



Civil society monitoring report
on implementation
of the national Roma integration strategy
in Romania

*Identifying blind spots
in Roma inclusion policy*

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Although the Roma Civil Monitor pilot project, as part of which the report was prepared, is coordinated by CEU, the report represents the findings of the author and it does not necessarily reflect the views of CEU. CEU cannot be held responsible for any use which may be made of the information contained therein.

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LIST OF ABBREVIATIONS

CoE	Council of Europe
ECRI	European Commission against Racism and Intolerance
ESF	European Social Fund
EUFW	EU framework for national Roma integration strategies up to 2020
FRA	Fundamental Rights Agency
GAL	Local Action Group
GD	Government Decision
GEO	Government Emergency Ordinance
HCCJ	The High Court of Cassation and Justice
HCOP	Human Capital Operational Programme
NAR	National Agency for Roma
NCCD	National Council for Combating Discrimination
NRIS	The Strategy of the Government of Romania for the Inclusion of Romanian Citizens Belonging to the Roma Minority for the Period 2015-2020
MRDPA	Ministry of Regional Development and Public Administration
NEA	National Employment Agency
NCCD	National Council for Combating Discrimination
NGO	Non-Governmental Organisation
NHA	National Housing Agency
NRIS	National Roma Integration Strategy
PES	Public Employment Service
ROP	Regional Operational Programme

EXECUTIVE SUMMARY

The present report focuses on several issues that may be considered as blind spots of the Roma inclusion policy in Romania, even if they were touched somehow in the previous reports. These issues are generating negative effects in the Romanian society on short, medium and long-term, and need to be approached with coherent policy measures.

From this point of view, the report is bringing the attention to issues like Roma as an ethnic group that needs more than solving their social problems, challenge of legalisation of informal settlements, effects of indirect discrimination and other situations that may generate inequalities, combating school segregation of the Roma and ensuring access to quality education and Roma facing the challenge of employability.

Roma between social and ethnic lens

Romania recognises 18 national minorities, the Roma being the second largest one (approx. 620,000 people) after the Hungarian minority (approx. 1,200,000 people), according to the 2011 Census of Population and Households.¹

The public policy in Romania has put all the Roma in a stereotyped box named “vulnerable social group” even though the diversity inside the group is very high with a diverse range of needs and characteristics – there are approximately 40 different subgroups, most of them having emerged based on the occupation they had in the past.

During the last 20 years, public policy targeting Roma has addressed the social needs of the Roma community, ignoring their culture and identity and the need to increase the group’s self-esteem and improve perception by the majority population.

In 2013, *Împreună* Agency for Community Development proposed changing the perspective and discourse on Roma: “*Roma in Romania must not be perceived as a burden for society or as a scapegoat, but as a resource on whose development Romania’s welfare and its European economic, political and social route depends on*”.²

In 2019, the Roma civil society in Romania represented by a large number of Roma and pro-Roma NGOs started to debate the new Strategy for Roma Inclusion that will follow the current one. The new strategy is supposed to shift the socially vulnerable group approach to a more realistic perspective on the Roma taking into consideration their needs based on their diversity which is not limited to a particular social or ethnic status but on the intersections of all their identities.

Moreover, the measures targeting identified vulnerable groups in national policies should be mainstreamed to all categories (regardless of ethnicity), including include vulnerable Roma. Roma should not be identified with or targeted only through vulnerability measures. In contrast, there is a need for better measures for promoting and nurturing the cultural identity of the Roma by continuing the achievements of the current National Roma Integration Strategy 2012-2020 (NRIS), including: setting up the National Centre of Roma Culture, recognising important official dates (such as 8 April – International Roma Day; 16 June – Romani Language Day), professional training for Roma teachers, creating and elaborating and introducing Roma language and Roma history textbooks in both special and mainstream school curricula.³

¹ According to 2011 Census, accessed at: http://www.recensamantromania.ro/wp-content/uploads/2013/07/REZULTATE-DEFINITIVE-RPL_2011.pdf

² Gelu, Duminică and Ana Ivasiuc. (2013). *The Roma in Romania. From Scapegoat to Development Engine*

³ <http://agentiaimpreuna.ro/wip/wp-content/uploads/2018/12/Anexa-6-Cultura.pdf>

Roma informal settlements

In legislation, the principle of decent living appears in the Constitution of Romania, in the Civil Code and in the laws regulating the organisation of the public administration. In addition, the Act on Housing 114/1996 as amended, states the free and unrestricted access to housing as a right of every citizen and construction of housing is considered a major long-term objective of national interest of central and local public administration.

The housing law defines only what convenient housing is, but there is no mention of informal settlements. Informal housing is indicated neither in the legislation in the field of urbanism, constructions, and public health, nor in the legislation in the field of cadastral property and domicile.

According to the "Informal housing in Romania. Research report",⁴ there is no data in Romania that quantifies the actual number of households and families affected by this phenomenon, only estimates. The World Bank report "Housing in Romania: towards a national housing strategy"⁵ commissioned by the Romanian Government to substantiate the National Housing Strategy states that "there are approximately 1,198 informal settlements in Romania, out of which 953 (79.54 per cent) are located in rural areas and 245 (20.46 per cent) in urban areas" (2015: 119). According to these data, in the identified 1,198 informal settlements, 49,338 homes and 63,492 families are concentrated. On average, on the territory of each administrative unit, there are two informal settlements with approximately 40 houses and 50 families. It can be concluded that in Romania there are no clear and official data about the size of the problem and state authorities did little to gather data and, in this way, officially recognize the phenomenon.

In October 2018, PACT Foundation, *Make Better* Association, *Valea Corbului* Initiative Group, DEP Bumbesti Jiu and GAL Reșița submitted to the Romanian Parliament a legislative initiative concerning informal settlements.⁶ As a result, the law on informal settlements was adopted⁷ with several coherent elements integrated regarding the definition of informal settlements, the procedures for identification in the field and responsibilities at central, county, and local levels. The issue of informal settlements will be among the funding priorities for the next programming cycle of EU cohesion policy and EU funds.⁸

⁴ PACT Foundation, *Make Better* Association, DEP - *Bumbesti-Jiu* Association, *Valea Corbului* Initiative Group, *Reșița* Local Action Group. (2018). *Informal housing in Romania. Research report*. See: https://locuireinformala.ro/wp-content/uploads/2019/11/Raport-cercetare-Locuire-informala_RO.pdf

⁵ World Bank (2015). "Housing in Romania: towards a national housing strategy" is available in Romanian at: <http://documents.worldbank.org/curated/en/722941468586112365/Cazare-%C3%AFn-Rom%C3%A2nia-spre-o-strategie-na%C5%A3ional%C4%83-de-locuin%C5%A3e-Armonizarea-investi-%C8%9Bilor-publice-Componenta-4>

⁶ Study "Analysis of informal settlements in Romania - Evaluation of the current situation to formulate regulations and intervention instruments" was conducted by I.N.C.D. URABN-INCERC (2014) at the initiative of the Ministry of Regional Development and Public Administration. The report is available at: http://locuireinformala.ro/wp-content/uploads/2018/03/Raport-de-Cercetare_Locuire-Informala.pdf

⁷ Law no. 151/2019 for the completion of Law no. 350/2001 on spatial planning and urbanism

⁸ Interview with Bogdan Suditu, University Lecturer, University of Bucharest, expert in the project "No man's land - Informal living in Roma communities. Recognition, Responsibility and Shared Solutions", implemented by PACT Foundation, *Make Better* Association, *Valea Corbului* Initiative Group, DEP Bumbesti Jiu, and GAL Reșița. Bucharest, 25 November 2019.

School segregation

School segregation on ethnic basis has negative effects on all levels of the educational system, both for Roma and non-Roma children, as well as for the teaching staff, parents of students, the communities from which they come and on the overall educational system.

While there is no accurate information about the proportion of segregated Roma students, FRA estimated in 2014 that 26 per cent of the Roma students are segregated,⁹ and in 2016, the EC's estimate was 27 percent.¹⁰ The latest report on the implementation of the Framework Convention for the Protection of National Minorities (2018) highlights that the de-segregation process was conducted "very superficially".

In 2016,¹¹ Romania adopted an order banning school segregation,¹² which was supposed to create an efficient de-segregation mechanism and instruments ensuring serious monitoring and reporting by the local and county institutions responsible for education. Unfortunately, from 2016 to 2018 the order was not applicable. The Desegregation Commission with various responsibilities for putting in practice the order (developing the methodological norms, monitoring the implementation, producing reports, etc.) was only set up in 2019. Its by-laws were published in early 2019; it is composed of 17 members: specialists and experts from the Ministry of Education, academia, NGOs and other relevant institutions, parents' and students' representatives.¹³

Starting with September 2019, the Ministry of Education developed a pilot methodology for Monitoring School Segregation on Different Bases,¹⁴ including ethnic segregation and approved it at the end of 2019. Thus, there is hope that the desegregation process will start to move, but it has to be well monitored and observe if it really contributed to diminishing all kind of segregation.

Inequalities and anti-discrimination's limits

Despite the adoption of anti-discrimination laws in line with the EU requirements,¹⁵ subtle elements of discrimination remain unaddressed in practice, among them the issue of school segregation or that of indirect discrimination.¹⁶ It is important to emphasise that

⁹ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-roma-survey-dif-education_ro.pdf

¹⁰ European Commission (2016). Education and Training Monitor 2016, Romania, https://ec.europa.eu/education/sites/education/files/monitor2016-ro_en.pdf

¹¹ <https://www.edu.ro/ordin-cadru-nr-613421122016-privind-interzicerea-segreg%C4%83rii-%C8%99colare-%C3%AEunit%C4%83%C8%9Bile-de-%C3%AEunit%C4%83%C8%9B%C4%83m%C3%A2nt>

¹² <https://www.edu.ro/ordin-cadru-nr-613421122016-privind-interzicerea-segreg%C4%83rii-%C8%99colare-%C3%AEunit%C4%83%C8%9Bile-de-%C3%AEunit%C4%83%C8%9B%C4%83m%C3%A2nt>

¹³ <https://lege5.ro/Gratuit/gmzdcnjwgizq/regulamentul-de-organizare-si-functionare-a-comisiei-nationale-pentru-desegregare-si-incluziune-educationala-din-08022019>

¹⁴ https://pjp-eu.coe.int/en/web/inclusive-education-for-roma-children/newsroom/-/asset_publisher/bknfFYhX9o5/content/romania-new-ministerial-order-on-school-segregation-monitoring-takes-onboard-index-for-inclusion-indicators?inheritRedirect=false&redirect=https%3A%2F%2Fpjp-eu.coe.int%2Fen%2Fweb%2Finclusive-education-for-roma-children%2Fnewsroom%3Fp_id%3D101_INSTANCE_bknfFYhX9o5%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-4%26p_p_col_count%3D1&fbclid=IwAR0WSu7K7IXGaGhO6j9XFqnUI5_c4hueSp6GETwM6ZZ467mSUsMeYilVoyg

¹⁵ Ordinance no. 137 of 31 August 2000 (as amended) on the prevention and sanctioning of all forms of discrimination. For further information on the antidiscrimination legislation, see: <https://cncd.ro/2016-10-24-ordonanta-nr-137-din-31-august-2000>

¹⁶ Ordinance no. 137 of 31 August 2000 does not use the term indirect discrimination, but it allows the identification of indirect discrimination according to Article 2, paragraph 3, thus: "According to the present ordinance, the provisions, criteria or seemingly neutral practices that disadvantage certain persons, based on the criteria provided in paragraph (1), vis-à-vis other persons, are discriminatory, unless these provisions,

indirect discrimination is not of immediate evidence, as it is not explicit. Apparently, the practices, rules, organisational policies appear to be neutral and appropriate, but their result materialises in a different treatment of certain groups, and it can harm their rights.

In Romania, the recent years generated several situations that legally cannot be demonstrated as indirect discrimination (nor as direct discrimination either), but they proved to produce inequalities for the Roma population, affecting their capacity to reach a quality education or advance in a professional area.

