



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

Focusing on structural and horizontal
preconditions
for successful implementation of the strategy

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March 2018



EUROPEAN COMMISSION

Directorate-General for Justice and Consumers
Directorate D — Equality and Union Citizenship
Unit D1 Non Discrimination and Roma Coordination

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on implementation of the
national Roma integration strategy
in Romania**

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Luxembourg: Publications Office of the European Union, 2018

Print	ISBN 978-92-79-85454-5	doi: 10.2838/407526	Catalogue number DS-02-18-583-EN-C
PDF	ISBN 978-92-79-85453-8	doi: 10.2838/219177	Catalogue number DS-02-18-583-EN-N

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The present report has been prepared by a coalition of Romanian organisations, coordinated by the Resource Center for Roma Communities, including:

- Impreuna Agency for Community Development
- Asociatia Nevo Parudimos
- Asociatia DANROM Faurei
- Pro Roma Association
- Civic Union of Young Roma from Romania
- E-Romnja Association
- HEKS/EPER Foundation Romania
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- Roma Centre for Health Policies – SASTIPEN
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The report has been prepared as part of the Roma Civil Monitor pilot project, 'Capacity-building for Roma civil society and strengthening its involvement in the monitoring of National Roma Integration Strategies'. The pilot project is carried out for the European Commission, DG Justice and Consumers. It is coordinated by the Center for Policy Studies of Central European University (CEU CPS), in partnership with the European Roma Grassroots Organisations Network (ERGO Network), the European Roma Rights Centre (ERRC), the Fundación Secretariado Gitano (FSG) and the Roma Education Fund (REF) and implemented with around 90 NGOs and experts from up to 27 member states.

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 authors 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

ANOFM	National Agency for Employment
APADOR-CH	Romanian Helsinki Committee
ARACIP	Romanian Agency for Quality Assurance in Pre-university Education
BJR	County Office for Roma
CEDAW	Committee on the Elimination of Discrimination against Women
CoE	Council of Europe
DG JUST	Directorate General Justice and Consumers
DLRC	Community Lead Local Development
ECEC	Early Childhood Education and Care
ECRI	European Commission against Racism and Intolerance
ECtHR	European Court for Human Rights
EEA	European Economic Area
ESIF	European Structural and Investment Funds
EVZ	Remembrance, Responsibility and Future Foundation
FRA	EU Agency for Fundamental Rights
GLL	Local Working Group
GLM	Joint Working Group
MNE	Ministry of National Education
NAR	National Agency for Roma
NCCD	National Council for Combating Discrimination
NGO	Non-Governmental Organisation
NIM	National Institute of Magistracy
NRIS	National Roma Inclusion Strategy
ODIHR	Office for Democratic Institutions and Human Rights
OPHC	Operational Programme Human Capital
RON	Romanian Leu (currency)
zefiR	Together for the Power of Action

EXECUTIVE SUMMARY

The progress made in Roma inclusion in Romania in 2017 is still unclear, while funding is missing and there are no means for pushing forward budget allocations and actual implementation. As demonstrated in previous studies, the NRIS promotes 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.¹

Governance and overall policy framework

Roma, whose share in Romania is estimated by the Council of Europe as high as 8.32% of the population, demonstrate a low interest in voting for ethnic Roma parties and there is only one Member of Parliament of Roma origin – thanks to a constitutional guarantee of one seat in the Chamber of Deputies for each political party representing recognised ethnic minority. The situation is different at the local level, where ethnic Roma political parties have managed to win one mayoralty and 143 local councillor seats in last election in 2016.

Six ministries, the General Secretariat of the Government, the Department for Interethnic Relations and the National Council for Combating Discrimination are directly responsible for implementation of the NRIS at the national level. Moreover, in 2004, the National Agency for Roma was established to support the implementation of Roma integration strategies. The agency has regional structures that cooperate with County Offices for Roma, with local public authorities, and with decentralised public services. During the “technocratic government” in 2015-2016, several ethnic Roma experts were appointed to high governmental positions (as state secretaries and state counsellors of the Prime Minister).

Alongside the national strategy there are action plans at the level of counties and municipalities. However, there is little data available about allocated budgets for implementing the NRIS and the action plans at lower levels, as well as about the achieved results. These facts have been continuously criticised by civil society.² At the end of 2017, an inter-ministerial committee selected several measures from the NRIS and identified financial resources for their implementation; some of those measures will be financed through non-competitive projects funded from the European Structural and Investment Funds (ESIF).

Romania has introduced affirmative action measures in education, supports programmes of Roma health mediators and community nurses, promotes employment in communities with high numbers of Roma, and implements a pilot programme of social housing for Roma communities. However, most programmes are framed from a social perspective and do not sufficiently address the problem of ethnic discrimination.

¹ Resource Centre for Roma Communities. (2016). Strategies yes, funding no. Public policies for Roma in Romania's financing mechanism, p. 131.

² Preoteasa, M. & Cace, S & Duminica, G (2009). *The Strategy for improving the Roma situation. Voices of communities*, Bucharest AMM Design http://www.agentiaimpreuna.ro/files/publicatii/10-RAPORT_tipar-p-ro.pdf or <https://www.csrmedia.ro/evaluare-c-e-a-strategiilor-nationale-de-incluziune-a-romilor-stam-prost-la-ocuparea-fortei-de-munca-si-sanatate/> or <http://www.anr.gov.ro/docs/Site2014/Strategie/Analiza%20implementarii%20strategiei%20Guvernului%20nr.%201221%20din%202011.pdf> http://www.unicef.ro/wp-content/uploads/evaluarea-politicilor-publice-educationale-pentru-rromi_2.pdf. Accessed 12.01.2018.

