

**NGO Report
on the third to fifth periodic reports of Romania**

**concerning the
International Covenant on Economic,
Social and Cultural Rights**

**in preparation for the 53rd Session of the Committee on
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This NGO-Report is elaborated by the Roma Centre for Social Intervention and Studies – Romani CRISS, NGO in special consultative status with ECOSOC.

The report is co-signed by the following organizations:

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Amare Phrala Association

Cultural Association “Gi Romano” Harghita

DANROM Association

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Sanse Egale Association

Sanse Egale pentru Femei si Copii Association

Roma Civic Alliance Romania

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Structure of the report

This report was prepared for the 53rd Session of the Committee on Economic, Social and Cultural Rights, taking place in Geneva, 10-28 November 2014, for the review of Romania. The report addresses the following points on the List of issues:

- Section I – General Information, Par. 2
- Section II – Issues relating to the general provisions of the Covenant (arts. 1-5), par. 5
- Section III – Issues relating to the specific provisions of the Covenant (arts. 6-15), par. 9, 13, 15, 18, 19, 20, 22, 27, 28.

Passages from other reports prepared by Romani CRISS were also used for this report:

- Written Comments of Romani CRISS – Follow-up to the ECRI's Third Report on Romania, prepared by Romani CRISS for European Commission against Racism and Intolerance, available here:
http://www.romanicriss.org/PDF/Romani%20CRISS_ECRI%20report.pdf
- Shadow Report for the Committee on the Elimination of Racial Discrimination, on the occasion of the review of Romania, Submitted for the 77th Session of CERD, prepared by Romani CRISS, co-signed by the Roma Civic Alliance Romania, available here:
<http://www.romanicriss.org/PDF/Shadow%20report%20CERD%20Romania%20-2010.pdf>
- Submission to the UN Universal Periodic Review, 15th Session of the UPR, Submitted to the Human Rights Council, on the occasion of the 2nd Cycle of review of Romania, prepared by Romani CRISS, co-signed by Eltera organization, Sanse Egale association, and Sanse Egale pentru Copii si Femei.

Table of content

Structure of the report	3
Table of content	4
I. General information: Point I.2 from the List of issues	5
II. Issues relating to the general provisions of the Covenant (arts. 1-5)	7
Point 5 from the List of issues (Article 2, paragraph 2 – Non-discrimination).....	7
Issues related to the process of adoption of the Strategy	7
Reports of the European Commission on the National Roma Integration Strategies	8
III. Issues relating to the specific provisions of the Covenant (arts. 6-15)	9
1. Point 9 from the List of issues (Article 6 Right to work).....	9
2. Point 13 from the List of issues (Article 9 – Right to social security)	11
3. Point 14, 15 from the List of issues (Article 10 - Protection of the family, mothers and children)	11
4. Point 18, 19, 20 from the List of issues (Article 11 – Right to an adequate standard of living	13
5. Point 22 from the List of issues (Article 12 – Right to health)	16
6. Point 27 from the List of issues (Article 13 and 14 – Right to education).....	19
7. Point 28 from the List of issues (Article 15– Cultural rights).....	21

I. General information: Point I.2 from the List of issues

“Please provide information on the measures taken to bring the Office of the Advocate of the People into compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). Please also indicate whether it is provided with adequate human and financial resources.”

To begin with, the state report does not include any information on this issue, as requested by the Committee. This point on the List of issues is relevant for our submission, as the Office of the Advocate of the People is an institution which, in theory, should significantly contribute to combat discrimination against Roma people. In fact, the Romanian Government reported to other UN bodies, namely, to the Universal Periodic Review mechanism, during the second cycle of review that “*The National Council for Combating Discrimination and the Ombudsman were the main institutions that contributed to effective enforcement of the anti-discrimination legislation and to the legal protection of the Roma population*”¹. On the occasion of Romania’s 2nd review under the UPR, the effectiveness and status of the Office of the Advocate of the People was put under questions by the delegation of Slovenia². Further, recommendations were made to the Romanian Government, by the delegations of Poland and Thailand, to ensure adequate resources to the Office of the Advocate of the People in order “*to carry out its mandate in an effective way*”³ and to “*carry out their work and to minimize duplication of their functions and competence areas*”⁴.

The structure of the institution consists of 14 offices in the territory, with a total of 92 employees⁵. Compared to the National Council for Combating Discrimination (NCCD), which in 2013 had 89 employees, the Office of the Advocate of the People is understaffed. There has been criticism that the NCCD is understaffed as well. The mandate of the NCCD is limited to discrimination cases, while the mandate of the Office of the Advocate of the People is much broader. Therefore, the human resources of the Office could be increased, so that effectiveness is ensured.

¹ Human Rights Council, Twenty-third session, Report of the Working Group on Universal Periodic Review, Romania, par. 8.

² Ibid, par. 66.

³ Ibid, Recommendation no 109.21.

⁴ Ibid, Recommendation no 109.28.