Low or no-education impact on employability

The labour market in Romania is active and growing; so that for a few years now the trend is that the number of jobs created exceeds the number of redundancies (lost jobs, jobs closed by companies, for example due to their difficult economic situation, reduced size of production etc.). New jobs have appeared in many sectors, with special emphasis on information and communication technologies that are continuously growing.¹⁷ Overall, the new generations will need to be well acquainted with technology, mathematics and sciences that they will need most during their professional career.

If analysing the data on Roma from 2012 to 2018, one can conclude that there is an improvement when it comes to education but, looking at the gap with the general population, the conclusion is quite different. During the six years, the educational level of general population has increased more, in an effort to adapt to the future labour market, despite the poor performance of the Romanian education system. But when it comes to Roma, despite the numerous public policies and funding opportunities (analysed in the first [RCM report on Romania](#)),¹⁸ the results are not good. These results are reflected on the labour market where Roma are performing slightly well, but the evolution among the majority population is much more spectacular.

Romania did little to close the educational gap between Roma and general population. The poor performance of the education system is compensated by the families of the children through the financial efforts that they make to ensure a future for their descendants. But in the case of the Roma, the chances are considerably reduced due to the state of vulnerability in which the vast majority is found. The effects will not take long to appear, and the gap from the majority will increase. Unfortunately, there is no vision to allow the design and implementation of effective public policies that will truly achieve social inclusion, with a special focus on labour market integration. Roma are by far the most trapped in the circle of poverty, despite of the fact that Roma are a younger population in a country that is constantly ageing.

criteria or practices are objectively justified by a legitimate purpose, and the methods of achieving that purpose are adequate and necessary”.

¹⁷ OECD (2019). *Envision the future of education and jobs. Trends, data and drawings*.

¹⁸ Roma Civil Monitor (2018). *Civil society monitoring report in implementation of the National Roma Integration Strategy in Romania: Assessing the progress in four key policy areas of the strategy*.

INTRODUCTION

The governmental document called “*The Strategy of the Government of Romania for the Inclusion of Romanian Citizens Belonging to the Roma Minority for the Period 2015-2020*” (NRIS) has remained the main programmatic policy document addressing the social inclusion of Roma in Romania. Unfortunately, to date, it has failed to generate a significant positive change in the life of Roma communities.

As it was presented in the [previous RCM monitoring reports on Romania](#),¹⁹ the latest version of the Romanian NRIS was adopted in the context of and upon the request of the EU framework for national Roma integration strategies up to 2020 (EUFW) and still needs improvements in terms of minimum standards of public policy elaboration – from proper consultation with stakeholders, identifying problems and solutions, implementation mechanism, allocation of responsibilities, clear allocation of funding, and mechanisms for spending by line ministries and governmental agencies.²⁰ More specifically, regarding the funding mechanisms for the NRIS, the government promotes and pursues the identification of resources already earmarked by public authorities outside the mechanism of the strategy, rather than committing to allocate new funds from the national budget.²¹ At the moment of the drafting of this report, the National Agency for Roma (NAR)²² was in the process of preparing a new strategic vision for the public policies for Roma, in a joint effort with the Ministry of European Funds, the National Roma Contact Point (NRCP), line ministries and also with other relevant stakeholders at county or local level. NAR organised a series of regional meetings with county level stakeholders in order to collect information that will support the new policy approach.

The NRCP launched in December 2019 a so-called *National Platform for Good Practices for Roma*²³ that will support the coordination of activities of relevant stakeholders and enhance communication between members of Roma communities, Roma NGOs, national, regional and local authorities.

Following the discussions within the Romanian NGO coalition, there were several topics that proved to be both relevant for the current status of affairs and insufficiently addressed by the current NRIS. The selected topics that are part of the present report are directly linked with the issue of discrimination and antigypsyism and have not been covered by the previous Roma Civil Monitoring reports or by other reports and analyses. Those topics have had a significant impact on the condition of the Roma in Romania in more subtle ways than one can imagine at first glance and, therefore, will have to start to be addressed accordingly.

In terms of document review, we took into consideration legal and governmental documents (decisions, ministerial orders, laws, EU documents, strategies, etc.), as well as non-governmental documents (surveys, programmes, projects, reports, etc.). The

¹⁹ The first annual cycle of the Roma Civil Monitor pilot project was focused on the horizontal precondition of the Roma inclusion – governance, fight against antigypsyism and anti-discrimination. The second cycle concerned the four key policy fields – education, employment, healthcare and housing. All reports are available at: <https://cps.ceu.edu/roma-civil-monitor-reports>

²⁰ For more information on the first two cycles of reports, visit the program web page at: <https://cps.ceu.edu/roma-civil-monitor>

²¹ Resource Centre for Roma Communities. (2016). *Strategies yes, funding no. Public policies for Roma in Romania financing mechanism*, p. 131. Available at: https://www.researchgate.net/publication/309585650_Strategies_YES_Funding_NO_Financing_mechanisms_for_Roma_public_policies_in_Romania

²² Telephone interview with Daniel Radulescu, President of the National Agency for Roma, 28 November 2019

²³ See: <http://mfe.gov.ro/mfe-a-lansat-proiectul-platforma-nationala-de-bune-practici-pentru-romi/>

evidence-based approach was maintained, using the most relevant studies available on the selected topics – including census data, surveys, case studies, interviews, etc. Due to the specificity of topics, where more recent data was not available, alternative data, interviews (in person, by telephone, or in writing) with relevant professionals (public figures, specialists, researchers, practitioners, etc.) of state and non-state stakeholders were conducted in order to add qualitative information on specific issues and fill the gap in new data.

ROMA BETWEEN SOCIAL AND ETHNIC LENS

Upon a simple search for images using the key words "Roma" and "Romania", Google offers us a close representation of the stereotypical image of the Roma in Romania: pictures of women with dark skin wearing traditional clothing surrounded by many little children poorly dressed; the image most often shows them standing in front of a broken-down house.²⁴ Furthermore, Google provides few key words associated with these images, the first two of them being "traditional" and "poor". Contradictory with the images are the other key words "mansion" and "rich". This extreme dichotomy on the perception of Roma online, either very poor looking, or very rich is telling of how Roma are perceived in real life.

The predominant policy discourse about Roma in Romania relies on the general stereotype that Roma are a social category in a vulnerable situation, which dates back to the time Roma first entered the Romanian principalities 10 centuries ago. Roma in Romania are not a homogenous ethnic group. There are approximately 40 different subgroups, most of them having emerged based on the occupation they had in the past. The public policy in Romania has put all the Roma in a box named "vulnerable social group" even though the diversity inside the group is very high with a wide range of needs and characteristics. This is symptomatic of the level of understanding state institutions have had about Roma in Romania and their interest thereof to deal with the actual needs and concerns of the various groups and Roma individuals. Moreover, the label of "vulnerable social group" did not stem from the understanding that Roma are more prone to become and remain poor because of structural or other types of discrimination. The vulnerability label is indicative of the assumption that Roma is the equivalent of poor, setting a very clear power relationship between the majority population and the Roma: the former is the "superior" group, expected to help the "inferior" group (Roma) to be included and to solve their problems. Such an unbalanced relation influences the persistence of prejudices and stigma without acknowledging the intrinsic worth of Roma as a separate ethnic group. This single angle and devalued perspective have had a negative impact on the self-esteem of the Roma and their behaviour.²⁵

The public policy targeting the Roma over the last 20 years has used this approach – the Roma viewed as a vulnerable social group – without promoting the characteristics of the Roma, recognised as national ethnic group. This approach has not contributed to an improved perception of the Roma; on the contrary, it has led to a higher polarisation between ethnic groups, as it is revealed in the latest study on the Roma population (2018) coordinated by *Împreună* Agency for Community Development: in 2018, as compared to 2012, there was an increase in the inter-ethnic misunderstandings and conflicts between Roma and non-Roma. Moreover, this narrative has reinforced stereotypes attributed by the majority population to the Roma.

In 2013, *Împreună* Agency proposed changing the perspective and discourse on Roma: "*Roma in Romania must not be perceived as a burden for society or as a scapegoat, but as a resource on whose development Romania's welfare and its European economic, political and social route depends on*".²⁶

²⁴

https://www.google.com/search?q=roma+romania&sxsrf=ACYBGNQJdiS6YV7eZFBb_osS0i4nhgS6cA:1574801615113&source=inms&tbm=isch&sa=X&ved=2ahUKEwis7fCW4YjmAhXMtYsKHbj6BEQQ_AUoAXoECBAQAw

²⁵ Grigore, D., Neacșu M., Furtună A.D., *Roma ... in Search of Self-Esteem*, Bucharest, UNICEF, 2007. Available at: <http://www.unicef.ro/wp-content/uploads/raport-amare.pdf>

²⁶ Gelu, Duminiță and Ana Ivăsiuc. (2013). *The Roma in Romania. From Scapegoat to Development Engine*.

Unfortunately, Romanian state institutions have yet to ask and find solutions to how can the Roma ethnic minority can contribute to the social and economic development of Romania and what are the assets of the Roma community and how we can use these assets, by building based on the recommendations of the Roma civil society organisations.

Roma as a national minority

Romania recognises 18 national minorities, the Roma being the second largest recognised ethnic group (approx. 620,000 people) after the Hungarian minority (approx. 1,200,000 people),²⁷ according to the 2011 Census, which indicates that 30 per cent of the people who self-identified as Roma have Romani as their mother tongue.²⁸

In the 1991 Constitution, the State acknowledges that "Romania is the common and indivisible homeland of all its citizens, without any discrimination on account of race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin".²⁹ For national minorities, the Constitution also recognises and guarantees "the preservation, development and expression of their ethnic, cultural, linguistic and religious identity".³⁰ The Romanian Constitution provides for a representation system of national minorities in the Parliament by which each national minority has one seat guaranteed even if they do not pass the established threshold of five per cent.³¹ Moreover, the Constitution also recognises the right to use Roma language before a Court or in the administration (art. 128.2).

Even though Romania ratified the Framework Convention for the Protection of National Minorities in 1995, there is no clear and coherent legal framework regarding the protection of minority rights.³² Also, in 2006, a Law on the Status of National Minorities was proposed, but it was never adopted. According to the Council of Europe's Advisory Committee on the Framework for the Protection of National Minorities (FCNM), "existing legislation regulating different aspects of national minority protection is disjointed, piecemeal, full of grey zones and open to contradictory interpretation".³³ Unfortunately, being recognised as a national minority has not ensured a real representation of Roma's interests; rather, it has led to unfair and tokenistic representation. Since 1992, the Roma minority has had one representative in the Parliament: Gheorghe Răducanu in 1992-1996; Mădălin Voicu in 1996-2000; Nicolae Păun in 2000-2016;³⁴ Daniel Vasile since 2016 until present. All of them come from the Roma Party, which changed its name to the Social Democrat Roma Party (prior to the 2004 elections), before settling on Pro-Europe Roma Party (since 2006). The number of votes gained by the Roma Party decreased systematically from over 72,000

²⁷ According to 2011 Census, accessed at: http://www.recensamantromania.ro/wp-content/uploads/2013/07/REZULTATE-DEFINITIVE-RPL_2011.pdf

²⁸ *Idem*.

²⁹ Romanian Constitution, Article 4, accessed at: http://www.cdep.ro/pls/dic/site2015.page?den=act2_1&par1=1&idl=2

³⁰ Romanian Constitution, Article 6, accessed at: http://www.cdep.ro/pls/dic/site2015.page?den=act2_1&par1=1&idl=2

³¹ Constitution of Romania, Art. 62: "Organisations of citizens belonging to national minorities, which fail to obtain the number of votes for representation in Parliament, have the right to one Deputy seat each, under the terms of the electoral law. Citizens of a national minority are entitled to be represented by one organisation only".

³² Council of Europe, Advisory Committee on the Framework for the Protection of National Minorities, Fourth Opinion on Romania - adopted on 22 June 2017. Published on 16 February 2018, accessed at:

<https://rm.coe.int/fourth-opinion-on-romania-adopted-on-22-june-2017/168078af76>

³³ *Ibidem*

³⁴ McGarry, Aidan. (2008). *Political Participation and Interest Articulation of Roma in Romania*

votes in 2000 to only 13,000 in 2016, as Roma did not see the benefits of having only one representative in the Parliament protecting their best interests and rights.