Antidiscrimination

In line with the existing antidiscrimination law, there are allocated places for Roma in high schools and universities in Romania, but the majority population still perceives this measure as discriminatory against non-Roma. National law also defines the concept of multiple discrimination as discrimination on the grounds of two or more criteria, which is considered an aggravating circumstance.

The equality body, the National Council for Combating Discrimination (NCCD), has implemented some projects fighting discrimination in general, but they are not systematically running programmes focused on the prevention of discrimination against Roma or on the prevention of the multiple discrimination that Romani women, disabled Roma, LGBTI Roma, or Roma belonging to religious minorities may face. The low number of complaints brought to the NCCD by Roma, and the even lower number of established cases of discrimination, do not reflect the real situation of Roma. Even in cases of proved discrimination, the fines imposed are so low that they do not qualify as a truly dissuasive measure.

Antigypsyism

Addressing antigypsyism is a relatively new issue in the Romanian Parliament, but it is slowly being introduced on the agenda through different channels, with most of the input coming from international debates on the topic. For example, in February 2017 the Senate adopted a decision explicitly mentioning the existence of antigypsyism and the need for combating it. On the other hand, there is no national platform addressing antigypsyism, and this seems to be missing from the discourse of different domestic NGOs as well.

At present, the NRIS focuses only on improving Roma socioeconomic status, virtually overlooking the prejudices Roma face day-to-day.

It was only in 2006 that Romania acknowledged the genocide against the Roma during the Second World War. Today, Romania is not open for a real debate on the topic of 500 years of Roma slavery and its effects on Roma development, or on the significant level of stereotyping and discrimination against Roma attempting to access jobs, health and social services, etc.

Impact of mainstream education policy on Roma

Enrolment of Roma children in kindergarten remains as low as 38% and the trend is decreasing. To stimulate the participation in pre-school education of children from disadvantaged families and to increase their access to education, an educational incentive has been established in the form of so-called social vouchers that are offered on the condition of regular attendance.

In 2016, the Ministry of Education issued a new order³ which explicitly prohibits the educational segregation of Roma children, and an action plan for the elimination of the existing segregation. However, these measures have not had any real impact so far: the order does not establish any sanctions for refusing to implement it and the implementation of the action plan was postponed because of elections. Moreover, a methodology for monitoring the segregation in education has not been elaborated yet.

³ *Ordinul Cadru privind interzicerea segregării în unitățile de învățământ preuniversitar*, available at: <https://www.edu.ro/ordin-cadru-nr-613421122016-privind-interzicerea-segreg%C4%83rii-%C8%99colare-%C3%AEn-unit%C4%83%C8%9Bile-de-%C3%AEenv%C4%83%C8%9B%C4%83m%C3%A2nt>. Accessed 20.01.2017

Pre-school is not compulsory in Romania and this deficit is compensated for by the preparatory classes introduced in the 2012-2013 school year. There are estimates that Roma pupils face a risk of dropout that is three times higher than the average; however, this problem is not addressed by the NRIS or by any specific policy.

Case Studies

The case study describes the “Community Centre for Medical and Social Care Slatina, Olt County” as an innovative model for increasing Roma access to health services. It is a relevant example for the implementation of the NRIS, meeting the healthcare needs of vulnerable populations and providing basic medical/social services, with the positive development of having been adopted by the Local Council of Slatina.

INTRODUCTION

A quarter of a century has already passed since the political changes in Romania in 1989 and a new beginning for the Roma, who are officially recognised as a national minority and have started to benefit from this status. Moreover, it has already been 16 years since the Romanian Government produced and started to implement a National Roma Inclusion Strategy (hereafter, "NRIS"). The first Roma inclusion strategy was revised twice (in 2006 and 2011), and at the end of 2012 a new strategy was adopted (2012-2020 and revised in 2015 (2015-2020)). None of the four main versions of the NRIS (2001, 2006, 2012 or 2015) has succeeded in truly bringing about the desired change for the Roma and for Romanian society.

The latest version of the strategy, called "The Strategy of the Government of Romania for the Inclusion of Romanian Citizens Belonging to the Roma Minority for the Period 2015-2020" is a programmatic policy document which, again, has failed to generate a significant positive change in the lives of Roma communities. The latest NRIS remains a policy document generated under European Union influence that does not meet the minimum standards for public policy development – it lacks a genuine, in-depth consultation process with Roma stakeholders, it shows shortcomings in identifying problems and solutions, and its implementation mechanism lacks a clear allocation of responsibilities. Moreover, for many of its measures the NRIS lacks a clear allocation of funding proportionate to the estimated needs, and lacks mechanisms for spending such funding by line ministries and governmental agencies. In this report several methodological approaches were combined, such as document review, interviews, qualitative analysis, quantitative data analysis and critical social policy analysis. The most important, relevant policy documents – both official and nongovernmental ones – were consulted using a balanced approach. Where necessary, personal interviews with government and civil society representatives were used to substantiate and elaborate on issues raised in the report.

Considering the different levels of expertise within the coalition, the methodology provided for the development of the report became a useful tool for learning and for developing the monitoring capacity of both more experienced local organisations, as well as ones with less previous know-how.

GOVERNANCE AND OVERALL POLICY FRAMEWORK

Representing the interests of Roma in the Parliament

According to the Population and Households Census of 2011, 621,573 people declared themselves Roma, of whom 57.78% were over 20 years old⁴ and therefore eligible to vote.⁵ After December 1989, voting rights have been guaranteed for all citizens of Romania, including the Roma, and there are no structural obstacles to Roma electoral participation. The latest local and parliamentary elections were held in 2016, during which a "Pro Europe" Roma Party⁶ member was elected mayor and 143 members were elected as local councillors; the Democratic Alliance of Roma Party won four local councillor seats; and the Roma Democrats Party won ten local seats. During the national election, 13,126 people voted for the "Pro Europe" Roma Party⁷ for the Chamber of Deputies and 523 for the Roma Democrats Party, which was almost unknown at the time.