⁵ Office of the Advocate of the People, 2013 Activity Report, page 251. Report available here:

<http://www.avp.ro/rapoarte-anuale/raport-2013-avocatul-poporului.pdf>

According to the 2013 Activity Report of the Office of the Advocate of the People, a number of 9282 petitions were received by the Office⁶. The report does not offer information on how the 9282 petitions have been resolved, but indicates a number of only 22 recommendations issued by the Office. Out of 9282 petitions, only 5 were filed by legal entities. This shows that the institution is not trusted enough by the non-governmental organizations. Out of the total of petitions, 5 were filed by persons who mentioned they were Roma. The 2013 Report mentions that out of these 5 petitions filed by Roma people, 2 were favorably solved. According to the Law no 35/1997, to have a petition solved favorably, the illegality the petitioner complains about must be removed by the public authority, the prejudices must be covered, and all the factors that have caused or generated a violation of the person's rights must be removed. One of the cases concerns the threat for eviction of several Roma people in Baia Mare. They have not received alternative housing, and this was one of the grounds for the complaints addressed to the Office of the Advocate of the People. The Office has contacted the municipality, and was satisfied with their general answer that they respected the legislation, that the eviction has no connection with the ethnicity of the persons, and that the municipality has a "preoccupation" to solve the requests for housing it receives. From our point of view, such general and superficial answer should not have been accepted as satisfactory by the Office of the Advocate of the People. The municipality did not answer concretely on what alternate housing was proposed to those persons who received eviction notification. In spite of this, the Office of the Advocate of the People considered this case "favorably solved".

In 2013, the Office has conducted 101 investigations and has started 63 ex-officio proceedings. One of the ex-officio proceedings concerned Roma individuals (Eforie Sud eviction case)⁷. Studies indicate that the investigations bring concrete benefits⁸. Unfortunately, the Office does not rely as much as it should on investigations. Also, there are significantly more petitions received (9282 petitions in 2013) as opposed to the ex-officio proceedings initiated (63 proceedings in 2013), which leads to the conclusion that the institution is reactive, rather than proactive.

According to the recent annual activity reports of the institution, the audits conducted within the Office are focused exclusively on procurement, finance and human resource management. There are no evaluations reported which focus on the effectiveness of the institution and its procedures.

To conclude, the capacity of the Office of the Advocate of the People should be improved, as to ensure compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). The limited number of staff members can determine the low number of investigations conducted by the Office. Most of the cases before the Office rely exclusively on written procedure among the Office and public

⁶ Ibid, page 259

⁷ Ibid, page 259.

⁸ Laura A. Hossu, Dacian C. Dragoş, Decentralization of the Ombudsman Institution in Romania: How Effective Is It?, Romanian Journal Of European Affairs, Vol. 13, No. 4, December 2013.

authorities, with no field investigation. Often the answers provided by the public authorities are general and superficial, and unfortunately, they are accepted as satisfactory by the Office. Further, the Office is more reactive, which leaves the risk of unreported violations. Moreover, the low number of petitions received from legal entities indicates a low degree of trust in the institution among the non-governmental sector.

We therefore recommend the Committee to:

- call upon the Romanian Government to contribute to increasing the capacity of the Office of the Advocate of the People
- call upon the Office of the Advocate of the People to engage more proactively in fulfilling its mandate, by increasing the number of ex-officio proceedings
- call upon the Office of the Advocate of the People to make use of the investigation procedure more extensively
- call upon the Office of the Advocate of the People to conduct evaluations annually, with the objective of identifying the effectiveness of its procedures, in addition to the audit focusing on procurement, finance and human resource management

II. Issues relating to the general provisions of the Covenant (arts. 1-5)

Point 5 from the List of issues (Article 2, paragraph 2 – Non-discrimination)

“Please indicate what concrete steps have been taken by the State party to guarantee equal treatment, in law and in practice, for the most disadvantaged and marginalized groups, including Roma, in all social sectors. Please provide an update on the main activities implemented as part of the 2012–2020 Strategy for the Inclusion of Romanian Citizens Belonging to the Roma Minority and include information on the impacts measured and obstacles encountered.”

First of all, the state report submitted by the Romanian Government does not address the subject related to the Strategy for the Inclusion of Romanian Citizens Belonging to the Roma Minority.

Issues related to the process of adoption of the Strategy

On March 9th, 2011 the Romanian Government announced that the Memorandum for the Guidelines on Roma Inclusion 2011-2020 period was approved. Furthermore, the Government had set a deadline for the National Agency for Roma, which was tasked to finalize the National Strategy and the plans of actions within 30 days after the official approval of the Memorandum. However the first meeting of the Inter-ministerial Group took place on March 29th, according to

Mr. Ilie Dinca, President of the National Agency for Roma statement and the Strategy was to be finalized by April 15th, 2011. Romani CRISS has protested against this process of accelerating the adoption of this public policy of such importance and against the violation the provisions on the transparency in public administration decision-making. The draft on the Strategy was launched for public consultation in August 2011. NGOs, both Roma and non-Roma have involved in the process of consultation, by submitting comments on the documents in consultation and asking for the additional ones to be put into consultation – the plans of actions on each area of intervention weren't initially open to public consultation. After requests of the civil society, the Government published the plans as well, and extended the deadline for consultation.