Minorities in Romania have the right to study in their own language according to the Law on Education: "the persons belonging to national minorities have the right to study and be taught in their mother tongue, at all levels of education".³⁵ Even though there is a legal framework for teaching about national minorities (as optional courses) in order to increase awareness of diversity, most of the students in Romania do not benefit from such educational provision.³⁶

The above referenced report on the implementation of the Framework Convention for the Protection of National Minorities (2018) pointed out that some efforts were made by the Romanian authorities to promote the culture and education of national minorities, especially in terms of their representation in Parliament. The report also expresses concerns on the prejudices against Roma, criticising the persistence of racist incidents (for example, during sport events) and the present NRIS 2012-2020 for the lack of funding, implementation mechanisms and monitoring and evaluation processes.

Roma as a social group targeted by public policy

Over the last 20 years, public policy targeting Roma has addressed the social needs of the Roma community, ignoring their culture and identity and the need to increase the group's self-esteem and improve their perception by the majority population.

The first Strategy (2001-2010) approached Roma from the poverty perspective, without referring to the discrimination side, even though the Roma leaders at that time insisted on focusing on anti-discrimination measures as the central point of the Strategy.³⁷

The current NRIS 2012-2020 focuses on the social dimension of the Roma group setting out the main intervention areas: health, education, housing and employment. The NRIS proposes measures for reducing the gaps between the majority population and the Roma minority in all four areas aiming to improve inclusion and fairness through affirmative actions. Beside the four main areas, the Romanian Government included culture and infrastructure as complementary intervention sectors.

The objective of the cultural intervention within the NRIS is to preserve and develop the cultural identity of the Roma minority in terms of language, traditions, history, and heritage. It incorporates cultural actions, such as setting up a Roma Culture Museum, setting up a musical group and support the development of Roma theatre and cinema, displaying memorial plaques and erecting monuments to commemorate the Roma. Part of them was achieved due to the actions of the National Centre of Roma Culture. The others are still waiting for someone to take ownership and find resources to put them into practice.

Most of the public policies regarding Roma in Romania are based on the vulnerability of the Roma, especially as a social group. For example, the National Strategy on Social Inclusion and Poverty Reduction mentions seven categories of socially vulnerable groups

³⁵

https://www.edu.ro/sites/default/files/_fi%C8%99iere/Minister/2017/legislatie%20MEN/Legea%20nr.%201_2011_actualizata2018.pdf

³⁶ Council of Europe, Fourth Opinion on Romania, 16 February 2018.

³⁷ Moisă, Florin. (2011). *Provocarea includerii sociale a romilor. Sărăcie sau abordare bazată pe discriminare?* in *Spectrum. Cercetări sociale despre romi*. Available at: http://ispmn.gov.ro/uploads/ISPMN_2011_Spectrum.pdf

in Romania. The fourth category is the Roma (after the poor, children and youth with no parental care, lonely or dependent elderly people).³⁸

In 2019, the Roma civil society represented by a large number of Roma and pro-Roma NGOs in Romania started to debate the new strategy for Roma inclusion that will follow the current NRIS. The new strategy is supposed to shift the socially vulnerable group approach to a more realistic perspective on the Roma taking into consideration their needs based on their diversity which is not limited to a particular social or ethnic status but on the intersections of all their identities. Moreover, part of the measures targeting the identified vulnerable groups in national policies should be implemented for all categories (regardless of ethnicity), including include vulnerable Roma. Roma should not be identified with or targeted only through vulnerability measures. In contrast, there is a need for better measures for promoting and nurturing the cultural identity of the Roma by continuing the achievements of the current NRIS, including: setting up the National Centre of Roma Culture, recognising important official dates (8 April – International Roma Day; 16 June – Roma Language Day), professional training for Roma teachers, producing and introducing Romani Language and Roma History textbooks in both special and mainstream school curricula.³⁹

Roma in media

The appearance of a politically correct discourse has been carefully constructed by Romanian mass-media during recent years. Using the pejorative word “*tzigan*” for the Roma minority is no longer a norm in the mainstream online media or press; it has become the exception. Besides giving up the terminology, very few things have changed in the discourse about the Roma in Romania.

The article “Perspective on poverty in Romania. The impact of mass media discourse regarding persons receiving social assistance on the legislative process” analyses the TV discourse on social assistance benefits, which promotes negative stereotypes of beneficiaries portraying them as “lazy” and “not wanting to get out of poverty”.⁴⁰ Individuals are victimised and made responsible for getting out of poverty, there is no discussion about the State’s role or collective responsibility.

The media also creates a conscious link between those receiving social assistance and the Roma, by using language which is stereotypically attributed to Roma: “people with dark skin, women with many children, people wearing clothes similar to the traditional Roma costumes”. Thus, without mentioning explicitly the ethnicity of the persons who refuse jobs and prefer to remain forever “socially assisted”, the suggestion about them being Roma is implicit. Such discourse creates a myth about the “socially assisted” Roma persons who take advantage of the Romanian taxpayer.

Inter-ethnic relations

In 2019, there was a growth in the distance between Roma and the general population. In 2019,⁴¹ 28 percent of the general population stated that there were some misunderstandings between Roma and non-Roma, while in 2012, only 20 per cent of the same population would perceive this. Moreover, in comparison with 2012, when only 9 per cent of the majority population mentioned that there were conflicts between Roma and non-Roma in their locality, in 2018, this number rose to 14 percent. The same study

³⁸ Romanian Government. *National Strategy on Social Inclusion and Poverty Reduction (2015-2020)*

³⁹ <http://agentiaimpreuna.ro/wip/wp-content/uploads/2018/12/Anexa-6-Cultura.pdf>

⁴⁰ Institute for Social Solidarity, *Perspective on poverty in Romania. The impact of mass media discourse on persons receiving social assistance on the legislative process*, 2018.

⁴¹ Împreună Agency. 2019. *Studiu Comparativ al Nevoilor Comunităților de Romi în Contextul Stabilirii Priorităților Strategice de Intervenție pentru Incluziunea Socială a Acestora – Raport de cercetare.*

revealed that the Roma were still associated with negative and discriminatory adjectives such as “dirty”, “thieves”, “uneducated”, “lazy”. When Roma were asked to associate words with Romanian ethnicity, most of them said Romanians are “good” and that they are “humans”. There is still more to be done in order to increase the cohabitation of different groups in Romania, especially between Roma and Romanians.

Romania has had a history of interethnic conflicts between Roma and other groups (Romanians or Hungarians). In the beginning of the 1990s, more than 15 interethnic conflicts took place, some of them very violent. Perhaps the most visible conflict was the one from Hădăreni, Mureș County, in 1993. After a conflict between three Roma and two non-Roma, one of the latter was killed; afterwards, the three Roma sought refuge in a house locking themselves in, and the house was set on fire by the other non-Roma locals. Two Roma were killed when they tried to get out of the house and the third one died inside of the house. After this specific incident, the non-Roma set another 12 houses on fire and destroyed four houses.⁴² The Romanian authorities did not react at that time, but later on, between 2006 and 2008, a community development programme was implemented in Hădăreni aiming at preventing such conflicts from happening again. Unfortunately, the programme had major deficiencies in terms of communication, lack of strategic vision, and institutional ownership.

Even though such conflicts have become less violent, they are still there. The state has failed in implementing real intercultural education or methods for promoting diversity among different groups. Thus, the fear of strangers and the unknown still exists, while the perception of the majority population about Roma is still mainly negative, according to data collected in 2018:⁴³

<i>First three words that come into Romanians' mind when thinking about Roma⁴⁴</i>	<i>Percentage</i>
Thieves	27
Dirty	17
Lazy	11
Uneducated	11

Taking into consideration the current situation of Roma in Romania – persistent anti-Roma attitudes and discourses, high social distance between Roma and non-Roma, stigmatization of the Roma group as scapegoat for the national problems – we believe there is a need for moving further and promoting Roma as an ethnic group focusing more on culture and identity, and less through the social (poverty) lens.

⁴² Ana Ivasiuc, Cătălina Olteanu, Ana Chirițoiu, Tudorel Andrei, Marius Profiroiu, Georgiana Giba. (2012). *Raport de evaluare a programului „Hădăreni”*.

⁴³ *Împreună* Agency. 2019. *Studiu Comparativ al Nevoilor Comunităților de Romi în Contextul Stabilirii Priorităților Strategice de Intervenție pentru Incluziunea Socială a Acestora – Raport de cercetare*.

⁴⁴ *Idem*

ROMA INFORMAL SETTLEMENTS

In Romania, there are numerous informal settlements that have appeared and developed in areas where it is impossible to legalise them because they are located in floodable areas, near garbage pits, near industrial facilities, under high voltage wires, in areas affected by landslides, etc. At present, the provisions of the new law regulate relocation procedures through the allocation of social housing or the allocation (concession) of a piece of land where the family can build a home, with support. The focus is not on eviction and demolition as before, but on providing sustainable housing and integration alternatives for disadvantaged people. This chapter deals with the development of this recent piece of legislation, which has emerged due to cooperation efforts with the civil society.

Recognition of the problem

In 2017, PACT Foundation together with *Make Better* Association, *Valea Corbului* Initiative Group, *DEP Bumbesti Jiu*, and *GAL Reșita* received funding to implement a project dedicated to bringing the topic of informal settlements on the public agenda. The project was called “No Man's Land – Informal Housing in Roma Communities. Recognition, Responsibility and Shared Solutions”. The implementers set the objective to introduce the concept of informal housing in the relevant legislation and identify possible solutions at the local level. In order to develop a coherent and coordinated framework to tackle the issue of informal housing in Romania, the analysis of the legal documents, which at that time did not have the terms harmonised, was the starting point.

The presentation of the project states that “more than 60,000 Roma families in Romania currently live in informal settlements, which puts them constantly in danger”. Therefore, the project decided to take action for the safety and for the health of people in informal settlements. The main objective of the project was to overcome barriers currently impeding the use of EU funds and Government's intervention to solve problems related to integrated communities living in informal housing areas in Romania. The topic of informal settlements had been previously discussed and analysed mainly by the civil society and informal living was not recognised in the national law, the term had no legal definition, nor formal recognition.

According to the report “Informal Housing in Romania. Research Report”⁴⁵ there is no available data in Romania that quantifies the actual number of households and families affected by this phenomenon; there are only estimates. The report mentioned only one study initiated in 2013 that tried to collect data on informal settlements using a questionnaire submitted for completion to all administrative-territorial units in the country, through the County Councils. Still, out of the 3,181 existing administrative units at the national level, only half (49.5 per cent) responded to the questionnaire request. 35 per cent of respondents stated the existence of informal housing areas in their administrative territory, this amounting to approximately 1,200 locations in 584 administrative-territorial units, all over the country. The data was used by the World Bank in its report “Housing in Romania: Towards a National Housing Strategy”⁴⁶ commissioned by the Romanian Government to substantiate the National Housing Strategy. So, it was stated that in Romania “there are approximately 1,198 informal settlements in Romania, of which 953

⁴⁵ PACT Foundation, *Make Better* Association, *DEP - Bumbesti-Jiu* Association, *Valea Corbului* Initiative Group, *Reșita* Local Action Group. (2018). *Informal housing in Romania. Research report*. See: https://locuireinformala.ro/wp-content/uploads/2019/11/Raport-cercetare-Locuire-informala_RO.pdf

⁴⁶ World Bank (2015). *Housing in Romania: towards a national housing strategy*. Available in Romanian at: <http://documents.worldbank.org/curated/en/722941468586112365/Cazare-%C3%AEn-Rom%C3%A2nia-spre-o-strategie-na%C5%A3ional%C4%83-de-locuin%C5%A3e-Armonizarea-investi-%C8%9Biiilor-publice-Componenta-4>

(79.54 per cent) are located in rural areas and 245 (20.46 per cent) in urban areas".⁴⁷ According to this data, in the 1,198 informal settlements identified, there are 49,338 homes and 63,492 families present. On average, on the territory of each administrative unit, there are two informal settlements with approximately 40 houses and 50 families. It can be concluded that in Romania there is no clear and official data about the size of the problem and state authorities have done little to gather data and thus officially recognise the phenomenon.