These numbers reveal very low interest in voting for ethnic Roma political structures compared to voting for mainstream parties. There were numerous cases of Roma politicians running for election as candidates for mainstream parties without openly stating their Roma ethnic affiliation because being viewed as Roma is a stigma.

Because of these results, none of the ethnic Roma parties seated a representative in the Parliament. Still, the Romanian Constitution⁸ and the Election Act guarantee a position in the Chamber of Deputies for ethnic/national minorities' parties that do not reach the 5% threshold. The ethnic/national minorities are organised within the Chamber of Deputies in a parliamentary group consisting of 18 representatives of the minority organisations. The "Pro Europe" Roma Party is represented by Mr. Daniel Vasile, the ex-President of the National Agency for Roma. He is Vice President of the Committee for Human Rights, Religious Denominations and National Minority Issues in the Chamber of Deputies. The mainstream Social Democratic Party, which has the highest number of MPs and is the leader of the coalition government, elected a Roma candidate for the first time, Petre-Florin Manole, a well-known Roma activist. Both Roma MPs are active in representing Roma issues in the Romanian Parliament, with a focus on education and antidiscrimination.

In the 2016 Parliamentary elections there was no consistent approach to Roma issues described on the political parties' agendas, an exception being the Hungarian Democratic Union, which allocated a special chapter to Roma inclusion where most references were to poverty alleviation measures.

Addressing antigypsyism is a relatively new issue in the Romanian Parliament, but it is slowly being introduced on the agenda through different channels, with most of the input coming from international debates on the topic. For example, in February 2017 the

⁴ The 2011 Census data does not allow us to compute the number of adults with accuracy (the age groups in the census are 0 to 4, 5 to 9, 10 to 14, 15 to 19, and 20 and above). In Romania citizens can vote as of the age of 18.

⁵ 2011 Population and Households Census, data can be found here: <http://www.recensamantromania.ro/noutati/volumul-ii-populatia-stabila-rezidenta-structura-etnica-si-confesionala/>. Accessed 12.01.2018.

⁶ Data from the Central Electoral Bureau, available at : http://parlamentare2016.bec.ro/wp-content/uploads/2016/12/4_RF.pdf. Accessed 12.01.2018.

⁷ Ibid.

⁸ Romanian Constitution, Article 62.

Senate adopted a Decision stating, among other issues, the Romanian Parliament's position: *"in the absence of a common vision on combating antigypsyism in the three pillars of reflection and action (UN, CoE, EU countries) to ensure the expertise of effective policies to combat racism, there is a need for terminological and conceptual clarifications on antigypsyism adapted to the historical reality of Roma cohabitation in various EU Member States, closely referring to the antisemitism and antiracism norms of the European and international institutions"*.⁹

Mainstreaming of Roma inclusion across ministries and other public authorities at the national level

The main institutions responsible for implementing the NRIS at the central level (according to the NRIS) are: the Ministry of European Funds, the Ministry of National Education, the Ministry of Labour and Social Justice, the Ministry of Health, the Ministry of Regional Development, the Ministry of Culture, the Ministry of Public Finance, the General Secretariat of the Government, the National Agency for Roma, the Department for Interethnic Relations, and the National Council for Combating Discrimination. The Ministry of Foreign Affairs and the Ministry of Justice should be informed about and consulted on the process of implementing, monitoring and evaluating the NRIS. At local level the responsible institutions are: Prefectures through County Offices for Roma, the local public authorities, and the decentralised public services.

The NRIS indicates several working methods for both the central and the local levels. At the central level, each Ministry should have a Ministerial Commission for Roma, and their responsibilities include implementing the action plan, collecting data, and preparing the monitoring reports and evaluation reports about their own institutional activity.

The National Contact Point for Roma shall: (1) participate in the development of the NRIS and the preparation of action plans, monitor the implementation of the planned measures, update the objectives and contribute to the final evaluation of the NRIS results; (2) participate in inter-institutional coordination for implementing the NRIS, together with other ministries and institutions of the central and local public administrations, and participate in ensuring coherence with other measures of national programmes or strategies and (3) participate in the European meetings of the National Contact Points, in workshops and experience exchanges; present and report on the progress of NRIS implementation to the European Commission.

An Inter-Ministerial Committee for Monitoring and Evaluating the NRIS, consisting of high-level representatives of central institutions, has the role of evaluating and monitoring the NRIS. The responsibilities of the Inter-Ministerial Committee are: (1) to analyse the Action Plan's implementation every half year and (2) to identify and implement solutions reducing the risk that the objectives of the NRIS will not be achieved.¹⁰

The National Contact Point for Roma and the National Agency for Roma (NAR) participate in the technical Secretariat for the Inter-Ministerial Committee and collect relevant information from the line ministries for transmission into an online system for DG Justice and Consumers every six months. The monitoring role of the NRIS is currently being re-designed by the NAR and several meetings, including regional ones, were organised at

⁹ See: <https://lege5.ro/en/Gratuit/ge2tamryqa2a/hotararea-nr-7-2017-referitoare-la-comunicarea-comisiei-catre-parlamentul-european-consiliu-comitetul-economic-si-social-european-si-comitetul-regiunilor-evaluarea-punerii-in-aplicare-a-cadrului-ue-pe>. Accessed 12.01.2018.

¹⁰ The strategy is available at: http://ec.europa.eu/justice/discrimination/files/roma_romania_strategy2_en.pdf. Accessed 12.01.2018.

the end of 2017 to collect information and ideas for updating the NRIS sometime in 2018.