Most of the comments and proposals made by the group of NGOs weren't included in the adopted strategy⁹.

Further, in the period 2011-2014 there have been several discussions on revising the Strategy, but no progress has been made so far. There has been no official information provided by the Romanian Government on how it plans to put into practice the recommendations received from the European Commission, as a result of the assessments conducted.

Reports of the European Commission on the National Roma Integration Strategies

The reports of the European Commission on the Strategies, from 2012 and 2014, assessed the compliance of the Strategies with the Framework, both in terms of structural requirements, as well as on thematic areas¹⁰.

According to the European Commission, from the point of view of the structural requirements, the Romanian Strategy lacks a strong monitoring to evaluate the impact, as well as a review mechanism for adapting the strategy¹¹. The most serious issue is that the Strategy was drafted, from the very beginning, simply as a response to the European Framework, part of a European obligation, and was not grounded on concrete needs' assessments and baseline indicators. Not having baseline indicators, it is also difficult to establish clear targets.

On the thematic areas, the European Commission noted that the Romanian Strategy lacks general measures relying on existing structures to reduce the health gap. Further, it noted that access to quality healthcare especially for children and women is not included in the Romanian Strategy. It was noted as well that the Strategy does not address the needs of the non-sedentary population. With regard to employment, the European Commission highlights there are no general measures

⁹ [http://www.romanicriss.org/PDF/Comentarii_Strategie_ONG-uri_FINAL\(1\).pdf](http://www.romanicriss.org/PDF/Comentarii_Strategie_ONG-uri_FINAL(1).pdf)

¹⁰ Both evaluations are available here: http://ec.europa.eu/justice/discrimination/roma/eu-framework/index_en.htm

¹¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, National Roma Integration Strategies: a first step in the implementation of the EU Framework, page 12.

under the principle of equal treatment to reduce the employment gap and no integrated approach. In the 2014 report, the European Commission notes that “more targeted active labor market policies for Roma are needed”. In the area of education, the European Commission observes continuous efforts are required to combat school segregation. Another problem identified in the area of education is that solutions are still to be identified to ensure payment for trained mediators.

Since the Strategy was adopted, no concrete steps have been taken in order to implement it. Most of the allocated budget for the Strategy makes reference to available European funds, with no assurance these will actually be accessed.

We recommend the Committee to:

- call upon the Romanian authorities to urgently revise the Strategy for the Inclusion of Romanian Citizens Belonging to the Roma Minority, in order to address the observations of the European Commission in its assessment reports
- call upon the Romanian authorities to consult the civil society with regard to the process of revising the Strategy
- call upon the Romanian Government to devote resources into effective implementation of the Strategy
- call upon the Romanian Government to ensure adequate financial resources from the national budget for the implementation of the Strategy
- call upon the Romanian authorities to periodically collect data in order to verify whether the objectives of the Strategy have been achieved

III. Issues relating to the specific provisions of the Covenant (arts. 6-15)

1. Point 9 from the List of issues (Article 6 Right to work)

Access to employment is the subject which was more targeted by the State, compared to other areas. A main cause for this was the availability of the European Social Fund, which targeted this area. Unfortunately, most of the projects included only professional training and not actually identifying or creating jobs for Roma.

The data provided in the state’s report includes information up until 2009. The National Agency for Employment collects each month data related to unemployment. The data is disaggregated on gender, education, region, rural/urban area. This monthly data is not disaggregated on ethnicity.

Official data on Roma and employment are provided by authorities in case they implement programs or projects which have as a direct target the Roma population. Otherwise, the data

reflecting the situation of Roma in the area in employment is provided by various organizations, which conduct studies, not always representative at national level.

There is a significant gap between the rate of employed Roma and non-Roma. The Survey conducted by the EU Fundamental Rights Agency in 2011 indicates a share of only 9% Roma above 16 who were in full time paid job at the time when the interview was conducted¹².

A study conducted in 2011 by the Open Society Foundation-Romania, concludes the following¹³:

- only 10% of the Roma have been working permanently in the past two years.
- 51,5% of the interviewed Roma have never worked in the past two years.
- 76% of the unemployed interviewed Roma said they would be available to start working immediately, if they were offered a job.
- 38% of the working Roma are unqualified, 32% are qualified, 9% work in agriculture and 13% have traditional occupations.

Data also indicates gaps concerning Roma women's engagement in employment: 34.6 per cent of the Roma women are doing housework, compared to 8% of the Roma men and 19% of the non-Roma women¹⁴. 15.5% of the Roma women are employed, compared to 28.6% of the Roma men.