The report prepared within the framework of the above-mentioned project titled "Informal Housing in Romania - Analysis of the Legal Framework Relevant to the Field of Informal Housing in Romania"⁴⁸ clearly states the need for a legal framework to solve the problems of informal settlements and the need to allocate funding for this issue. The report draws attention to the fact that, even if it did not have a clear legislative framework, Romania has adopted over time several strategic documents⁴⁹ initiated at European and international level that brings living in the centre of the signatory states' concerns as a necessity for the balanced development of human settlements and of society.

In Romanian legislation, the principle of decent living is stipulated in the Constitution, in the Civil Code and in the laws regulating the organisation of the public administration. In addition, the Law no. 114/1996 on Housing as amended, states the free and unrestricted access to housing as a right of every citizen and construction of housing is considered a major long-term objective of national interest for the central and local public administration. The housing law defines only what is convenient housing, but there is no mention of informal settlements.

Informal housing is indicated neither in the legislation in the field of urbanism, constructions, and public health, nor in the legislation in the field of cadastral property and domicile. The authors of the report point out that Law no. 50/1991 on the Authorisation of the Execution of Construction Works⁵⁰ specifies that the mayoralty may dismantle buildings owned by the territorial administrative unit which is in an advanced state of degradation and which endanger public safety, except for buildings which are historical monuments, or privately owned. The same law clearly stipulates that it is impossible to tabulate in the land book constructions erected without a building authorisation or which failed to observe its provisions, as well as constructions for which no proper reception procedures were done upon the completion of the works.

Another law affecting informal housing is Law no. 51/2006 on the Public Utility Community Services, whose provisions significantly hinder ensuring the minimum infrastructure conditions for informal settlements, along with Law no. 123/2012 on Electricity and Natural Gas and Regulation no. 59/2013 on the National Agency for Energy Resources regarding users' connection to the electrical networks of public interest. All these laws limit the possibility for local public authorities to invest in infrastructure in informal housing areas. The laws regarding a person's domicile and identity with immediate effects in terms of

⁴⁷ *Ibid.*, p. 119.

⁴⁸ PACT Foundation, *Make Better* Association, DEP - *Bumbesti-Jiu* Association, *Valea Corbului* Initiative Group, *Reșița* Local Action Group. (2018). *Informal housing in Romania - Analysis of the legal framework relevant to the field of informal housing in Romania*. See: <http://locuireinformala.ro/wp-content/uploads/2018/08/Raport-Legislatie.pdf>

⁴⁹ Vancouver Declaration on Human Settlements (1976), the Istanbul Declaration on Human Settlements (1996), the Declaration on Cities and Other Human Settlements in the New Millennium (2001), the European Parliament's Report on Housing and Regional Policy (2007), the Revised European Social Charter (signed by Romania in 1997 and ratified in 1999), the Vienna Declaration on Informal Settlements in South-East Europe (2004)

⁵⁰ Law no. 7/2020 is amending and completing the Law no. 10/1995 regarding the quality in constructions and the Law no. 50/1991 regarding the authorization of the execution of construction works

Romanian citizens' access to health, education and employment services of Romanian citizens have important implications.⁵¹

An important step in providing the legal framework to enable intervention policies at the informal settlements level was the adoption of the Law no. 150/2015 to amend and supplement Law no. 7/1996 on the Cadastre and Real Estate Advertising through which measures were taken to implement the commitments made by Romania as a signatory of the Vienna Declaration on informal settlements in South-Eastern Europe (2004). The provisions describe a clear, efficient and coherent legal and technical/cadastral mechanism for registering properties owned by different persons and represent an important progress in solving the issue of informal settlements.

Policy answer to the problem

In October 2018, PACT Foundation, *Make Better* Association, *Valea Corbului* Initiative Group, DEP *Bumbesti Jiu* and GAL *Reșita* went further with their efforts and submitted to the Romanian Parliament the legislative initiative concerning informal settlements. In the rationale of the legislative initiative for the amendment of Act no. 350/2001 on Spatial Planning and Urban Planning, it is clearly stated that in Romania there were over 64,000 families, i.e. over 200,000 thousand Romanian citizens, living in informal settlements.⁵²

Notwithstanding, Act no. 151/2019 on the completion of the Act no. 350/2001 on Spatial Planning and Urbanism was the decisive step. The change was made in collaboration with the Ministry of Labour and Social Justice, the Ministry of Health, the Ministry of Interior, the Ministry of Regional Development and Public Administration, and the Ministry of European Funds. It all started from a project initiated by the aforementioned consortium of NGOs that aimed at addressing the issue of informal settlements. Their legislative proposal was then discussed and agreed with the ministries, who proposed amendments.

Basically, the law on informal settlements was adopted in June 2019 (by amending Law no. 350/2001 on Spatial Planning and Urban Planning). In this law, several coherent elements were integrated regarding the definition of informal settlements, the procedures for identification on site, and responsibilities at central, county and local levels.

According to the provisions of this law, a commission is set up at the county level with the role to inform mayors about legislation, identify together with the mayors' offices the informal settlements and provide methodological support for making decisions to improve the conditions at the local level. When it is impossible to identify on-site solutions, the commission should propose solutions to relocate the respective households.

According to the logic of the new legislative change, the local level is the one that identifies the problems, brings them to the attention of higher authorities (the county-level commission and then to the Ministry of Regional Development and Public Administration), and can then become the beneficiary of technical support funding measures.

For the 2020 financial year, the Ministry of European Funds has committed to allocate the necessary financial resources for such an endeavour. The issue of informal settlements

⁵¹ Few examples: 1. A mother who is about to give birth and has no ID, cannot get the birth certificate of the new-born, who also becomes a victim. The child will not receive the state allowance, he/she will not have access to a family doctor, he/she will not enter the school census data, and at three years old he/she will not be enrolled in kindergarten and later in school. In this way, the child is invisible to the social assistance system. 2. Enrolment in the preparatory class of children from informal settlements cannot be made according to the norms in effect, without informing parents who do not have an address, and in the absence of an official school assignment of informal settlements. 3. People living in informal settlements cannot receive the state subsidies because, as the law stipulates, they must have the residence address in their IDs.

⁵² The study „*Analysis of informal settlements in Romania - Evaluation of the current situation to formulate regulations and intervention instruments*” was conducted by I.N.C.D. URABN-INCERC (2014) upon the initiative of the Ministry of Regional Development and Public Administration. The report is available at: http://locuireinformala.ro/wp-content/uploads/2018/03/Raport-de-Cercetare_Locuire-Informala.pdf

will be among the funding priorities for the next programming cycle of European funds.⁵³ The aim is to attract and involve local authorities, mobilise them to signal and identify solutions together with the county-level commission, which will then be granted European funding.⁵⁴

In this mechanism, the Ministry of Regional Development and Public Administration has a methodological role, of supervision, monitoring and public signalling of the situation of informal housing, number of houses/dwellings, number of people, number and distribution of informal settlements, needs and the best solutions identified. Unfortunately, the local and county authorities' lack of involvement in solving the problems of informal settlements cannot be sanctioned within the legal framework. The civil society can intervene by "naming and shaming", while the National Agency for Roma and the Ministry of Regional Development and Public Administration can set up institutions that put pressure on the local stakeholders to solve the issues.

It should be pointed out that the legislative change does not currently have enforcement rules for reasons related to the political factor. The rules are drafted, but they have to go through the approval and adoption process and there are signs that, in some counties, commissions have been organised and there is a level of mobilisation. It is expected that a good process management can lead to favourable results; identifying informal settlements can cause a certain locality to receive a higher score and be prioritised within the national cadastral programme.

Still, after the change in the government, the process is now halted or lost among other initiatives, and with the local and national election coming up in 2020, the focus will be more on populist measures that would attract votes than on something that is considered by the general population as something illegal and worth punishing.

⁵³ Interview with Bogdan Suditu, university lecturer, University of Bucharest, expert in the project „No man's land – Informal living in Roma communities. Recognition, Responsibility and Shared Solutions“, implemented by PACT Foundation, *Make Better* Association, *Valea Corbului* Initiative Group, DEP *Bumbești Jiu* and GAL *Reșița*. Bucharest, November 25, 2019.

⁵⁴ The negotiation relating to the next programming period of European Funds, 2021-2027, is still ongoing.

SCHOOL SEGREGATION

The latest report on the implementation of the Framework Convention for the Protection of National Minorities (2018) highlights that the de-segregation process was conducted “very superficially”. Moreover, “segregation of Roma children in school is still reported in spite of the authorities’ stated aim to eradicate it”.⁵⁵ The recommendation of the Council of Europe was “to eliminate all forms of segregation of Roma children and other forms of discrimination of Roma children at school, with the aim to include them fully into mainstream education”.⁵⁶

There is no accurate information about the proportion of segregated Roma students, but FRA estimated in 2014 that 26 per cent of the Roma students were segregated,⁵⁷ while more recent numbers of the EC speak about approximately 27 per cent.⁵⁸

Analysis of the problem

There are several forms of school segregation in Romania:

The **intra-school segregation** involves the organisation of separate classes for Roma. This form may also include intra-class segregation, which implies a different level of the curricular standards applied in the same class for Roma students.

The **inter-school segregation** can be of three types:

1. geographical or residential segregation of ethnic groups, so that a certain school will have a majority of students of a certain ethnicity; a common case is that, although there is a neighbourhood school attended by all the children in the area, there is a gradual move of the majority of the children to other schools, while the majority of Roma children remain in the neighbourhood school;
2. improper or subjective selection process that leads to the placement of children without disabilities in schools for children with mental disabilities;
3. the existence of private institutions or confessional schools, where pupils are admitted based on examination or a tuition fee, from which Roma children are *de facto* excluded due to social disadvantage.

The **individual segregation**, in the form of neighbourhood schools, is also a commonly encountered form of segregation, to a large extent being the result of the student enrolment process conditioned by the parents’ residence. The peripheral situation of the Roma community will determine the predominant enrolment of the students from the respective community in a neighbourhood school, which will be attended by a majority or, in most cases, exclusively by students of a certain ethnicity.

⁵⁵ <https://rm.coe.int/fourth-opinion-on-romania-adopted-on-22-june-2017/168078af76>

⁵⁶ *Ibidem*

⁵⁷ https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-roma-survey-dif-education_ro.pdf

⁵⁸ European Commission (2016). *Education and Training Monitor 2016*, Romania, https://ec.europa.eu/education/sites/education/files/monitor2016-ro_en.pdf

Practices that may lead to school segregation:

<i>Situation leading to school segregation</i>	<i>Remarks</i>
Enrolling Roma children in residentially segregated schools	Schools in or near a “compact” Roma neighbourhood and without another school nearby, where all or a very large percentage of the students are Roma. This is the so-called <i>de facto</i> segregation, where there is little possibility of having a mixed ethnic participation of children, with Roma children having no other educational alternatives.
Deliberately guiding or directing Roma children to segregated kindergartens/schools in or nearby Roma inhabited neighbourhoods	Although mixed kindergartens/schools are accessible, Roma children are guided or directed towards segregated kindergartens or schools.
Placing all children who did not attend kindergarten in the same preparatory/first grade	All Roma students who did not attend kindergarten are placed in the same class separated from the other students.
Deliberate placing of Roma students within a school in groups/classes/buildings/other facilities exclusively destined for them	Roma students are placed in groups or classes separated from non-Roma children or Roma children have courses in buildings or facilities separated from non-Roma children, probably the most direct form of segregation. There may be significant pressure in this direction from parents of non-Roma children and even from teachers.
Placing children who were enrolled to school late in the same class	Roma students are placed in the same class on the grounds that they were enrolled later, a situation often encountered in communities with no school mediator.
Maintaining Roma classes intact when children are transferred from a segregated kindergarten or school to a mixed school	It is considered to be for the benefit of the students to be kept in the same structure as that of the kindergarten, group, class or school from which they came.