The Committee has held several meetings, but its activity is not systematic and not well-correlated with other actions. In 2016, the Committee had to develop a new proposal (based on the proposals of relevant institutions) regarding the financial resources for implementing the NRIS in 2017-2020.¹¹ Their first meeting in 2017 was held in October and there are no public reports or conclusions available on the website regarding the Committee's activity. However, an interviewed official indicated that some 14 governmental structures (ministries and agencies) attended the meeting and prioritised several NRIS measures for which they identified the necessary resources from the state budget. In some cases, these measures will be supplemented by non-competitive projects funded through EU structural funding.¹²

Romania adopted its first Strategy for Roma Inclusion in 2001, which since then has undergone many changes. To support its implementation, the NAR was established in 2004, with regional bodies to ensure implementation at that level. Over the years, the Romanian government has organised more or less frequent consultations with actors interested in Roma social inclusion (Roma and non-Roma NGOs, representatives of local communities, etc.). However, ever since 2001, the government has failed to create a functional consultation platform. A few years ago, the NAR set up an Advisory Council, but it has shown few results. According to the NRIS, each ministry responsible for implementing the NRIS should have a ministerial committee in charge of coordinating and implementing the measures planned in the strategy. The committee should also include NGO representatives, but there is no available list of the NGO representatives on any of the committees.

The NAR publishes different reports on its website, but they are not focused on the NRIS implementation, but rather on the actual activity of the NAR. The NAR receives updates twice a year from County Offices for Roma (*Biroul Județean pentru Romi*) about the NRIS implementation at county level, based on which they should produce reports on the status of NRIS implementation at national level. Current reports are not available on the NAR website; the last available reports are from the period 2012-2014.¹³

The National Council for Combating Discrimination (NCCD) sporadically implemented projects aimed at promoting concepts such as diversity, non-discrimination, or equality of opportunity (e.g. "Training in anti-discrimination, gender equality and the rights of persons with disabilities",¹⁴ which was financed by the European Fund for Regional Development, Operational Programme for Technical Assistance 2007-2013), but their approach is not a systematic one, nor is it focused on the prevention of discrimination specifically against Roma or on the prevention of the multiple discrimination that Romani

¹¹ The document can be found at: http://www.fonduri-ue.ro/images/files/transparenta/romi/Hot%C4%83r%C3%A2rea_nr_18_pe_2015_pentru_aprobarea_Strategiei_Guvernului_Rom%C3%A2niei_de_incluziune_a_cet%C4%83%C5%A3enilor_rom%C3%A2ni_apar%C5%A3in%C3%A2nd_minorit%C4%83%C5%A3ii_rom.pdf. Accessed 12.01.2018.

¹² Interview with Adam Dinu, counsellor, Ministry of Regional Development, Public Administration and European Funds, 12.01.2018.

¹³ Raport de activitate Agenția Națională pentru Romi, 2012 (NAR annual report for 2012), available at: www.anr.gov.ro/docs/rapoarte/Raport2012.doc; Raport de activitate Agenția Națională pentru Romi, 2013 (NAR annual report for 2013), available at: <http://www.anr.gov.ro/docs/Site2014/Transparenta/Rapoarte/RAPORT%20ANR%202013.pdf>; Raport de activitate Agenția Națională pentru Romi, 2014 (NAR annual report for 2014), available at: http://www.prefecturabraila.ro/upload/a86a6013a809636b90Ya43a584656a22a9926_a62p17a83.pdf.

¹⁴ See: <http://cncd.org.ro/2016-10-24-conferinta-de-inchidere-a-proiectului-cu-finantare-nerambursabila-cod-smis-52473>. Accessed 12.01.2018.

women, disabled Roma, LGBTI Roma, or Roma belonging to religious minorities may face. Each ministry acts in the same way, meaning they sporadically implement programs dedicated to promoting diversity and fighting discrimination.

Recently, several Roma have been employed by ministries and other public authorities, but not in a systematic manner, and more often when a so-called technocrat government has been in power. Not including the National Agency for Roma, we identified these recent examples:

- Valeriu Nicolae, who was a state counsellor to the Prime Minister (December 2015-March 2016). Later, he became state secretary in the Ministry of Labour until August 2016. He was responsible for social inclusion issues and Roma rights.
- Ciprian Necula, who was a state secretary in the Ministry of European Funds from June 2015 to October 2016. He was also the coordinator of the National Roma Contact Point in Romania.
- Dana Varga, who was a state counsellor to the Prime Minister beginning in June 2017. She was also a state counsellor to the previous Prime Minister (January 2015-January 2016).

However, the system of public institutions in Romania benefits from the presence of a significant number of staff with specific roles in Roma inclusion, a recent list published by the National Contact Point for Roma having a total of 1,759 persons – county offices for Roma inspectors, local experts on Roma issues at the City Hall level, health mediators, school mediators, community nurses, school inspectors for Roma education, Romani language teachers, etc.¹⁵

Mainstreaming Roma inclusion across local authorities

The implementation mechanism of the NRIS includes specifications for implementing Roma social inclusion across local authorities. The Strategy of the Government of Romania for the Inclusion of Romanian Citizens Belonging to the Roma Minority for 2015-2020 (NRIS)¹⁶ envisages several measures at the regional and local levels:

A. Implementation and monitoring at the county level:

Each county¹⁷ must have a plan of measures for Roma social inclusion. The County Office for Roma (*Biroul Județean pentru Romi, BJR*) must draft the plan, taking into consideration information at the local level, to harmonise the main needs of Roma communities with the measures provided by the NRIS. The Joint Working Group¹⁸ (*Grupul de Lucru Mixt, GLM*) should then analyse the plan and adopt it; “each institution

¹⁵ See: <http://www.fonduri-ue.ro/pncr/2091-baza-de-date-cu-angajatii-cu-atributii-in-problematika-roma>

¹⁶ Romania, Strategy of the Government of Romania for the Inclusion of the Romanian Citizens Belonging to Roma Minority for 2015–2020 (*Strategia Guvernului României de Incluziune a Cetățenilor Români aparținând Minorității Rome pentru perioada 2015-2020*). The Romanian version is available at: www.anr.gov.ro/index.php/anr/strategia

The English version is available at:

http://ec.europa.eu/justice/discrimination/files/roma_romania_strategy2_en.pdf

In this report we will refer to the Romanian strategy using the consecrated acronym NRIS.