Studies also indicate that *“Women represent a highly occupationally vulnerable category, most of them being housewives, with no qualification and, thus, with little chances of labor market integration. Employed women have limited qualifications, most of them being unskilled workers”*¹⁵.

A study conducted by Romani CRISS in 2011 indicates that 84% of the respondents believe that it is harder for Roma people to find a job, as opposed to the majority population¹⁶.

We therefore recommend the Committee to:

- call upon the National Employment Agency to periodically collect disaggregated data on ethnicity, with regard to the employment status of the population
- call upon the Romanian authorities to consider a method of cooperation among the Government, companies, the non-profit sector and trade unions, in order to create jobs for Roma people

¹² <http://fra.europa.eu/DVS/DVT/roma.php>

¹³ Daniela Tarnovshi, *Roma situation in Romania, 2011. Between social inclusion and migration. Country report*, Bucharest, Soros Foundation Romania, available at: http://www.fundatia.ro/sites/default/files/Raport%20de%20tara_0.pdf

¹⁴ *Come closer. Inclusion and exclusion of Roma in present-day Romanian society*, Bucharest, Human Dynamics, available at: www.anr.gov.ro/docs/Publicatii/Come_closer.pdf.

¹⁵ *Roma situation in Romania, 2011 – Between social inclusion and migration – Country Report Romania*, Soros Foundation, available at: http://www.soros.ro/en/comunicate_detaliu.php?comunicat=195#

¹⁶ *“Stereotypes, Prejudice and Ethnic Discrimination: The Perspective of the Roma”*, Totem Communication for Romani CRISS, Bucharest, 2011,

- call upon the Romanian authorities to stimulate Roma employment, by offering fiscal benefits to employers who hire Roma people
- call upon the Romanian authorities to develop vocational training programs for Roma, in areas which are suitable for creating real job opportunities.

2. Point 13 from the List of issues (Article 9 – Right to social security)

“Please describe the specific measures taken to guarantee that the austerity measures adopted by the State party in 2009 and 2010 to cope with the economic and financial crisis do not have disproportionate effects on the social situation of the most disadvantaged and marginalized groups”.

There are no official data to measure how marginalized groups, or Roma, in particular, have been affected by the austerity measures in Romania.

The Governing Program for 2009-2012 included measures to restart economic growth, under Chapter 2¹⁷, but it does not include any specific measures to target the decrease of the impact of the economic crisis on vulnerable groups.

Women are highly more affected by unemployment, as opposed to men, and this applies even more to Roma women. As shown in a report of the Commission for Women Rights and Gender Equality of the European Parliament¹⁸, women who work in the public sector, where they represent approx. 70% of the employees, are the main target of the budgetary cuts. Cutting the unemployment allowance, as well as the child allowance, definitely affected Roma, who are more affected by unemployment compared to the rest of the population. Also, a recent study, conducted in 2014, show that effects of the austerity measures are “recognized relative to older workers, women and Roma people”¹⁹.

3. Point 14, 15 from the List of issues (Article 10 - Protection of the family, mothers and children)

par. 15 “Please provide an update on the measures taken to identify and support children left behind by parents who have emigrated, including the possibility of increasing the resources available to the social assistance of municipalities”.

A significant population of Roma people in Romania has migrated in the past years. This led to many Roma children left behind by parents. A study conducted in 2012, representative at the

¹⁷ Governing Program for 2009-2012 available here: <http://www.cdep.ro/pdfs/guv200912/ProgramGuvernare.pdf>

¹⁸ Report on the impact of the economic crisis in gender equality and women rights, Commission for women rights and gender equality of the European Parliament, 28 February 2013.

¹⁹ The European Crisis and its Human Cost, Caritas Europa, 2014, available at: http://www.caritas.eu/sites/default/files/caritascrisisreport_2014_en.pdf

population level, indicates that 28,6% of the interviewed Roma are from households with migrants, which is a higher rate compared to Romanians and Hungarians, even if the rate of Roma in Romania is significantly lower compared to the other two ethnicities²⁰.

The legal framework on children left behind is the Order 219 from June 2006 issued by the National Authority for Protection of Children Rights regarding identification, intervention and monitoring of children that lack parental care of their parents working abroad. According to the National Strategy for Child Protection 2008-2013, two agencies are responsible to monitor the children whose parents are working abroad, namely the National Employment Agency and the National Authority for Child Protection and Adoption. The issue of not identifying properly these children doesn't bring about any sanctions, according to the existent law. Also, Order no 219 refers only to parents that migrate based on a working contract they have. Therefore, the statistics collected by the National Authority for Protection of Children Rights are not necessarily reliable²¹. Further, the data collected by the National Authority for Protection of Children Rights is not disaggregated on ethnicity.

The Strategy envisages that the two agencies must ensure the children and parents maintain connection and must take measures to “avoid negative consequences of the separation from parents”²². The Strategy does not take into account that Roma children are highly affected by this phenomenon and does not envisage any specific measures, targeting Roma.