“Accusations of racial segregation of Roma students in Iasi schools. Children study in separate classes and are taken out at different times during breaks”⁵⁹ was one newspaper headlines in Romania this month. The Pro-Europe Roma Party accused the school representatives of a school in Iași of isolating Roma students from the non-Roma ones by setting breaks at different times for the two groups in order to avoid their interaction. Moreover, the non-Roma students’ classrooms are on a different floor.

An advisor on Roma issues from the Iași Prefecture stated that the County School Inspectorate also planned to create separate entrances and toilets for Roma and non-Roma.⁶⁰ Iași County already has a history of segregation measures; in 2017, one school from Iași and the School Inspectorate were sanctioned by the National Council for Combating Discrimination for the discrimination of Roma children and violation of their

⁵⁹ <https://www.libertatea.ro/stiri/acuzatii-de-segregare-rasiala-a-elevilor-rromi-in-scolile-din-iasi-copiii-invata-in-clase-separate-si-sunt-scosi-la-ore-diferite-in-pauze-reactia-inspectoratului-scolar-2792599>

⁶⁰ <https://www.romania-insider.com/ethnic-roma-segregation-school-iasi-romania>

right to dignity by separating Roma and non-Roma children in different classes and different buildings.⁶¹

Also, it was reported that in a school in Cluj-Napoca, Roma children studied in a separate building and had to use a different entrance door than the majority of the children. There were also reports about other cases where Roma children were taught in basements or are seated in the last rows of the classroom without being involved in daily school activities.⁶²

Policy answer to the problem

Order no. 1540/2007 regarding the prohibition of school segregation of Roma children and the approval of the methodology for preventing and eliminating school segregation of Roma children⁶³ confirms that “*segregation is a serious form of discrimination. Within the educational system, with the exception of schools/classes teaching all disciplines in the Romani language*”.

In 2016,⁶⁴ Romania adopted an order banning school segregation,⁶⁵ which was supposed to create an efficient de-segregation mechanism and instruments ensuring serious monitoring and reporting by the local and county institutions responsible for education. Unfortunately, from 2016 to 2018 the order was not applicable due to the lack of implementation norms. The De-Segregation Commission with various responsibilities for putting the order into practice (developing methodological norms, monitoring implementation, drafting reports, etc.) was only set up in 2019. In early 2019, regulations for the organisation and functioning of the Commission were published. The De-Segregation Commission includes 17 members: specialists and experts from the Ministry of Education, academia, NGOs and other relevant institutions, as well as parents’ and students’ representatives.⁶⁶

Starting with September 2019, the Ministry of Education developed a pilot Methodology for Monitoring School Segregation on Different Bases, including ethnic segregation.⁶⁷ The methodology will be piloted in three counties (Constanța, Maramureș and Iași).

Even though there was no methodology for monitoring cases of segregation, the County School Inspectorates were supposed to report how they put into practice the de-segregation order. The Ministry of Education stated publicly that there was no case of school segregation in 2016-2019.⁶⁸ Furthermore, two deputies used the interpellation mechanism in the Parliament to raise the issue of de-segregation. Both of them (Florin Manole⁶⁹ and Oana-Mioara Bizgan⁷⁰) asked the Ministry of Education about the reasons for

⁶¹ <https://www.stiri.ong/ong/civic-si-campanii/cncd-a-sanctionat-segregarea-rasiala-a-c>

⁶² <https://rm.coe.int/fourth-opinion-on-romania-adopted-on-22-june-2017/168078af76>

⁶³ Order no. 1540 of 19 July 2007 regarding the prohibition of school segregation of Roma children and approval of the methodology for preventing and eliminating school segregation of Roma children, issued by the Ministry of Education, Research and Youth, Official Monitor no. 692 of 11 October 2007.

⁶⁴ <https://www.edu.ro/ordin-cadru-nr-613421122016-privind-interzicerea-segreg%C4%83rii-%C8%99colare-%C3%AEunit%C4%83%C8%9Bile-de-%C3%AEunit%C4%83%C8%9B%C4%83m%C3%A2nt>

⁶⁵ <https://www.edu.ro/ordin-cadru-nr-613421122016-privind-interzicerea-segreg%C4%83rii-%C8%99colare-%C3%AEunit%C4%83%C8%9Bile-de-%C3%AEunit%C4%83%C8%9B%C4%83m%C3%A2nt>

⁶⁶ <https://lege5.ro/Gratuit/gmzdcnjwgizq/regulamentul-de-organizare-si-functionare-a-comisiei-nationale-pentru-desegregare-si-incluziune-educationala-din-08022019>

⁶⁷ <https://www.edu.ro/consultare-public%C4%83-proiectul-metodologiei-pilot-pentru-monitorizarea-segreg%C4%83rii-%C8%99colare>

⁶⁸ <https://www.scoala9.ro/cum-monitorizam-segregarea-scolara-/487/>

⁶⁹ <http://www.cdep.ro/interpel/2018/i2061B.pdf>

⁷⁰ <http://www.cdep.ro/pls/parlam/interpelari2015.detalii?idi=57631&idl=1>

not adopting the methodologies for implementing the de-segregation order and about the real number of segregation cases. The Ministry answered that the County School Inspectorates are responsible for implementing and respecting the order through their county-level Segregation Prevention Plans. They stated that there was no segregation case registered in 2016-2019.⁷¹

At the end of 2019, the new Minister of Education approved the methodology for desegregation⁷² and starting with 2020 all primary and lower-secondary schools in Romania will have to put the methodology into practice. The methodology includes a wide range of indicators from the "Index for Inclusion: A Guide to School Development Led by Inclusive Values".⁷³ Thus, there is hope that the desegregation process will take off, but it has to be well monitored to establish and observe if it really contributed to diminishing all types of segregation.

Beside clear cases of segregation (separate buildings, classes, group or last rows for Roma), Roma and pro-Roma NGOs working in the field in Romania noticed the process of non-Roma students moving from schools with majority Roma students, indirectly leading to a segregated school which is avoided by non-Roma. At present, there is no official data documenting this phenomenon.

Some of the major recommendations of the Council of Europe were to guarantee the effective participation of persons belonging to national minorities in discussions at local and regional levels and to increase efforts to prevent and to combat inequality and discrimination suffered by the Roma".⁷⁴ Segregation in itself is not the fundamental problem; rather, the problem is the association of segregation with children's unequal access to quality education. The separation in kindergartens and schools/classes invariably leads to an inferior quality education as compared to the one taught in groups, classes or schools with a different ethnic majority of the school population.

Teachers' interest in classes in segregated schools is reduced; as a result, school segregation is most often associated with the presence of less well trained or motivated teachers, whose connection with the local community is diminished.

School segregation on ethnic criteria has negative effects on all levels of the educational system, for both Roma and non-Roma children, as well as for the teaching staff, parents of students, the communities from which they come from and on the overall educational system.

⁷¹ <http://www.cdep.ro/interpel/2019/r2372B.pdf>

⁷² https://pjp-eu.coe.int/en/web/inclusive-education-for-roma-children/newsroom/-/asset_publisher/bknfFYehX9o5/content/romania-new-ministerial-order-on-school-segregation-monitoring-takes-onboard-index-for-inclusion-indicators?inheritRedirect=false&redirect=https%3A%2F%2Fpjp-eu.coe.int%2Fen%2Fweb%2Finclusive-education-for-roma-children%2Fnewsroom%3Fp_p_id%3D101_INSTANCE_bknfFYehX9o5%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-4%26p_p_col_count%3D1&fbclid=IwAR0WSu7K7IXGaGhO6j9XFqnUI5_c4hueSp6GETwM6ZZ467mSUsMeYjilVoyg

⁷³ <https://www.amazon.co.uk/Index-Inclusion-School-Development-Inclusive/dp/0993512208>

⁷⁴ Council of Europe, *Fourth Opinion on Romania*, 16 February 2018.

INEQUALITIES AND ANTI-DISCRIMINATION'S LIMITS

Together with the process of Romania's accession to EU, anti-discrimination legislation⁷⁵ was adopted and structures for preventing and combating all forms of discrimination were set up. The subsequent evolution of the legislation followed the requirements structured at the European level. More subtle elements of discrimination could be highlighted, among them being the issue of school segregation or that of indirect discrimination.⁷⁶

Legal regulation of equal treatment

ECRI General Policy Recommendation no. 7 defines direct and indirect racial discrimination as follows:⁷⁷

- "Direct racial discrimination" shall mean any differential treatment based on grounds such as race, colour, language, religion, nationality or national or ethnic origin, which has no objective and reasonable justification. Differential treatment has no objective and reasonable justification if it does not pursue a legitimate aim or if there is not a reasonable relationship of proportionality between the means employed and the aim sought to be realised.
- "Indirect racial discrimination" shall mean cases where an apparently neutral factor such as a provision, criterion or practice cannot be easily complied with by, or disadvantages, persons belonging to a group on basis of race, colour, language, religion, nationality or national or ethnic origin, unless this factor has an objective and reasonable justification. This latter would be the case if it pursues a legitimate aim and if there is a reasonable relationship of proportionality between the means employed and the aim sought to be realised.

Indirect discrimination is a differentiation that prejudices a right without having a direct connection with a certain characteristic or status (which can be defined as a criterion of discrimination). Although it seems to be a neutral practice, it creates disadvantages for members of certain groups, who share a common criterion such as ethnic origin, language or culture, as compared to certain people who form a group or community based on a mainstream criterion.

On the other hand, any policy based on criteria that generate indirect discrimination can be invoked before the European Court of Human Rights (ECHR). In practice, the ECHR judges started to take into consideration the notion of indirect discrimination in 2001, often in connection with the discrimination of Roma. The anti-discrimination legislation in Romania takes into account the norms of the EU and those of the Council of Europe, so that any criterion of discrimination can be invoked, while indirect discrimination is also defined.

⁷⁵ Ordinance no. 137 of 31 August 2000 (republished) on the prevention and sanctioning of all forms of discrimination. For further information on the antidiscrimination legislation, see: <https://cncd.ro/2016-10-24-ordonanta-nr-137-din-31-august-2000>

⁷⁶ Ordinance no. 137 of 31 August 2000 does not use the term indirect discrimination, but it allows the identification of indirect discrimination according to Art. 2 paragraph 3, thus, "According to the present ordinance, the provisions, criteria or seemingly neutral practices that disadvantage certain persons, based on the criteria provided in para. (1), vis-à-vis other persons, are discriminatory, unless these provisions, criteria or practices are objectively justified by a legitimate purpose, and the methods of achieving that purpose are adequate and necessary."

⁷⁷ ECRI General Policy Recommendation no. 7 on national legislation to combat racism and racial discrimination, adopted on 13 December 2002 and amended on 7 December 2017, available at: <https://rm.coe.int/ecri-general-policy-recommendation-no-7-revised-on-national-legislatio/16808b5ab6>

The difference between the direct and indirect discrimination⁷⁸ can be analysed relying on a simple hypothetical example, the case of garbage/waste collection workers (*salubritate* in Romanian language, whose translation in English will be *sanitation*): let's presume that the condition of employment for workers in the field of household waste collection is set at mid-level education with baccalaureate, meaning 12 grades and passing of exams for a baccalaureate diploma.

If such a case is analysed from the perspective of the *Convention*, given that mid-level education is not really justified and necessary as a professional requirement in the field of garbage collection, the act should represent an implicit discrimination on the basis of the level of education..

If, on the other hand, the cause is analysed from the perspective of the EU Race Equality Directive, it is obvious that such a criterion cannot be retained. Given that many Roma people work in the field of garbage collection, and statistical data shows that only a small percentage of Roma have mid-level school education completed with a baccalaureate diploma, it can be reasonably argued that, although the restriction does not refer directly to Roma, in practice it affects this community, more than any other group or community. Hence, the act should represent indirect discrimination on the basis of ethnicity.

