6,6	3,5
Rroma	8,02	9,36	10,3	11,3	10	9,61	11,4	11,1	13,1	16,8	47,2	35,3	55,8	58,0	54,1	67,4	60,1	59,7	43,7	40,5
Other	1,16	1,66	1,06	1,11	1,06	1,2	0,97	0,77	0,7	1,21	14,2	17,4	19,6	23,6	27,4	26,9	9,8	5,5	5,9	23,5
Children in HH in which the education level of the HH head is:																				
no formal education	6,37	5,47	5,02	4,97	4,79	4,34	6,89	7,2	6,35	8,56	34,9	25,1	40,3	54,0	54,0	55,4	48,9	54,6	40,0	29,6
primary, grades 1-4	24,2	24,7	19,5	19,6	18,3	17,9	21	19,8	19,2	20,3	29,3	23,8	35,8	32,3	34,9	37,8	36,3	35,2	30,1	20,9
middle, grades 5-8	34,9	27,2	28,6	25,3	26,8	25,1	28,6	29,4	28,4	29,8	17,7	9,8	24,6	22,2	25,8	33,7	26,9	25,4	21,5	15,2
vocational/apprentice	22,5	26,2	26,9	28,4	30,4	30,7	27,1	28,9	28,4	28,4	7,5	5,6	9,6	10,0	12,8	14,6	9,9	12,1	7,9	5,7
Highschool	10,2	14,8	17,9	19,6	18	19,7	14,7	13,3	16	12	3,8	3,6	7,4	7,5	8,9	9,1	5,7	4,7	5,1	2,4
Post-secondary	1,41	1,05	1,61	1,52	1,3	1,49	1,19	1,16	1,15	0,5	1,1	1,3	2,6	2,4	2,3	3,7	1,1	1,6	1,1	0,5
higher school	0,52	0,66	0,51	0,65	0,38	0,8	0,51	0,29	0,58	0,41	0,3	0,1	0,2	0,6	0,4	0,8	0,6	0,1	0,8	0,0
Children in HH in which the occupation of the HH head is:																				
Employee	40,8	37,2	39,2	35,3	29,9	27,8	20,7	19,8	18,1	17,9	5,4	3,1	6,1	5,6	5,8	6,1	3,9	3,1	2,6	1,6
Employer	0,03	0,06	0,05	0,03	0	0,06	0,09	0,08	0,02	0	0	0	0	0	0	0	0	0	0	0
self-employed non-agriculture	5,85	6,63	7,21	8,06	9,51	9,26	7,89	7,4	8,6	10	21,6	16,1	27,1	27,7	29,9	34,8	24,7	19,0	12,9	12,8
self-employed agriculture	21,6	24	21,7	22,8	22,4	25,6	32,3	31,9	36	29,8	33,4	23,0	35,5	32,6	37,7	39,8	33,8	35,0	28,2	17,2
unemployed	13,8	11,3	12	14	16,4	16,6	15,2	13,9	11	17,5	26,7	17,8	32,0	25,7	25,0	27,5	23,3	28,8	18,1	21,5
Pensioner	15	17	16,7	17,1	19,2	18,5	20,2	22,7	22,7	21,1	12,8	9,6	17,5	15,6	18,8	19,4	14,6	16,2	13,4	8,6
pupil, student	0,01	0,09	0,02	0,07	0	0,02	0,05	0,02	0,02	0,09	6,3	0	0	0	0	0	17,0	0	0	28,9
Housewife	0,99	1,43	1,4	1,42	1,87	0,95	1,74	2,25	1,69	2,24	15,1	16,6	31,7	29,3	47,3	39,1	46,2	55,1	27,7	19,2
Other	2,02	2,31	1,67	1,2	0,84	1,35	1,81	1,87	1,8	1,37	31,4	19,9	35,2	44,3	23,4	52,5	51,2	41,1	40,8	15,3