Migration of Roma had positive effects, as it “shapes development in Roma communities and minimizes pre-existing inequalities”²³. However, there are also few difficulties migration of Roma causes, including the ones related to children.

A specific problem encountered by Romani CRISS was that Roma children face difficulties in being re-enrolled in school, when returning from abroad. They are enrolled in school abroad for a period of time, and when they return to Romania, they encounter the obstacle of having their studies validated, so that they continue their studies. A report of the European Commission shows that “Roma migration is rather a seasonal migration”²⁴, which shows that the issue of studies validation is an obstacle frequently met by Roma. Further, there is the issue of children who return to Romania after a longer period of years spent abroad. The system faces challenges in reintegrating them in school, either because they are too old, either because they are too young for the program “Second Chance”²⁵. Lastly, there are Roma children who were born and raised abroad. With their families they speak Romani, at school they spoke the national language of the

²⁰ The Impact of the Economic Crisis on the Labor Migration from Romania, Friedrich Ebert Stiftung, 2012.

²¹ Social Impact of Emigration and Rural-Urban Migration in Central and Eastern Europe, Final Country Report, Romania, European Commission – DG Employment, Social Affairs and Inclusion, Iris Alexe, István Horváth, Ruxandra Noica, Marieta Radu, April 2012, page 26

²² National Strategy for Child Protection 2008-2012 available here:

<http://www.copii.ro/Files/Strategia%20Nationala%20in%20domeniul%20protectiei%20dreptu.pdf>

²³ European Commission, DG Employment, Social Affairs and Inclusion, April 2012, page 31

²⁴ Ibid, page 30.

²⁵ Ibid, page 27.

country where they lived, and when they return to Romania, they face serious difficulties in their school integration process, due to language barriers.

Another problem encountered by Romani CRISS was of the Roma children who were born abroad and do not have identity documents. It is particularly problematic for the Roma families to cope with the issue of registering their children, when they return to Romania, due to their low level of education and lack of information.

We therefore recommend the Committee to:

- call upon the Romanian authorities to revise the legislation with regard to children left behind by parents who have emigrated so that it improves the system of data collection: firstly, to include in the collected data also the parents who went aboard not necessarily as a result of a work contract they signed, and secondly, to allow for disaggregated data on ethnicity
- call upon the Romanian authorities to revise the legislation so that it designs more flexible methodologies for having studies abroad validated
- call upon the Romanian authorities to implement specific measures of assistance of the Roma children whose mother tongue is not Romanian, and who were born and raised aboard, in the process of school integration
- call upon the Romanian authorities to assist Roma families to register their children who were born aboard

4. Point 18, 19, 20 from the List of issues (Article 11 – Right to an adequate standard of living

Par. 18 “Please provide updated information on the impact of the Social Housing for Roma Communities program, as regards effective access to adequate housing and public services, such as water, electricity, sanitation and heating systems”.

The pilot program was approved in 2008. As the Romanian Government reported, by 2010 a number of 301 apartments were expected to be constructed. Firstly, there is no public information provided by the Ministry of Regional Development and Tourism or by the National Agency for Roma with regard to the status of implementation of this program. According to the Government’s Decision which approves this pilot program, the communities were to be selected based on recommendations made by the National Agency for Roma and local authorities. As a result, the civil society – NGOs working in the Roma communities, were excluded from consultation regarding the communities to be included in the program. There was no transparency on the process of selection of the communities. In the past almost 4 years, the only progress made (according to the scarce available information) was that the locations were established. There is no information whether there will be assured proper infrastructure for these

housing establishments and access to public utilities, or whether there will be taken measures to prevent potential residential segregation.

In 2012, there was still no progress made, as it can be seen in the response provided by the Ministry of Regional Development and Tourism, to the interpellation made by a MP²⁶. The response mentions that at the moment it was drafted, steps were undertaken to propose the project for financing, four years after the project was adopted.

In the Human Rights Council – UPR Review report, on the 2nd cycle of review of Romania, from March 2013 the project “Social Housing for Roma” is indicated, being described as a future plan.

Par. 19 “Please provide an update about the guidelines that set out the process that must be followed for evictions and explain if they are in line with the provisions of article 11 of the Covenant as elaborated upon by the Committee in its general comment No. 7 on the right to adequate housing. Please indicate what steps have been taken by the State party to provide redress with regard to reported cases of forced eviction in Cluj-Napoca, Baia Mare and Eforie Sud. Please provide information on how the Law on Housing protects not only tenants but also people without formal tenant status”.

Forced evictions, put into practice by the local authorities without respecting legal procedures, have continued in the past 4 years. Romani CRIS has continued to document such cases. International organizations criticize the failure of the Romanian state to provide legal protection of the right to housing: “Although some Roma people live in permanent structures with legal tenancy, the authorities consider many longstanding Romani dwellings as “informal” or illegal, and their inhabitants do not have any documentary proof of tenancy, which makes them more vulnerable to evictions. Currently, Romanian law does not protect these people from forced evictions, even though these are illegal according to international standards binding Romania.”²⁷To respond to the Committee’s point, the current legislation of Romania does not include provisions in line with article 11 of the Covenant, as elaborated upon by General Comment no. 7 of the Committee.