By combining the two systems, in accordance with the provisions of Ordinance no. 137/2000, cited above, the baccalaureate diploma requirement for garbage collection jobs represents a direct discrimination on the basis of the level of education and an indirect discrimination on the basis of ethnicity. The finding of indirect discrimination on the basis of ethnicity is of particular importance in establishing contravention fines against the hiring company, since according to the ECHR jurisprudence, ethnic discrimination is the most severe form of discrimination.

It is important to emphasise that indirect discrimination is not of immediate evidence, as it is not explicit. The practices, rules, organisational policies appear to be neutral and appropriate/correct, but their result materialises in a different treatment of certain groups, and it can harm their rights.

According to the European Law Handbook on non-discrimination,⁷⁹ the application of the same treatment to persons in different situations can generate discrimination, or indirect discrimination.

We therefore should consider three elements: (1) the existence of an apparently neutral rule, criterion or practice; (2) the seemingly neutral disposition, criterion or practice to place a group in a particularly disadvantageous situation; (3) the existence of a comparison term to determine whether the effect of the rule, criterion or practice is significantly more unfavourable than that felt by other persons in a similar situation.

Inequalities beyond legal discrimination

The cost of education

In Romania, recent years have generated several situations that legally qualify as legally prohibited indirect discrimination, proving to produce inequalities for the Roma population, affecting their capacity to reach a quality education or advance in a professional area.

⁷⁸ Information provided by Istvan Haller, member of the National Council for Combating Discrimination

⁷⁹ *Manual de drept european privind nediscriminarea (Handbook of European Law on Non-discrimination)*, The European Union's Agency for Fundamental Rights and the Council of Europe, 2010. Available at: https://fra.europa.eu/sites/default/files/fra_uploads/1510-FRA_CASE_LAW_HANDBOOK_RO.pdf; latest version in english: Handbook on European non-discrimination law – 2018 edition: <https://fra.europa.eu/en/publication/2018/handbook-european-law-non-discrimination>

Let's take into consideration a relevant example at the limit of the indirect discrimination, an educational issue faced by vulnerable groups, including Roma. A study of the NGO "Save the Children" dating from 2018 indicated that, at national level, the average annual amount allocated by parents for their children's schooling is 3,093 RON (the equivalent of approx. 650 EUR), the costs being significantly higher in urban areas (3,351 RON, or 705 EUR) than in rural areas (2,575 RON, or 580 Euro), and in the case of parents who have children in upper secondary school, compared to those who have children in the lower secondary or primary school.⁸⁰ Significantly, these amounts have doubled since 2010, when the organisation had conducted a similar study. The amount in question is represented by different categories of expenses, from textbooks, notebooks and special workbooks, to supplies, sports equipment and school uniforms, the piggy bank (funds) of the class, food, transportation, tutoring, after-school programmes, etc.

The largest share of all these costs goes to private tutoring for improving school performance and after-school programmes, one in four children benefitting from extra private tutoring. The common practice of collecting money for school funds, paying for private tutoring, and for after-school activities generates costs that cannot be covered by poor families, including the Roma, resulting in a more difficult access to quality education.

We can consider the practice described above, to the limit, as potentially leading to a net disadvantage for families who cannot afford the additional costs of school education, i.e. families from poor, vulnerable/disadvantaged Roma communities and, consequently, a situation which could hardly be demonstrated and sanctioned on the basis of anti-discrimination legislation. In that sense, the system of compulsory universal education loses its universal character, due to the financial barriers that hinder access.

The public policy solution is, without a doubt, to ensure that the quality of public education is high, and to financially support all the costs associated with free education in Romania, including through after-school programmes budgeted at the level of the public administration, by offering vouchers, etc.

Limited access to qualification/vocational training for Roma

Another example is taken from the field of vocational training/professional qualification. A recent change in legislation regarding the access to vocational training/qualification courses for adults generated significant difficulties for vulnerable groups that did not complete compulsory education. In practical terms, in order to have access to a qualification course, a person needs to have previously completed at least eight grades (gymnasium level).⁸¹ Given that the level of education within Roma communities is frequently lower than eight grades, it is obviously that such a person will be prevented from vocational training and from accessing a better job and salary due to an apparently neutral legal provision.

Moreover, under the EU funding in Romania, there are several programmes that are targeting vulnerable communities that established clear indicators for people participating in and graduating from vocational training/qualification courses.⁸² An example is the

⁸⁰ *Costurile Educației Gratuite. De ce învățământul gratuit costă? (The costs of free education. Why is free education not free?)*, Save the Children, September 2018, available at: <https://www.salvaticopiii.ro/sci-ro/files/7d/7da9f60a-0725-43a7-b04b-a717ca489210.pdf>

⁸¹ Order no. 5039/2126/2018 regarding the approval of the correspondence between the levels of the National Qualifications Framework, the documents for studies/qualifications to be issued, the type of education and training programmes from Romania through which the qualification levels, the reference levels of The European qualifications framework, as well as the access conditions corresponding to each one level of qualification. Available at: <http://www.mmuncii.ro/j33/images/Documente/Legislatie/O5039-2018.pdf>

⁸² For example, indicator no. 4S37.2. - People at risk of poverty and social exclusion from marginalised communities who receive a qualification diploma at the end of the participant status, of which: Roma.

Priority Axis 4 "Social inclusion and combating poverty",⁸³ for which the applicants developed project proposals during 2016-2017 based on a compulsory required community study and proposed an estimate number of people willing to participate in qualification courses. At the moment of preparing the project proposal, the applicants who were taking into consideration for vocational training courses were persons with a lower level of education (people that did not finalise compulsory education), according to the results of the community study, and this become one of the most important result indicators, directly connected to the level of funding contracted.

Practically, the awarded projects under this priority axis are in a difficult position of not being able to reach the result indicators and consequently generating ineligible costs. Paradoxically, the programme designed for people with lower levels of education is preventing exactly the vulnerable groups from accessing vocational training courses in order to receive a diploma that will increase their chances in finding a qualified job, and all this due to the new legislation adopted.⁸⁴

Such a situation is generating a clear inequality for vulnerable communities where the level of education is lower than eight grades, a situation that cannot be legally demonstrated as direct or indirect discrimination. So far, even if project promoters requested a solution, this is far from being identified and most of the projects will be finalised before a solution is found.

Conclusion

The two cases presented above are just examples of situations generated by apparently neutral decisions of the local, regional or national authorities that produce severe inequalities for the vulnerable groups, including the Roma.

They are a clear measure of the use of public policy cycle requirements existing in Romania.⁸⁵ It is a clear demonstration of the level of use of ex-ante evaluation⁸⁶ of the impact of public policy measures.

In more specific terms, such decisions, norms, public policy measures are lacking the essential steps in defining the problem, collecting relevant data, cost/benefits analysis, monitoring and evaluation.

⁸³ The objectives of the Priority axis 4 are: reducing the number of people at risk of poverty or social exclusion from marginalised communities in which there is a minority Roma population by implementing integrated measures; reducing the number of people at risk of poverty or social exclusion in marginalised communities (non-Roma), by implementing integrated measures; improving digital literacy of the population in disadvantaged communities (e-inclusion); reducing the number of persons belonging to vulnerable groups in a situation of vulnerability by providing social services/medical/socio-professional/vocational training etc. for the specific needs of socio-professional integration. See: <http://mfe.gov.ro/programe/autoritati-de-management/am-pocu/> for more details.

⁸⁴ Information confirmed through several discussions with project managers involved in the implementation of such projects.

⁸⁵ For more details on Romanian legislation on public policies, see: <https://sgg.gov.ro/new/politici-publice-si-programe/legislatie/>

⁸⁶ For more details on the ex-ante evaluation of public policies in Romania, see: <http://sgg.gov.ro/docs/File/UPP/doc/manual-evaluarea-ex-ante-a-impactului-politicilor-educationale.pdf>

LOW OR NO-EDUCATION'S IMPACT ON EMPLOYABILITY

In 2019, in Romania, the employment rate of the working age population (15-64 years) was 68.7 per cent with higher values for men (74.5 per cent compared to 67.4 per cent for women). According to a recent study,⁸⁷ the total additional labour force needed in Romania was estimated at around 300,000 people for the 2019, with the prospect of increasing to 549,000 people in 2023. The study indicates that in five years the economy will need more than half a million more people in the labour market that cannot be covered by internal labour resources in the absence of clear measures. The document draws attention to the fact that approximately 2,000,000 active people are neither in the labour market, nor in the education system, and the number of pensioners is fast approaching that of the active workers, while the population could decrease by almost 2,000,000 inhabitants by 2030. The main causes that led to the deepening of the labour deficit are demographic decline and migration.

In terms of demand, the number of job vacancies doubled between 2013 and 2018, and the unemployment rate was even 3.3 per cent in December 2018, being much lower than in other EU Member States, while in the case of young people under 25 it reached 18.3 per cent, well above the EU average. A quarter of the young people in employment do not have the status of employee (they work without a legal contract), and the match between the level of training received and the requirements of the current job shows that only for 44.1 per cent does the level of training correspond to a great extent to the requirements.⁸⁸

This is due to the fact that the adult education and training system in Romania performs relatively poorly compared to the EU-28 average (2016), as reflected by the early school leaving rate (Romania 18.5 per cent, EU-28 10.7 per cent) and the rate of employment of graduates in the first year, as well as in the first three years after graduation (Romania 59.6 per cent, EU-28 72.6 per cent). In addition, there is a significant share of young people with low levels of reading literacy, mathematical and scientific competences (Romania 39 per cent, EU-28 20 per cent) and the percentage of adult participation in lifelong learning is 1.2 per cent compared to 10.8 per cent, the average for EU-28.

Development of the labour market

The labour market in Romania is active and growing; so that for a few years now the trend has been that the number of jobs created exceeds the number of redundancies. New jobs have appeared mostly in manufacturing, retail, IT&C, professional and administrative services, and they have disappeared from the public administration and defence, the mining industry, transport, storage and electricity, heating, gas and water supply.

According to Skills Panorama,⁸⁹ the dynamics of the labour market in Romania in 2030 will be as follows:

- the decrease in jobs, by business sector, will occur mainly in construction (-30.1 per cent), wastewater and waste treatment (-23.3 per cent), agriculture, forestry and fishing (-13.0 per cent), and mining (-11.3 per cent);
- the decrease in jobs, by occupations, will occur mainly for craftsperson (-25 per cent) and agricultural workers (-21 per cent);

⁸⁷ KPMG, National Institute of Economic Research of the Romanian Academy (2019). *Analiza cantitativă și calitativă a pieței muncii în România [Quantitative and qualitative analysis of the labour market in Romania]*. Confederația Patronală Concordia,

⁸⁸ *Idem*

⁸⁹ *Skills Panorama*, European Commission, Directorate-General for Employment, Social Affairs and Inclusion and powered by Cedefop, the European Centre for the Development of Vocational Training

- the increase in jobs, by sector, will occur for professional services (+91.4 per cent), healthcare and social services (+66.7 per cent), followed at considerable distance by education (+20.4 per cent), administration services (20.1 per cent), arts and leisure (+17.9 per cent), energy resources (+17 per cent), and public sector and defence (+14.6 per cent);
- the increase in jobs, by occupations, will occur mainly for specialists (+30 per cent), service and sales workers (+20 per cent), technicians (+18 per cent), unqualified labourers (+14 per cent), clerks (+12 per cent), and operators and assemblers (+6 per cent).

Worldwide we are witnessing an increase in the number of working hours that require computer assistance, and data shows that the number of hours of information and communication technology use doubled in most OECD countries between 1995 and 2014, and is continuing to grow.⁹⁰ Overall, the new generations will need to be well acquainted with technology, mathematics and sciences that they will need these the most during their professional career.