Individual Characteristics	Income Poverty Ratio (against a line of 1.060.658 ROL)										Extreme Poverty Gap (against a line of 1.060.658 ROL)									
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Total	22,4	19,1	21,9	21,3	22,6	21,9	21,8	21,9	19,9	19,3	2,1	1,2	2,5	2,4	2,8	3,0	2,5	2,4	1,7	1,1
Age																				
0-16 years old	22,4	19,1	23,0	22,4	23,0	22,9	23,0	23,2	20,8	19,5	2,6	1,5	3,3	3,1	3,7	4,2	3,5	3,6	2,5	1,6
17-24 years old	24,3	20,5	23,3	22,8	24,5	22,5	23,1	23,1	21,8	20,7	3,1	1,9	3,6	3,7	4,4	4,4	3,7	3,5	2,6	1,8
25-64 years old	22,1	18,6	21,2	20,5	22,1	21,5	21,1	21,0	19,1	19,2	1,6	0,9	1,9	1,9	2,2	2,4	1,9	1,8	1,3	0,9
65 and over	20,8	18,6	19,8	18,9	20,1	19,4	19,1	19,8	18,0	17,0	2,2	1,2	2,0	2,0	2,2	2,0	1,8	1,7	1,3	0,7
Children Characteristics																				
Area of residence																				
Urban	22,4	17,7	23,4	21,6	22,1	22,4	20,6	25,0	20,4	20,2	1,4	0,8	1,9	1,7	2,1	2,6	1,7	1,9	1,1	1,1
Rural	22,5	19,8	22,8	22,8	23,4	23,2	23,9	22,6	20,9	19,2	4,2	2,4	4,9	4,7	5,5	5,9	5,3	5,3	3,8	2,1
Children in HH with:																				
1 children	21,6	19,8	20,3	21,3	22,1	21,0	20,2	19,7	17,5	18,9	1,4	0,8	1,6	1,7	2,1	2,1	1,6	1,4	1,0	0,8
2 children	21,1	17,6	20,4	20,4	21,7	21,1	21,1	20,0	19,1	19,6	1,5	0,8	1,9	2,1	2,6	2,8	2,1	2,2	1,8	1,2
3 children	23,0	17,9	26,1	23,3	23,5	23,2	23,4	22,8	20,5	19,4	3,7	2,0	5,1	4,4	6,5	6,5	6,1	5,4	4,2	2,5
4+ children	23,3	20,5	24,3	24,5	24,7	25,6	25,8	27,5	24,7	19,8	6,7	4,3	9,3	8,1	8,9	12,1	11,0	12,5	7,7	5,4
Nationality																				
Romanian	21,8	18,7	20,9	20,8	21,8	20,1	21,1	20,8	20,2	18,5	2,3	1,3	2,6	2,5	3,1	3,2	2,7	2,8	2,1	1,2
Hungarian	35,6	18,5	20,7	18,5	27,8	22,7	24,8	21,6	22,7	19,5	2,5	0,8	1,9	1,1	2,6	3,1	2,2	2,6	1,5	0,7
Rroma	23,3	22,1	33,3	28,3	27,9	35,1	30,5	34,0	22,9	21,4	11,0	7,8	18,6	16,4	15,1	23,6	18,3	20,3	10,0	8,7
Other	19,8	19,2	18,9	30,0	22,1	26,3	15,3	20,7	39,8	28,0	2,8	3,3	3,7	7,1	6,1	7,1	1,5	1,1	2,4	6,6
Children in HH in which the education level of the HH head is:																				
no formal education	23,6	17,9	35,2	24,7	29,6	36,4	27,7	26,7	22,4	19,7	8,2	4,5	14,2	13,4	16,0	20,1	13,6	14,6	9,0	5,8
primary, grades 1-4	23,6	21,6	26,0	26,0	26,4	26,0	25,0	28,4	26,2	22,7	6,9	5,1	9,3	8,4	9,2	9,8	9,1	10,0	7,9	4,7
middle, grades 5-8	22,7	18,1	22,3	22,2	22,1	22,4	22,4	21,9	18,5	19,3	4,0	1,8	5,5	4,9	5,7	7,5	6,0	5,6	4,0	2,9
vocational/apprentice	20,9	16,3	18,1	19,6	21,7	18,9	20,2	19,4	17,7	17,4	1,6	0,9	1,7	2,0	2,8	2,8	2,0	2,4	1,4	1,0
highschool	19,5	19,7	19,8	20,1	18,3	19,5	20,6	19,6	20,8	15,0	0,7	0,7	1,5	1,5	1,6	1,8	1,2	0,9	1,1	0,4
Post-secondary	13,8	26,4	30,2	14,6	21,5	24,5	19,0	14,5	17,9	20,8	0,2	0,4	0,8	0,4	0,5	0,9	0,2	0,2	0,2	0,1
higher school	17,5	5,8	18,6	11,8	15,6	25,5	13,7	12,5	5,7	44,7	0,0	0,0	0,0	0,1	0,1	0,2	0,1	0,0	0,0	0,0
Children in HH in which the occupation of the HH head is:																				
Employee	18,8	17,0	18,4	16,2	17,0	17,9	15,7	14,8	17,6	17,2	1,0	0,5	1,1	0,9	1,0	1,1	0,6	0,5	0,5	0,3
Employer	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
self-employed non-agriculture	24,0	20,7	28,0	33,3	29,5	25,4	21,8	24,7	18,1	21,1	5,2	3,3	7,6	9,3	8,8	8,8	5,4	4,7	2,3	2,7
self-employed agriculture	24,3	20,0	23,9	21,8	23,8	24,2	24,7	23,8	21,3	18,7	8,1	4,6	8,5	7,1	9,0	9,6	8,3	8,4	6,0	3,2
unemployed	25,4	19,2	25,5	23,6	24,7	24,2	21,5	23,4	25,1	21,9	6,8	3,4	8,2	6,1	6,2	6,7	5,0	6,7	4,5	4,7
Pensioner	20,4	18,7	21,7	19,6	20,9	20,8	21,9	19,9	18,5	17,9	2,6	1,8	3,8	3,1	3,9	4,0	3,2	3,2	2,5	1,5
pupil, student	19,7	0	0	0	0	0	15,8	0	0	15,3	1,2	0	0	0	0	0	2,7	0	0	4,4
Housewife	30,5	18,8	28,0	31,9	27,6	30,1	31,6	41,5	27,3	18,9	4,6	3,1	8,9	9,3	13,1	11,8	14,6	22,8	7,5	3,6
Other	28,1	25,6	30,3	42,1	31,0	25,8	40,9	35,0	24,6	27,3	8,8	5,1	10,7	18,7	7,3	13,6	20,9	14,4	10,0	4,2