Access to adequate housing remains an issue for the Roma communities. The cases documented by Romani CRISS in this area refer to various specific issues: forced evictions, lack of property documents, lack of all public utilities (running water, sewerage system, street lights, salubrity services), indirect limitation of access to school or medical unit and needs both a legal and social approach.

Considering that the living standard is greatly influenced by meeting minimal living standards, we believe that the infringement or limitation of the right to housing is a severe form of human rights violation.

²⁶ The response can be accessed here: <http://www.cdep.ro/interpel/2012/r8427A.pdf>

²⁷ Mind the legal gap: Roma and the Right to housing in Romania, Amnesty International, available here: <http://www.amnesty.org/fr/library/asset/EUR39/004/2011/en/5f9becde-66e9-4262-bb3a-ff1c3681046d/eur390042011en.pdf>

A ministerial commission for Roma within the Ministry of Development and Housing was founded in 2006. Concepts such as environmental racism, residential segregation, were debated within the Ministry. Efforts were made to reactivate commission was reactivated in July 2010, in order to support the Ministry of Regional Development and Tourism to elaborate politics, programs and plans in the field of housing for disadvantaged groups (the Law on Housing). The efforts unfortunately failed, after a few meetings which took place. Further, the proposal for a new law on housing was not transparent at all. Currently, for the past years, it has been blocked, without any new information on the possible reactivation of the consultation, public debate or adoption.

Forced eviction in Cluj-Napoca

The Roma applicants have filed a complaint, which was decided on by Cluj Tribunal. In January 2014, the decision of the Tribunal asked the municipality to pay compensation to the applicants, both for the eviction, as well as for the inadequate housing provided after their relocation. The decision was appealed by the municipality, and currently the case is pending before the Court of Appeal Cluj.

Therefore, the alternate housing provided by the municipality, after the eviction, was recognized by a national court as inadequate. Redress for the victims has not yet been established, as the decision is not final.

Forced eviction in Eforie Sud

In September 2013, the houses of 101 Roma people have been demolished by the local authorities, as a result of the fact they did not have authorizations to build those houses. 55 of the people, who consequently, remained homeless, were children. This action was undertaken without securing alternative housing to the Roma people, who had spend, including with their children, in the open, in very bad weather conditions. Further, a part of the victims have been offered housing, lacking electricity, heating and sanitation. Further, in July 2014, Roma have been evicted from this building as well, and have been relocated in containers. The containers do no fulfill the standards of adequate housing either, as they are smaller than the limit established by law. The containers do not have kitchen, and there are only 4 shared bathrooms. When the eviction was conducted, in July 2014, the containers lacked electricity, water and sewage.

Forced eviction in Vulturilor Street, Bucharest

Approximately 100 Roma, most of them being school age children, have been evicted on September 15, 2014, in Bucharest. Representatives of the Special Forces of intervention of local police (District 3) have abusively seized goods of the evicted Roma (blankets, mattresses, clothing, etc.). The same police representatives have threatened the evicted Roma, offending

them (“Gypsies only want rights”). Further, police brutality against Roma people, including minors, has been reported²⁸.

We therefore recommend the Committee to:

- call upon the Romanian authorities to assist Roma in obtaining legal forms for the Roma informal settlements, in order to avoid forced evictions, which are very often conducted without assuring alternative housing for the evicted Roma
- call upon the Romanian authorities to urgently revise Romanian legislation to comply with the UN standards in the area of the right to adequate housing, also by clearly defining and sanctioning forced evictions, residential segregation, environmental racism
- call upon the Romanian Government to undertake all administrative steps to ensure that the available funds for building and renovating housing for vulnerable groups will be used immediately
- call upon the Romanian Government to ensure segregated areas shall not be created by building housing for Roma

5. Point 22 from the List of issues (Article 12 – Right to health)

Par. 22. “Please provide information on the concrete measures taken to prevent the segregation of Roma in hospitals, and comment on information that Roma have been refused medical treatment and on reports of negligence towards Roma patients.”

The right to health, without discrimination, is strongly connected with the right to life and acknowledged in a host of international human rights documents. Refusal to provide medical treatment to Roma, negligence of the medical staff towards the Roma patients, ethnic segregation in hospitals, and inappropriate/abusive recoding of Roma ethnicity in medical or identification documents not only violate rights of Roma individuals but also have a negative impact on the health status of the Roma population as a whole, and undermine their human dignity and self-esteem. Discrimination and denial of the right to health and adequate healthcare contravenes the legal obligations of the Romanian state assumed by signing and ratifying the international treaties.

While for other areas legislation is adopted – even if its implementation is weak – the Ministry of Health hasn’t tackled the discrimination issue in depth.