Situation of the Roma labour force

The data of the latest Population and Housing Census of 2011 showed that in Romania there are 621,573 Romanian citizens who identify as Roma. In 2016, the research project *SocioRoMap*⁹¹ found that in Romania there are 1,215,846 ethnic Roma. The last data about Roma in Romania is from 2018, when data collected on two samples of Roma and of non-Roma Romanians⁹² showed that the gap between Roma and non-Roma since 2012 (the study compared data from previous research)⁹³ has persisted. All data confirm that Roma in Romania is a much younger population,⁹⁴ more affected by unemployment, poverty and discrimination when it comes to accessing the labour market. Roma households are larger (the average is 4.4 persons) compared with the non-Roma majority (2.93); and the number of children in Roma families is higher – the average number of children living in the same household in the case of Roma is 1.42 as compared to 0.46 for the majority population, the average number of children is three times higher for Roma.

Human capital

According to the EC 2019 report on education, the “analysis of 2015 PISA scores shows that most of the gap in performance between Romania and high performing EU countries is explained by the clustering of students in schools with students of the similar socioeconomic background”.⁹⁵ The report emphasises that “poorer students are not only socially segregated together, but they also attend lower quality schools”. The same report states that “apart from socioeconomic background, equity challenges disproportionately affect Roma and students from rural areas, who tend to have lower educational outcomes.”⁹⁶

⁹⁰ OECD (2019). *Envision the future of education and jobs. Trends, data and drawings.*

⁹¹ *Socio-graphic mapping of the Roma Communities in Romania for a community-level monitoring of changes with regard to Roma integration (SocioRoMap)* (2017), <http://www.ispmn.gov.ro/page/socioromap>

⁹² Data collected in 2018: one sample of Romanians/majority population, 1,047 households, with a maximum error for the general population sample of ± 3.03 per cent; one sample for Roma (self and hetero-identified) of 1,004 households, with a maximum error for the general population sample of ± 3.09 per cent.

⁹³ *Împreună* Agency (2013). *Romii din România. De la țap ispășitor la motor de dezvoltare. [The Roma from Romania. From Scapegoat to Development Engine]*. Bucharest (pg. 20)

⁹⁴ *Idem*

⁹⁵ European Commission (2019). *Education and Training Monitor 2019*, Romania, p. 7.

⁹⁶ *Idem*

<i>Education level/Human capital (percentage)</i>	<i>2012</i>			<i>2018</i>		
	<i>Roma</i>	<i>Non-Roma</i>	<i>gap</i>	<i>Roma</i>	<i>Non-Roma</i>	<i>gap</i>
Completed upper secondary education (high school, 12 years) and more	10	51	-41	14	69	-55
Those who state they know how to use a computer well and very well	16	40	-24	31	65	-34
Those who attended training courses	6	19	-13	15	39	-24
Those who declared that they cannot write, or cannot write at all	44	10	34	50	15	35
Those who declared that they cannot read well, or cannot read at all	41	7	36	48	14	34

If analysing the data on Roma from 2012 to 2018, one can conclude that there is an improvement when it comes to education, but looking at the gap between the Roma and the general population, the conclusion is quite different. During these six years, the education level of the general population increased more, in an effort to adapt to the future labour market, despite the poor performance of the Romanian education system. But when it comes to Roma, despite the numerous public policies and funding opportunities (analysed in [the first RCM report on Romania](#)),⁹⁷ the results are not good. These results are reflected in the labour market where Roma are performing slightly better, but the evolution of the majority population is much more spectacular.

Roma's participation in the labour market

The data from 2018 shows, over time, several changes: improvements, as well as a worsening of the situation when it comes to employment:^{98,99}

- In 2018, only half of the Roma working population were employed full time, compared to 93 per cent of the majority, but definitely a gain compared to 2012 when only 43 per cent were in this situation.
- Roma are most commonly found to perform in daily jobs, 26 per cent compared to the majority population (2 per cent) in 2018, and in this respect, there is an improvement compared to 2012 (36 per cent).
- More Roma had a contract in 2018 than in 2012 (60 percent compared to 37 percent).
- Fewer Roma were long-term unemployed in 2018 (38 per cent) than in 2012 (61 per cent).

But in the analysis, one should focus on the gap between the situation of Roma and Romanians in 2012 and 2018. So, when it comes to:

- Stable jobs: there is an improvement, but not a major one (the gap decreased from 42 per cent to 39 per cent).

⁹⁷ Roma Civil Monitor (2018). *Civil society monitoring report on implementation of the National Roma Integration Strategy in Romania: Assessing the progress in four key policy areas of the strategy.*

⁹⁸ Împreună Agency (2019). *Studiu comparativ al nevoilor comunităților de romi în contextul stabilirii priorităților strategice de intervenție pentru incluziunea socială a acestora. Raport de cercetare. [Comparative study of the needs of Roma communities in the context of establishing strategic intervention priorities for their social inclusion. Research report].*

⁹⁹ Data presented for 2018 and 2012 are collected on samples representative for Roma and Romanian population, citizens of Romania.

- Unstable source of income: daily work was not as frequently used by Roma to provide for their families in 2018 as in 2012, the gap having decreased from 32 per cent to 24 per cent.
- Legally contracted work: even if the share of Roma working legally increased from 2012 to 2018, the gap between Roma and Romanians remained the same (35 per cent/34 per cent).
- Long term unemployment: the improvement of the situation of Roma in the labour market is also visible compared with that of the majority population. The gap between Roma and Romanian decreased from 35 per cent in 2012 to 29 per cent in 2018.

Employment status (percentage)	2012			2018		
	Roma	Non-Roma	gap	Roma	Non-Roma	gap
Employed full time	43	85	-42	54	93	-39
Daily worker	36	4	32	26	2	24
Contract based work	37	72	-35	60	94	-34
Long-term unemployment	61	26	35	38	9	29

Upon a simple scan of the sectors in which Roma are active, it appears that in 2018 they were predominantly working in construction, followed by trade, agriculture, forestry and fisheries, as well as performing activities in private households (10 per cent Roma and only 1 per cent of the majority). In 2012, the hierarchy was different: agriculture, forestry and fisheries; followed by manufacturing, construction, trade, and services; and on the last place activities in private households (domestic worker). The evolution in time shows that Roma were more attracted by construction work and less by agriculture, and in 2018 even less in services, and manufacturing.

Main categories/jobs by business (percentage)	2012			2018		
	Roma	Non-Roma	gap	Roma	Non-Roma	gap
Agriculture, fishing, forestry	22	7	15	12	3	9
Manufacturing	10	15	-5	3	6	-3
Construction	10	7	3	21	10	11
Trade	10	15	-5	14	17	-3
Services	10	7	-3	6	5	
Activities in private households	8	1	7	10	1	9

In terms of occupational status, what must be noted is precisely the very large proportion of those who declare themselves household/domestic workers (33 per cent) in the Roma sample (compared to only 7 per cent in the majority population). This is a large proportion of inactive people on the labour market and who, especially for objective reasons (lack of education, qualification, the possibility of qualification, natural obstacles in accessing a job, such as lack roads or the lack of means of transportation), cannot participate in the labour market. They are focused on surviving, performing daily jobs whenever this is possible. In time, numbers remained the same, and even the gap between Roma and Romanians was the same. They are the ones registered as performing activities in private households.

If in 2012, 14 per cent of Roma declared themselves as retired, six years later the share decreased, and we can notice a narrowing of the gap between Roma and Romanians (from 21 per cent in 2012 to 14 per cent in 2018). If, in the case of the majority sample, the rate is explained by demographic aging, in the case of Roma it shows the lack of stability in working conditions (lack of contracts) and income (the average age of the Roma population is lower than that of the country average, as well as their low representation in the social insurance system that would entitle them to retire at the age of 60-65 years old). The Roma are more often found in the position of low skilled and unskilled workers,

but in time the trend has changed: currently, more of them have a qualification, and fewer are daily workers in agriculture.¹⁰⁰

The income insecurity in the case of Roma is strongly connected with the formalisation of labour relations. Nothing has changed in six years (see also the table presenting the income consistency). When thinking about the future of the labour market, it appears that Roma are not at all prepared: they still work in agriculture (more than the majority); they are very well represented in construction and as daily workers.

<i>Legality of work (percentage)</i>	<i>2012</i>			<i>2018</i>		
	<i>Roma</i>	<i>Non-Roma</i>	<i>gap</i>	<i>Roma</i>	<i>Non-Roma</i>	<i>gap</i>
Work with legal contract	37	72	-35	60	94	-34
Work without legal contract	43	7	36	34	4	30

Income

Upon a brief income analysis, an improvement of the situation should be noted as compared to 2012. In 2018, 54 per cent of the respondents said that in the last year they had to borrow money for daily expenses, compared to 63 per cent in 2012. Additionally, households registered an increase in income level:

<i>Income groups (percentage)</i>	<i>2012</i>			<i>2018</i>		
	<i>Roma</i>	<i>Non-Roma</i>	<i>gap</i>	<i>Roma</i>	<i>Non-Roma</i>	<i>gap</i>
no income	11	2	9	11	2	9
under 300 RON	21	6	25	11	1	19
3,001-700 RON	27	16	11	13	5	8
701-1,000 RON	14	16	-2	11	6	5
1,001-1,500 RON	9	17	-8	12	12	0
1,501-2,000 RON	7	18	-11	13	18	-5
2,001-3,000 RON	2	12	-10	8	21	-13
over 3,000 RON	0	4	-4	7	29	-22

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<i>Jobs by occupation (percentage)</i>	<i>2012</i>			<i>2018</i>		
	<i>Roma</i>	<i>Non-Roma</i>	<i>gap</i>	<i>Roma</i>	<i>Non-Roma</i>	<i>gap</i>
Managers	0	1		1	4	
Professionals	1	6	-5	1	12	-11
Public servants	0	3		0	7	-7
Service and sales workers	3	6	-3	5	11	-6
Farm and related workers	1	1		1	1	
Craftsmen/mechanic	1	1		1	1	
Qualified worker	5	18	-13	10	19	-9
Unqualified worker, not in agriculture	9	2	7	10	2	8
Daily worker in agriculture	7	1	6	2	0	
Daily worker not in agriculture	4	1	3	7	0	7
Military personnel	0	1		0	1	
Employer with employees	1	1		0	1	
Self-employed/freelance	3	1		6	3	
Pupil/student	1	3		1	5	-4
Domestic worker	34	10	24	33	7	26
Registered unemployed	1	1		1	0	
Unregistered, unemployed person	5	1	4	4	1	
<i>Retired</i>	14	35	-21	8	22	-14

The regular monthly income increased for both the general population and the Roma; but, if in the case of the majority 96 per cent declare having received a regular income in 2018, in the case of the Roma we find that 26 per cent, i.e. one in four households, have occasional and seasonal income.¹⁰¹

Income consistency (percentage)	2012			2018		
	Roma	Non-Roma	gap	Roma	Non-Roma	gap
Steady/regular	57	85	-28	68	96	-28
Occasional and seasonal	28	3	25	26	2	24

Roma's housing/living conditions

According to [the second RCM report](#),¹⁰² the housing conditions of Roma in Romania have slightly improved since 2011: more people have access to tap water, sanitary infrastructure and electricity, but there are still big differences between the majority population and the Roma, many of the latter living in very poor conditions.¹⁰³ Spatial segregation of Roma remains a challenge, more than half of them¹⁰⁴ living in spatially segregated communities (with less than 150 people), situated on the periphery of villages or towns, with primary school being located at a distance of at least 15 minutes by foot, and inhabited by people living in large households, in overcrowded houses, and in poor conditions.

More Roma than the majority population live in poor living conditions, in poor and unsanitary houses, without electricity, toilets or bathrooms, inadequate heating, improvised stoves, roofs made of easily degradable materials, settlement in hard-to-reach areas or near contaminated wastewater, social segregation, lack of income, unaffordable of medication, and lack of identity papers and social security.

Roma's health situation

[The second RCM report on Romania](#)¹⁰⁵ presents the health situation of Roma in Romania. The first note of the report states that "although Romania has increased the share of health

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Sources of income 2018 (percentage)	Roma	Non-Roma	gap
Salaries	39	74	-35
Minimum income guarantee	10	1	-9
Occasional activities	18	2	-16
Pension on account of age	9	25	-16
Pension on account of health	6	3	-3
Pension on account of being a descendent	1	1	19
Child benefit	35	14	21
Independent agricultural activities	1	2	20
Independent non-agricultural activities	7	2	5
Cash remittance from abroad	8	2	6
Unemployment benefit	5	0	5
No income	9	1	8

¹⁰² Roma Civil Monitor (2018). *Civil society monitoring report on implementation of the National Roma Integration Strategy in Romania: Assessing the progress in four key policy areas of the strategy*.