¹⁷ Romania is divided into 41 counties and the municipality of Bucharest.

¹⁸ The prefect of each county establishes, by decree, one Joint Working Group (GLM). This is made up of representatives of the decentralised bodies of the ministries, members of non-governmental organisations, and delegates from local communities with a significant number of citizens belonging to the Roma minority, including county/local councillors.

represented in the GLM shall be responsible for implementing the measures corresponding to its area of activity included in the county plan of measures”.

The BJR members “pay regular visits for assessing and monitoring the situation of the communities of Romanian citizens belonging to the Roma minority, they obtain data and information from the local level, which they centralise at county level”.¹⁹

B. Implementation and monitoring at the local level:

Each municipality must have one local action plan that should be drafted by the local working group²⁰ (*Grupul de lucru local, GLL*). Members of the local working group GLL are responsible for implementing the measures corresponding to their specific area of activity, as included in the local action plan. In addition, they are responsible for monitoring the implementation of the measures set out in the local action plan and for drafting progress reports every half year on the implementation of the local action plan that will be submitted to the mayor, the BJR, and the NAR. Local working methods are more detailed, and include representatives of the ministries’ decentralised structures, local NGO members, and Roma community representatives.

Local experts for Roma hired by town halls are subordinated to the County Office for Roma and to the Mayor. These experts should serve as mediators between the Roma community and the local public authority.

Although the NRIS includes several instruments at different levels of action plan implementation, most of them are not correlated with each other at local level and are not actually being coordinated by the central level. In addition to the previously-mentioned institutions, that duty also lies with the National Roma Contact Point in Romania, which is subordinated to the Ministry of European Funds and is responsible for “*coordinating the national efforts for improving the situation of citizens belonging to the Roma minority, for involvement in the monitoring and evaluation of Strategy implementation, for reporting to the European Commission and for making proposals to update the Strategy*”.²¹

Several county action plans are available on the internet. Their analysis revealed that most of the measures from the county action plans were not specifically budgeted for and they were rather part of the regular activities implemented by the reporting institutions.

We can conclude that, although there are mechanisms available at county and local level for NRIS implementation, they are not well-correlated with each other or with the national level and their efficiency has not been measured.

¹⁹ Romania, Strategy of the Government of Romania for the Inclusion of Romanian Citizens Belonging to the Roma Minority for 2015-2020 (*Strategia Guvernului României de Incluziune a Cetătenilor Români aparținând Minorității Rome pentru perioada 2015-2020*), Chapter 11, p 47. The Romanian version is available at: www.anr.gov.ro/index.php/anr/strategia

The official English version is available at: http://ec.europa.eu/justice/discrimination/files/roma_romania_strategy2_en.pdf. Accessed 12.01.2018.

²⁰ This GLL should exist at the level of each municipality and it should be made up of the local expert for Roma, representatives of local public institutions, members of the local council (including elected Roma councillors), members of non-governmental organisations and a delegate from the local Roma community of the local initiative group (GLI). A local initiative group should exist in each municipality and should be made up of Roma representatives, proposed by the local expert for Roma and approved by the GLL.

²¹ Decision 767/ 16.09.2015 regarding the Romanian Government’s Strategy for inclusion of the Romanian citizens belonging to Roma minority 2015 - 2020. Accessed at: <http://gov.ro/ro/print?modul=subpagina&link=nota-de-fundamentare-hq-nr-767-16-09-2015>. Accessed 12.01.2018.

Promoting empowerment and participation of Roma

Since 2000, when Romania's EU pre-accession process started, more and more Roma and pro-Roma NGOs have emerged in response to the great need for Roma social inclusion and the low involvement of the Romanian state in that effort.

Within the *SocioRoMap* research project,²² 602 organisations were recorded as implementing projects for Roma communities, with a total of 1,780 projects having been identified. It is not clear from the research how many of those NGOs are considered Roma. According to the research, 19.7% of the organisations are active in the field of social services, followed by areas such as education and research, human rights, culture, and social and economic development.

There are several NGO coalitions or working groups where the participation of Roma representatives is common and welcome:

- Non-discrimination Coalition²³ – an informal non-governmental structure for lobby and advocacy including 10 organisations active in human rights in Romania. One Roma NGO is a member of the Coalition;
- NGO Structural Funds Coalition;
- Working groups within ministries, for example the Desegregation Working Group;
- Romanian Presidency working groups (for example, *Educated Romania*).

Even if at European level the idea of a Roma Platform has been active for some time, the Romanian National Roma Platform is still in an inception phase: a grant from the EC/DG JUST has been approved but its implementation is pending due to technical and administrative hurdles, but it is expected to start in April 2018.²⁴

However, there are two other initiatives that may be considered close to the idea of a Roma Platform. One of them is the Roma Democratic Federation (Federatia Democrata a Romilor)²⁵ consisting of five of the most active Roma NGOs (Impreuna Agency, Romano Butiq, Sastipen, Roma Party Pro Europe, Amare Romentza), aiming at representing the interests and rights of the Roma community in a more efficient way. The other consultative structure is the Advisory Council (Consiliul Consultativ) of the National Agency for Roma, consisting of several Roma and pro-Roma NGOs active at national level.²⁶ The council was re-activated in 2017.