²⁸ Press release Romani CRISS, 18 September 2014

http://www.romanicriss.org/PDF/Comunicat_presa_Politia%20Locala%20Sector%203%20bate%20copiii%20si%20femeile!.pdf

The EU Fundamental Rights Agency survey on Roma has found that in Romania 45% of the Roma had experienced health problems that limited their daily activities, compared to 23 % of the non-Roma.

Violations of the access to health care services often affect Roma women. They are particularly affected as they more frequently deal with medical staff and medical units, since they are the ones taking their babies and children to see the doctor. Moreover, Roma women are more likely to face discriminatory attitudes from doctors, when requiring gynecological and obstetrical care.

From the experience of Romani CRISS, there are various cases of violation of the equal access to health care and discrimination in this field, particularly against Roma women, but they don't get to be known by public, because the victims are afraid of the repercussions they might face. Even if such situations get to non-governmental organizations, the Roma women who have directly confronted themselves with the situations don't want to start any legal proceedings against the medical staff or unit.

Some of the cases documented by Romani CRISS included situations when the Roma patients have passed away as a result of the superficial treatment received from the medical staff. Sometimes, the doctors treat Roma women superficially precisely because they perceive them as Roma and their decisions are influenced by biases and stereotypes (e.g. Roma women always complain and always come with their babies to see the doctor, although they are perfectly healthy; or the opposite: Roma women stay ill until last moment, and come to see the doctor when there is nothing else to do; Roma people are noisy always seek scandal).

In 2008, B.V., a Roma woman, had passed away immediately after giving birth. The new-born had also passed away. As soon as she felt she would deliver the baby, she went to the hospital. For several days, she was kept in the hospital with no attention from the doctors, who were ensuring her family and her that the time hadn't come yet. B.V. was from a poor family and this might have also influenced the doctors' attitude, according to the family.

Several Roma communities in Romania have reported a tensed relation with the family doctor. Roma women complained about being offended by the family doctors, about receiving superficial treatment, or even about being refused consultation, for themselves or for their children.

Hospital segregation

“Only they understand their language and they are very noisy, this is a stress for the other mothers.

There are Gypsy women who cannot help themselves to steal something from other women”²⁹

²⁹ Medical staff discussing with an NGO representative

A practice in Romania is the segregation of Roma patients, especially Roma women, in separate rooms. Four such cases were documented by Romani CRISS and other partner NGOs³⁰. Roma women complain about different conditions in the rooms where they are separated: un-renovated rooms; untidy rooms; the nurses change the sheets very rarely; babies receive treatment, such as syrups, with same unsterilized utensils.

Marie Curie Case

Romani CRISS and ECPI have submitted a request of intervention in front of the National Council for Combating Discrimination, with regard to the segregation situation of the Roma children in Marie Sklodowska Curie Emergency Clinical Hospital for Children. Taking into account an investigation had been carried out by the NCCD, ex officio, the two organizations have requested to intervene in the case in the organizations' interest, relying on the documentation made by CRISS, which confirmed the segregation. On October 5, 2011, when NCCD team has conducted a visit, there was a room only with children who could have been identified as Roma. When Romani CRISS team visited the hospital, on the 5 and 6 floors of the hospital there were rooms where Roma children were separated from the other children.

Sterilization of Roma women

No cases of sterilization of Roma women were reported in recent years. However, in 2013 there were two situations which indicated a serious signal that supporters of this practice still exist.

An extremist group in Timisoara, had published on the blog <http://natm88.blogspot.com/> statements such as:

“We offer a 300 lei reward to each Gypsy woman in Banat area, who can present a medical document to prove she was voluntarily sterilized in 2013. If they cannot educate their offspring in order to avoid being a burden for the Romanian society, we GUARANTEE 300 lei for the voluntary sterilization made in 2013. The offer is very serious, and those interested can contact the Autonomous Nationalists by email”.

Further, sterilization of Roma women is supported by a politician as well, who published on his social media page:

“I continue to support the Roma women sterilization, if after the first birth the social investigation proves she doesn't have conditions, or intention, to raise the first child in at least human condition! Why should allow her to give birth to the 2nd and the 5th ...should the state pay social welfare and should we put 10 lockers on our doors???? I love the human being regardless of the colour, religion, origin...but what we are doing now, namely Romanian families with one

³⁰ Marie Curie Hospital, in Bucharest, County Hospital in Constanta, Jibou Hospital in Salaj, County Emergency Hospital in Zalau.

child, maximum two, and the Gypsies families, and I refer to the uneducated and non-integrated Gypsies...more than 5 kids...this is a proof of unconsciousness and irresponsibility towards the future of this country! And I believe we are ensuring a very “secure” future to our children, when they will grow up, and the percentage will be 5 to 1”.