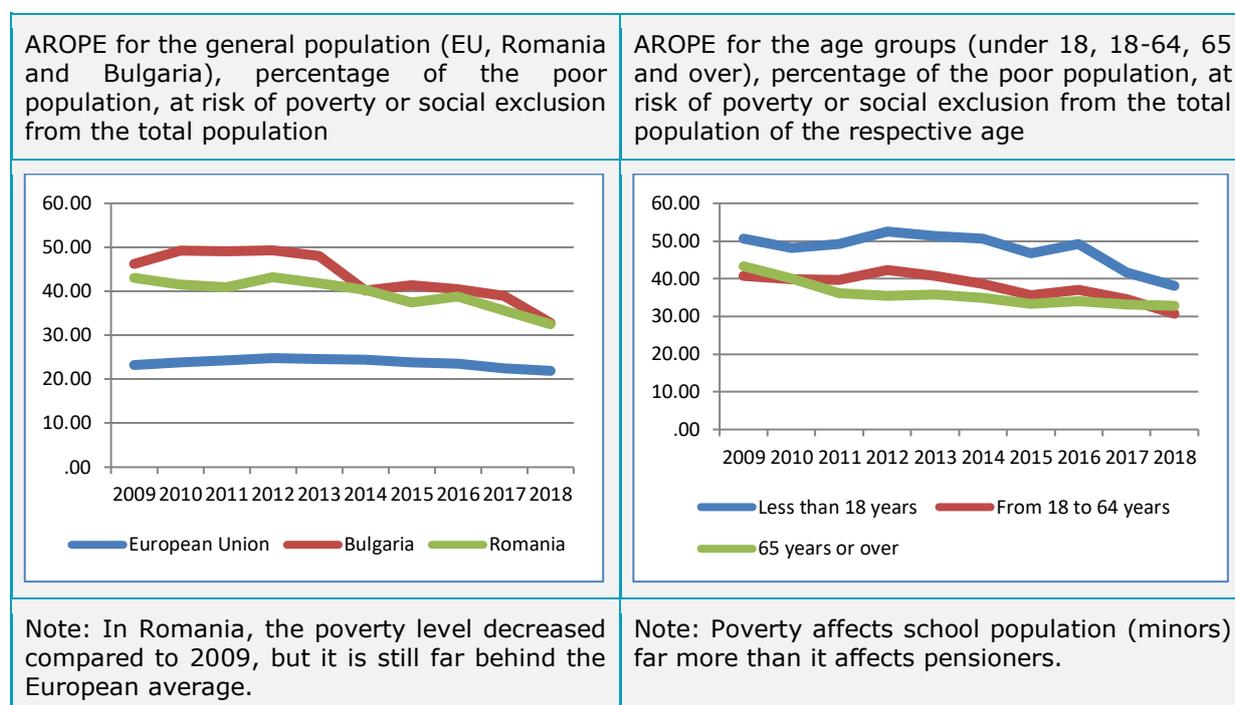
¹⁰³ FRA. (2018). *A Persisting Concern: Anti-Gypsyism as a Barrier to Roma Inclusion*, available at: <http://fra.europa.eu/en/publication/2018/roma-inclusion>

¹⁰⁴ *Socio-graphic mapping of the Roma Communities in Romania for a community-level monitoring of changes with regard to Roma integration (SocioRoMap)*. (2017), available at: <http://www.ispmn.gov.ro/page/socioromap>

¹⁰⁵ Roma Civil Monitor (2018). *Civil society monitoring report on implementation of the National Roma Integration Strategy in Romania: Assessing the progress in four key policy areas of the strategy*, p. 43

spending as GDP share from 3.7 per cent in 2007 to 4 per cent in 2014,¹⁰⁶ and advances in the medical field have made some of the population feel safer and consider access to new, extremely beneficial medical technologies, the poor, marginalised, segregated groups at risk of social exclusion still find it difficult to access high-quality costly health programmes and services, and face increased social inequalities". There is a clear link between people's state of health and the poverty they face. Marginalisation and social exclusion influence the values of the health indicators for Roma people, which are significantly different from those of the majority population.

It is also important to note that, despite the fact that the economic crisis passed, and the Romanian economy is getting stronger, the share of Romanian population at risk of poverty or social exclusion is not decreasing at the same rate. But the main concern is that the ones who suffer the most are children. In Romania, according to the Constitution, education is free of charge, but as one of the former ministers of education admitted during a recent television interview: "Education is free according to the Constitution. In fact, someone has to provide this gratuity. The state provides part of the gratuity, the parent provides another part of the gratuity, the child pays nothing."¹⁰⁷



The previous RCM report¹⁰⁸ states that "between 2010-2017, developing public policies for the Roma was no longer a priority for the government: the previous policies were maintained in the given social and political contexts, each government committing itself only to new programmes that responded to the same – more acute or somewhat subsided – needs of vulnerable groups". This reflects the reality and numbers are showing that the gap between Roma and Romanians is increasing not only because new policies for Roma were not developed, but even the existing ones had major implementation problems, as well as poor results.

¹⁰⁶ <https://econ.ubbcluj.ro/fisierevenimente/BURCA%20Anca%20Meda.pdf>, p. 4

¹⁰⁷ The interview with the former minister of education, Mr. Liviu Pop (2017), <https://www.digi24.ro/stiri/actualitate/educatie/ministrul-educatiei-scoala-e-gratuita-pentru-copil-platesc-statul-si-parintii-756443>

¹⁰⁸ Roma Civil Monitor (2018). *Civil society monitoring report on implementation of the National Roma Integration Strategy in Romania: Assessing the progress in four key policy areas of the strategy*, p. 43

Prospects of Roma's inclusion

So far, numerous arguments have been made to draw attention to the cost of Roma exclusion. Ten years ago, the World Bank published "Economic costs of Roma exclusion"¹⁰⁹ (data analysis from four Eastern European countries, Bulgaria, the Czech Republic, Romania, and Serbia), which pointed out that: aging population, lack of sufficient capital of Roma of working age that reflected in the low employment rate, would make European countries lose "hundreds of millions of EUR annually in productivity and in fiscal contributions to governments". The analysis advocates for bridging the educational gap as it would be an economically smart choice to make.

The data presented above shows that Romania did little to close the educational gap between Roma and the general population. The poor performance of the education system is compensated for by the families of the children through their own financial efforts that they make to ensure a future for their descendants. But in the case of the Roma, chances are considerably reduced due to the state of vulnerability in which the vast majority is found. The effects will not be late to appear, and the gap between the majority and the Roma will increase. Unfortunately, there is no vision to allow the design and implementation of effective public policies that will truly achieve social inclusion, with a special focus on labour market integration. Roma are by far the most trapped in the circle of poverty (they are poorer and more marginalised), despite the fact that Roma is a younger population in a country that is constantly ageing.

¹⁰⁹ World Bank (2010). *Economic costs of Roma exclusion*. The short version of the article can be found at: https://siteresources.worldbank.org/EXTROMA/Resources/Economic_Costs_Roma_Exclusion_Note_Final.pdf

RECOMMENDATIONS

Roma between social and ethnic lens

To Romanian Government

1. To grant Roma all the rights and privileges deriving from their status of a national minority, including the rights to study and be taught in their mother tongue at all levels of education and to be represented in Parliament and public positions in line with the principles of equality and non-discrimination.
2. To set up a Roma history museum as a public institution, focussing on increasing the level of knowledge about Roma history, acknowledging the characteristics of the group, its contribution to the development of the country, challenges for the future etc.
3. The new Roma inclusion strategy for the period 2020-2025 should include specific measures and budget allocation for promoting Roma ethnic and linguistic identity, including Roma language, history and cultural heritage through movies, books, language and history school textbooks, positive stories, celebration of important official dates, TV programmes on diversity.
4. To develop and promote, in partnership with the Roma civil society, national TV campaigns, online and off-line, in which Roma are presented in a positive and unbiased way, including the promotion of Roma contribution to the development of modern Romania.
5. To promote equitable policies (offer more to the people in need) in order to reach equality.
6. To mainstream inclusion policies and target the equity, non-discrimination and identity needs for Roma.

Roma informal settlements

To Romanian Government and Parliament

7. To promote a legislative framework for solving the informal housing needs. To continue monitoring the implementation process of the legalisation policies.
8. To ensure that the informal settlements issue remains on the public agenda and allocate resources (national budget and EU funds within the future programming period) in order to develop national programmes for social housing and legalising the situation of the informal settlements.

School Segregation

To the Ministry of Education

9. To properly implement the pilot desegregation methodology issued by the Ministry of Education in December 2019.¹¹⁰
10. To increase the monitoring efforts for the implementation of the De-Segregation Order and ensure correct reporting of segregation cases.

¹¹⁰ Available at:

https://www.edu.ro/sites/default/files/Proiect_metodologie_pilot%20monitorizare%20%20segregare%20scolar_a.pdf

11. To actively take on monitoring and demand that the County School Inspectorates monitor and apply sanctions when segregation cases are identified.

To the Local Authorities and County School Inspectorates

12. The major desegregation measures that local authorities and schools can implement include:
 - a) To develop and implement local school desegregation plans;
 - b) To train teachers about inclusive education and ensure a positive multi-ethnic climate where diversity is valued;
 - c) To monitor school performance and provide additional support in mainstream classes for Roma and non-Roma children in need of support;
 - d) To ensure that, as long as children remain in segregated schools within their own communities, the level of expenses, staffing ratios and standards among teachers are directly comparable to those in schools in non-Roma communities;
 - e) To ensure financially accessible and convenient transportation for children from their residence to mainstream schools that do not have a significant Roma population;
 - f) To inform Roma communities about the quality of education in mixed schools and engage Roma parents in decisions regarding their children's education.

Inequalities and anti-discrimination's limits

To the Romanian Government

13. To include stronger reference to indirect discrimination and propose specific measures to address this issue in the upcoming national Roma inclusion policy/strategy.
14. In collaboration with the civil society, to identify situations/contexts/legal provisions that may generate inequalities for vulnerable groups and adopt policy measures accordingly.
15. To include the Roma social inclusion needs in the mainstream employment policies, with clear indicators for Roma.

To the National Council for Combating Discrimination

16. To ensure broad dissemination of cases of indirect discrimination of the Roma.
17. To develop public information campaigns that will bring the information closer to the general public, with focus on the long-term impact of apparently neutral measures that place a certain group in a disadvantaged position.

To CSOs and Ombudsman office

18. To scrutinise existing laws in order to systematically identify all possible cases of legally endorsed indirect discrimination in order to make use of OD 137/2000 and generate legal cases that can be taken to the European Court of Human Rights level via strategic litigation.

Low or no-education's impact on employability

To the Romanian Government

19. To develop a strategic approach for the labour market development in Romania, with a short, medium and long-term perspective on active labour market measures, taking into consideration the issues faced by members of vulnerable groups, including the Roma.

20. To promote measures to adapt the education system to the demands of the labour market, including the new tendencies and technologies, in order to improve the general skills for an adaptive capacity of the labour force.
21. To promote the Quality Inclusive Education as the main tool for developing vulnerable groups, with a special focus on Roma communities.
22. To develop national campaigns to promote the importance of the human capital offered by Roma communities for the present and the future of the Romanian labour market.
23. To give up the principle of "equal funding per student" and "money follows the student" which are detrimental to children from vulnerable families.
24. To turn back to the recommendations made by the World Bank in 2010: "bridging the education gap because it would be an economically smart choice to make" and restructure the education system to respond to the labour market. To invest in Roma, in vulnerable families and their children, would be a smart choice for the future.
25. To design social inclusion policies for vulnerable groups, with a focus on Roma, that aim at reducing the development gap that exists and persists over time, despite the efforts made until present.

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