There are also other structures, for example, the newly created Roma Sounding Board – World Bank Romania. This is a representative group of civil society organisations with specific expertise in Roma social and economic inclusion. The primary roles of the RSB are to identify areas for increased policy attention with respect to Roma, to deliver Roma perspectives, and to propose potential solutions for improving development outcomes and strengthening Roma social inclusion.²⁷

²² Romanian Institute for Research on National Minorities (2017). [SocioRoMap - ONG-uri si proiecte specifice comunităților de romi](http://ispmn.gov.ro/page/publicaii) <http://ispmn.gov.ro/page/publicaii>, Accessed 05.01.2018.

²³ <http://www.antidiscriminare.ro/> Accessed 05.01.2018.

²⁴ Telephone interview with Elena Iordanescu, National Contact Point for Roma, 07.03.2018

²⁵ See <http://federatiaromilor.org/> for more details.

²⁶ See <http://www.anr.gov.ro/images/Site2017/Anunturi/Lista-ONG-uri-CC.pdf> for the complete list of members

²⁷ <http://www.worldbank.org/en/country/romania/brief/roma-sounding-board> Accessed 05.01.2018.

According to various reports, empowerment for Roma starts with increasing the level of knowledge of Roma and non-Roma stakeholders on the existing situation, creating a framework to support interventions, and spreading best practices to inspire others.²⁸ However, civic groups or informal groups that could influence public decisions for the benefit of their communities are not legally registered according to the Romanian legislation and are not offered any support by the state authorities. These groups are often treated abusively or with reluctance by public authorities who refuse to collaborate with them, to provide them information about programmes, budgets, etc. A report from 2015 analysing informal and civic groups concluded that, because of legislative gaps, many informal groups face political pressure, as well as pressure from local public institutions – they are not considered as relevant actors to be consulted or they lack access to public information due to the fact that they are not registered officially.²⁹

Another fact is that Roma leaders seem to interact with other movements in specific areas such as education and health, but do not initiate coalitions with non-Roma NGOs on such topics. Also, topics such as women's issues are usually associated only with women's NGOs and seem not to be on the public agenda at all.³⁰

One example is the NRIS which, ever since 2001, has emphasized the need for a bottom-up approach to ensure Roma voices are heard by creating local initiative groups that are meant to be independent and formed by Roma members and experts to become consultation partners with local public administrations. In practice, many of these initiative groups are led by mayors or local politicians and their members are selected by the local authority, proving that this form of local organisation is not actually independent.³¹

The Roma Culture National Centre is a public institution subordinated to the National Agency for Roma and is responsible for cultural, informational and educational activities, supporting programmes and projects addressing needs identified by Roma communities. To ensure the participation of Roma representatives in its cultural decisions, in 2017 the Centre decided to form a Consultative Council. The responsibilities of the Consultative Council are to support the institution's manager in developing cultural strategies for achieving the established objectives and to propose activities to implement those strategies. The Centre organised a selection procedure and chose seven Roma representatives for the Consultative Council. It should meet at least twice a year, as well as whenever the Centre manager convenes a meeting.

Most marginalised Roma are often not very aware of ways to address their own problems and rarely participate in decision-making processes at local level. This leads to low expectations about Roma from local authorities, due to their lack of capacity to lobby locally and jointly work towards common interests. Low levels of Roma civic participation, along with poor levels of Roma educational attainment, are obstacles to

²⁸ See report European Commission report 2013 *Empowerment of Roma Women within the European Framework of National Roma Inclusion Strategy*. The report can be found at: [http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/493019/IPOL-FEMM_ET\(2013\)493019_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2013/493019/IPOL-FEMM_ET(2013)493019_EN.pdf), Accessed 05.01.2018.

²⁹ Pop, M. (2015). *Informal groups in Romania*. Legislative analyses

³⁰ Gheorghe, C. (2016). *Roma feminism: ideological and institutional challenges* in Andra Nimu, Cristian Pârvulescu and Arpad Todor (2016) *Civil society, democracy and institutional capacity*; Iași, Polirom; p.237-248.

Nimu, A. (2016). *Nongovernmental organization for women's rights: conceptual approaches and personal experiences*, in Andra Nimu, Cristian Pârvulescu and Arpad Todor (2016) *Civil society, democracy and institutional capacity*; Iași, Polirom; p.237-248.

³¹ Based on a desk research on initiative groups established in at least 20 local administrations in Romania.

the development of a strong community able to present their problems to the main stakeholders, to plan for solutions, and to claim their rights.

Over the last 27 years, Roma issues have been approached in a rather superficial manner, mostly “on paper”, because of the conditions and constraints set by external stakeholders (for example, through the EU pre-accession process), while the interest of the wider Romanian society in Roma issues is very low.

The NRIS has received multiple criticisms for lack of budget allocations, lack of a coherent monitoring and evaluation mechanism, and lack of correlation of the NRIS with local realities. Since 2013 it has been updated or modified several times. As was expressed in a report by the Resource Centre for Roma Communities, the current NRIS promotes the identification of resources already earmarked by public authorities outside of the strategy mechanism, rather than committing to allocate new funds from the national budget.³² The budget estimation for the NRIS was available only until 2016 because in December 2016 a new political cycle started (Parliamentary elections took place). In 2017 it is unclear whether any progress has been made in Roma inclusion in Romania.

Guarantees for the effectiveness of programmes with the largest budgets

In Romania there is only one Roma integration policy, the Strategy of the Government of Romania for the Inclusion of Romanian Citizens Belonging to the Roma Minority for 2015-2020 (*Strategia Guvernului României de incluziune a cetăţenilor români aparţinând minorităţii rome pentru perioada 2015-2020*, the revised version of the document adopted in 2012).³³ All policies and measures that may have an impact on the Roma, whether mainstreamed and/or targeted, are reported as being within the framework of NRIS.