We therefore ask the Committee to:

- call upon the Romanian Ministry of Health to adopt an Order to forbid different types of discrimination (example: segregation, the refuse to enroll patients on the beneficiaries’ list)
- call upon the National Council for Combating Discrimination to adopt an instruction to prevent and combat any type of discrimination in access to health
- call upon the Romanian authorities to create a clear administrative sanctioning mechanism at the level of the Ministry of Health to redress abuse and discrimination against Roma or other vulnerable groups
- call upon the Ministry of Health to ask the hospital units to develop mechanisms to avoid the segregation of the Roma patients

6. Point 27 from the List of issues (Article 13 and 14 – Right to education)

Par. 27 “Please indicate what concrete measures have been taken to prevent and combat social stereotypes and discrimination against Roma children with regard to their access to formal education. Please provide updated information on the effectiveness of the implementation of the ministerial order of July 2007, banning segregation in schools”.

With regard to the participation of Roma in Romania to education, the Roma survey conducted in 2011 by FRA, UNDP and World Bank (The situation of Roma in 11 EU Member States) shows that 31 % of the interviewed Roma in Romania cannot read or write. 24% of the interviewed Roma in Romania have no formal education, while only 8% have completed secondary or higher education. 55% of the interviewed Roma declared they had stopped going to school because of economic reasons, compared to European average of 37%. 52% of the Roma left school before the age of 16. Another study, conducted by Romani CRISS, indicates that the kindergarten participation in rural areas is 17.8%, while in urban areas is 36.8% (Roma School Participation, Non-Attendance and Discrimination in Romania – Romani CRISS, 2011). Presidential Commission’s report for analysis and elaboration of policies in the field of education and research indicated that “Approximately 80% of unschooled young people are Roma. 38% of these are functional illiterate. 64% of Roma are enrolled to primary school, compared to the national rate of 98.9%”.

[Information provided by Romani CRISS on www.dare-net.eu website]

During school year 2007-2008, Romani CRISS has monitored the application of the desegregation Order, NO 1540/2007. The results indicated teachers didn't know about its existence; not even all interviewed school managers knew about it. Roma parents didn't know that school segregation was prohibited by law, either. Although the Order established no segregated classes were to be formed at the level of 1st and 5th grade, this continued to be the case.

In 2009, actors of the civil society have taken steps to found a commission within the Ministry of Education, which was supposed, among others, to monitor the application of the legislation against segregation.

Art. 14 of Annex no I of the 1540/2007 Order, mentions that a permanent working group should have been founded, which should have analyze the reports and elaborate methodologies and comprehensive programs to eradicate scholar segregation and its effects on a long term. This provision wasn't put into practice, and this is why Romani CRISS has proposed the already functional model of the Commission for Roma within the Ministry of Health, in order to found a commission within the Ministry of Education.

The commission would elaborate proposals for planning, organizing, coordinating and monitoring the implementation of the Ministry of Education's strategy in the field of improving the quality of education for Roma, as well as analyzing the discrimination situations in schools, scholar segregation cases, in order to assure the principle of non-discrimination is applied in the Romanian educational system.

The Commission wasn't founded in 2009 as a result of bureaucratic issues, as well as because of political replacement within the Ministry of Education. The whole lobby process had to be restarted; up until now, there was no political will to establish this commission.

In spite of the existent domestic legislation, the practice of segregation is still an urgent matter to address.

We therefore ask the Committee to:

- call upon the Romanian Ministry of Education to promote ethno-educational inclusion and intercultural education in the education system at all levels
- call upon the Romanian Ministry of Education to include in the initial and continuous training of the teachers mandatory disciplines such as intercultural education, promoting diversity in schools and in the society, preventing and combating discrimination
- call upon the Romanian Ministry of Education to create the Commission within the Ministry, as the Order 1540 establishes
- call upon the Romanian Ministry of Education to include the minorities history, including Roma, in the common curricula

7. Point 28 from the List of issues (Article 15– Cultural rights)

Par. 28 “Please provide information on how the State party seeks to protect the teaching and use of minority languages and to respect and protect the cultural heritage of minorities”.

With regard to the media in minority languages, there are very few publications or TV shows in Romani language. According to the Department for Interethnic Relations³¹, there is only one publication in Romani language.

With regard to the minority languages in schools, further efforts need to be taken to assure Romani languages is taught within all pre-university levels: preschool, primary, secondary, high school, professional, post-high school. Qualified human resources need to be available for this measure to be properly put into practice.

We recommend the Committee to call upon the Romanian authorities to:

- promote and develop the Roma cultural identity, through sustaining cultural production in Romani language: written culture, audio-video and means of mass communication
- organize courses/summer schools in Romani language/on Roma issues and topics for the public workers working with and for the Roma minority in public administration, social work, health, police, education
- organize events, at central and local level, for promoting Roma culture (e.g. annual conference of Romani language)
- produce a bilingual weekly radio/TV show, within the national stations
- support a bilingual radio/TV station with national coverage.

³¹ http://www.dri.gov.ro/index.html?page=cultura_publicatii