Individual Characteristics	Share of the Extreme Poor (against a line of 1.060.658 ROL)									
	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Total										
Age										
0-16 years old	29,5	28,9	28,8	27,0	28,3	28,9	27,9	29,5	28,0	27,9
17-24 years old	17,5	19,4	18,4	19,3	19,3	18,8	17,9	16,9	17,0	18,0
25-64 years old	39,0	39,7	41,3	41,6	41,2	42,4	42,7	42,6	43,2	43,4
65 and over	14,0	12,1	11,4	12,1	11,3	9,9	11,5	11,0	11,8	10,8
Children Characteristics										
Area of residence										
Urban	29,5	31,3	31,6	31,0	31,0	32,8	27,5	25,1	21,4	32,3
Rural	70,5	68,7	68,4	69,0	69,0	67,2	72,5	74,9	78,6	67,7
Children in HH with:										
1 children	16,7	17,5	18,4	19,4	19,3	18,6	19,5	17,2	18,1	18,7
2 children	23,6	23,4	25,3	30,3	29,5	29,6	26,4	27,8	31,6	29,3
3 children	21,3	21,8	21,6	19,6	25,6	20,5	20,5	18,2	19,8	17,9
4+ children	38,4	37,4	34,7	30,7	25,6	31,3	33,6	36,9	30,4	34,1
Nationality										
Romanian	82,9	81,3	78,2	76,4	79,1	76,8	76,9	77,2	78,0	69,0
Hungarian	3,5	3,2	3,7	2,4	3,3	4,3	3,3	4,0	2,9	2,5
Rroma	12,7	13,4	17,0	19,7	16,2	17,4	19,3	18,5	18,7	26,2
Other	1,0	2,2	1,2	1,5	1,5	1,6	0,5	0,4	0,5	2,3
Children in HH in which the education level of the HH head is:										
no formal education	8,0	7,4	6,7	9,4	7,6	7,0	9,8	11,3	8,8	11,0
primary, grades 1-4	30,8	33,6	26,4	25,1	23,6	21,8	27,5	24,5	24,9	26,6
middle, grades 5-8	35,4	24,2	31,2	26,9	28,4	31,5	32,6	31,9	32,7	32,7
vocational/apprentice	18,3	21,9	21,0	22,5	24,6	24,4	19,7	23,8	20,7	21,9
Ighschool	6,8	11,9	13,6	15,0	15,0	14,1	9,8	8,0	12,0	7,6
post-secondary	0,5	0,9	1,0	0,9	0,6	0,9	0,4	0,4	0,4	0,3
higher school	0,2	0,1	0,1	0,3	0,2	0,3	0,3	0,1	0,4	0,0
Children in HH in which the occupation of the HH head is:										
Employee	29,5	25,2	26,5	23,0	18,6	16,0	11,7	9,0	9,9	9,1
Employer	0	0	0	0	0	0	0	0	0	0
self-employed non-agriculture	7,5	9,0	9,5	11,1	12,0	12,5	10,3	7,8	7,2	11,7
self-employed agriculture	28,6	31,0	27,6	29,4	29,7	32,9	37,9	40,1	44,4	32,3
unemployed	16,9	13,7	16,3	16,7	17,7	17,7	16,6	16,5	12,1	23,1
Pensioner	13,9	16,4	16,1	15,8	18,4	17,1	17,6	20,1	20,9	19,6
pupil, student	0	0	0	0	0	0	0,1	0	0	0,3
Housewife	0,8	1,6	1,8	1,7	2,9	1,6	2,7	3,9	2,7	2,9
Other	2,9	3,1	2,1	2,2	0,7	2,3	3,1	2,6	2,9	1,1

What about now, do you have...(%of total Roma)

		Type of settlement		
		Big city	Small town	village
A birth certificate	No	11	5	4
A valid ID paper	No	12	7	5

Have a family doctor? (by ethnic origin) (%)

	Romanianised Roma	Other kind of Roma	Other ethnic origin (Romanian, Hungarian, etc)
Yes	92	80	96
No	8	20	4
Total	100	100	100
Cases	(617)	755	1288

Having a family doctor, depending on the ID and civil status documents (% of total Roma)

	What about now do you have a valid ID?		What about now do you have a valid birth certificate?	
	Yes	No	yes	no
Yes	88	56	87	52
No	12	47	13	49
total	100	100	100	100
Cases	1294	83	1321	68

Open Society Foundation Romania, Roma Inclusion Barometer, 2007, available at:
http://www.osf.ro/en/comunicate_detaliu.php?comunicat=22#, pp. 47-48