The NRIS objectives and measures were designed based on a needs assessment relying on the data available at the time: the first NRIS was for 2011-2020 and a lot of the data presenting the Roma situation in Romania were outdated (i.e., based on the 2001 Census). The new version (NRIS 2015-2020) was designed relying on data from the 2011 Population and Households Census and other recent studies on the Roma issue (2011, 2013). Also, due to pressure put on the Government by civil society organisations, the revised document includes measures focused on Roma issues, not measures related to Roma social inclusion (as it had been the case in previous reporting to the European Commission and other international bodies). By design, some of the measures of the NRIS address major needs of the Roma (particularly in education and employment), but their actual effect will depend on the allocation of budgets and on the quality of implementation.

There is no interagency, multiple agency, or combined agency approach to benefit the Roma. Moreover, Roma women are mentioned and targeted by various programmes less often than children, youth, or Roma in general. Additionally, the Government view on Roma women’s situations is rather problematic. The areas where women are mentioned in the NRIS document are health care, education, and the labour market, but when it comes to concrete interventions, the clear focus is only on health issues.

³² Resource Centre for Roma Communities. (2016). *Strategies yes, funding no. Public policies for Roma in Romania’s financing mechanism*.

³³ The Strategy of the Government of Romania for the Inclusion of the Romanian Citizens Belonging to Roma Minority for 2012-2020 (*Strategia Guvernului României de Incluziune a Cetăţenilor Români aparţinând Minorităţii Rome pentru perioada 2012-2020*) is available at: www.anr.gov.ro/index.php/anr/strategia. Accessed 12.01.2018.

Since the adoption in 2001 of the first Roma inclusion strategy, the relevant ministries have introduced indicators/measures for the Roma in their own strategies, but without referring to clear sources of funding for them. It was therefore impossible to estimate expenditure on Roma issues. In this context, many civil society reports have criticised the fact that the NRIS does not include measures funded by public funds, and neither do the various ministries.³⁴ In fact, the main sources of funding identified have been the European Funds, the Norwegian Financial Mechanism, and the Swiss–Romanian cooperation funds. This demonstrates a lack of political will and Government commitment. It is rather difficult to assess the outreach of these mainstream programmes in the absence of solid evidence; the Romanian mainstreaming approach involves indicators about Roma but no clear means for collecting information about those indicators. So far, we have not learnt about any recent independent evaluations of mainstream programmes impacting Roma.

Since there is no monitoring and evaluation available in official documents or from available information resource sites, many programmes specially designed for the inclusion of the Roma have never evolved. For example, the salary grid for the health mediation programme has never been updated and does not compensate its employees according to the qualifications of the persons filling the jobs. Although many health mediators have completed high school or higher education, or even hold Master's degrees, they continue to be paid as if they had lower educational levels.³⁵

Education

All children have access to free-of-charge primary school, but not to an equal, quality education, and to a certain extent, Roma children continue to face school segregation. Some programmes have targeted the improvement of teachers' competences, including non-segregation, antidiscrimination, and innovative teaching methods.

The targeted actions for Roma financed by the Ministry of Education include affirmative measures for Roma in upper secondary schools and universities, the establishment of a specific position within the school inspectorate for Roma and other ethnicities, the provision of Romanes language teachers in some schools, the provision of Roma school mediators, and textbooks in the Romanes language.³⁶ These affirmative measures are some of the first policies ever created for Roma, but there is very limited information available about them and no impact evaluation from the Ministry of Education to date.

Since 1992, special places for Roma students have been set aside in higher and vocational education. Since 2000, special places for Roma have also been set aside in upper secondary schools. The results of the implemented measures funded and coordinated by the Ministry of National Education (MNE) and its partners are numerous.

³⁴ Preoteasa, M. & Cace, S. & Dumina, G. (2009). *The Strategy for improving the Roma situation. Voices of communities*, Bucharest AMM Design http://www.agentiainpreuna.ro/files/publicatii/10-RAPORT_tipar-p-ro.pdf or <https://www.csrmedia.ro/evaluare-c-e-a-strategiilor-nationale-de-incluziune-a-romilor-stam-prost-la-ocuparea-forței-de-munca-si-sanatate/> or <http://www.anr.gov.ro/docs/Site2014/Strategie/Analiza%20implementarii%20strategiei%20Guvernului%20nr.%201221%20din%202011.pdf> http://www.unicef.ro/wp-content/uploads/evaluarea-politicilor-publice-educationale-pentru-rromi_2.pdf. Accessed 12.01.2018.

³⁵ Gheorghe C. (2009). *Trade unions at the intersection of gender and ethnicity*. See case study on health, Bucharest AMM Design, p. 41 <http://www.agentiainpreuna.ro/files/publicatii/9-Sindicatela-intersectia-p-ro.pdf> Accessed 05.01.2018.

³⁶ Information from Gheorghe Sarău, Counsellor for Romani Language and Roma issues, General Directorate for Minority languages within the Ministry of Education, about programmes financed exclusively by the Ministry of Education <https://gheorghesarau.wordpress.com/programa-de-succes-ale-ministerului-educatiei-cercetarii-si-tineretului-privind-invatamantul-pentru-rromi/>. Accessed 04.01.2018.

Affirmative measures for access to education are the main results of MNE's efforts in relation to Roma social inclusion. In 2016, 622 places were set aside for Roma students in universities at Bachelor level, in addition to 265 places in Master's degree programmes; 3,150 additional places were also allocated for Roma students in secondary schools.

Another important result is the curriculum for teaching the Romanes language that has been developed and included in the national curriculum. Preservation of the Romanes language and of Roma history and culture is done by teaching such disciplines, if requested by the local community and if Romani language teachers are available, for three to four hours per week (Romanes as a native language) and one hour per week of Roma history and traditions to Roma and Non-Roma students in grades 1 to 12.

MNE also provides financial resources and an institutional framework for Romanes language instruction. In 2016, 15 students enrolled in programmes of the Faculty of Foreign Languages and Literature at the University of Bucharest to study the Romanes language. Also, 110 teachers of the Romanes language received intensive training during that summer.

According to National Education Law no. 1/2011, national minorities have the right to study and receive instruction in their mother tongue at all levels, types and forms of school education. In addition, since 2002 the MNE has supported teaching in the Romanes language in pre-school, where annually there are about nine kindergartens with approximately 150 pre-schoolers requesting this type of education. Since 2003, it has been possible to provide education in the Romanes language (as a mother tongue) for preparatory school children,³⁷ as well as for the first five years of primary education.

As a result of efforts made by the MNE, a network of inspectors for Roma education issues has been established, which means that each County School Inspectorate includes in their staff grid a position for a school inspector, and there are also three such positions within the central office of the MNE.³⁸

Also, thanks to the European framework in education, school mediators have been trained and hired by local authorities and have been working to involve parents in their children's school lives and take responsibility for helping children in the transition process from one level of education to another. The mediators also have the role of helping children enter the education system at the correct age and of reducing absenteeism, dropout and early school-leaving. In the period 2003-2015, 1,156 school mediators were trained. Of these, there are currently around 400 school mediators employed in the education system; their training needs to be continued, as there is a real need for their services, given that Romania ranks among the EU countries with the highest rates of early school leaving.³⁹

³⁷ Preparatory school is the so-called class zero, as a transition from pre-school education to primary education. It was designed to cover the lack of compulsory pre-school education.

³⁸ Resource Center for Roma Communities (*Centrul de Resurse pentru Comunitățile de Romi – CRCR*) made a FOIA request to the Ministry of National Education and Scientific Research (*Ministerul Educației Naționale și Cercetării Științifice – MENCS*), for the report *Strategies-YES, funding-NO. Financing mechanism for Roma public policies in Romania (Strategii DA, finanțare NU. Mecanismele de finanțare a politicilor publice pentru romi în România)* and received as answer by email 13.05.2016.

³⁹ The answer received 22.09.2016 from the Ministry of National Education and Scientific Research (*Ministerul Educației Naționale și Cercetării Științifice – MENCS*).

In 2015, the Romanian Government adopted a Strategy for Reducing of Early School Leaving in Romania,⁴⁰ but there is no information on the actual status of the implementation or the achieved results.

The continuing training of teachers targets their professional development and career advancement⁴¹ and is regularly performed through the Teachers' House (*Casa Corpului Didactic*), which provides a large variety of courses – whether accredited, authorised, or delivered in partnership with non-governmental organizations – that include the subjects of intercultural education, social inclusion, communication, etc. According to the "Methodology on the collection, recognition and equivalence of transferable credits", teachers should earn at least 90 transferable credits every five years.⁴²

The MNE finances a so-called "Second Chance" programme for persons who drop out of school before completing compulsory education. Other reported outcomes of the efforts made by the MNE are: 80,300 Roma students received school supplies (from the programme "School supplies", which in 2016 had 623,560 beneficiaries total); 1,733 Roma students received vouchers for buying a computer (from the programme "EURO 200"), and also, through a different program, 3,200 Roma high school students received financial support (364 EUR) in 2016.

On 21 December 2016 the MNE issued a Framework Order banning segregation in pre-university schools (*Ordinul Cadrul privind interzicerea segregării în unitățile de învățământ preuniversitar*).⁴³ The Order has an action plan (*Ordinul pentru adoptarea Planului de acțiune pentru desegregarea școlară și creșterea calității educaționale în unitățile de învățământ preuniversitar din România*) which has as its main objectives: (1) amending the legislative framework on school desegregation in Romania; (2) increasing the quality of the educational services provided in the pre-university Romanian school system; (3) training teachers; (4) motivating and attracting quality human resources to the schools. Because of political changes, the implementation of the plan was postponed until 2018. Still, the Desegregation and Inclusive Education Commission has been established; it brings together specialised professionals from the MNE, professors, NGOs and other relevant institutions from all the segregation areas mentioned by the Framework Order and it is chaired by the MNE. Even though in Article 9 the Order mentions a monitoring methodology for all the segregation criteria, to be adopted through a Ministry Order, it has not been elaborated yet.

Health

Healthcare is another area where the government targets Roma and disadvantaged groups (people in rural areas where access to healthcare is limited) through the health mediation programme, mainstreamed as part of a national programme developed by the Ministry of Health. On numerous occasions the Ministry of Health has pointed out that, apart from the Roma Health Mediator programme, there is no other specific healthcare programme that targets only Roma.

⁴⁰ <http://www.edu.ro/sites/default/files/fisiere/Invatamant-Preuniversitar/2015/Strategie-PTS/Strategia-PTS-2015.pdf>

⁴¹ National Education Law no. 1/2011, art. 242 (1).

⁴² Ministry of Education and Research, Order no. 5562/October 7, 2011 for approval of the Methodology on collection, recognition, equivalence of transferable credits.

⁴³ *Ordinul Cadrul privind interzicerea segregării în unitățile de învățământ preuniversitar*, the document is accessible at this link: <https://www.edu.ro/ordin-cadru-nr-613421122016-privind-interzicerea-segreg%C4%83rii-%C8%99colare-%C3%AEn-unit%C4%83%C8%9Bile-de-%C3%AEEnv%C4%83%C8%9B%C4%83m%C3%A2nt>, accessed 20.12.2017.

Since 2009, health mediators have been directed by local mayors and, according to a report prepared by the World Bank in 2015 for the Romanian Government,⁴⁴ in 2013 there were 447 health mediators who facilitated access to healthcare for 200,000 Roma. A mainstream health measure that impacts Roma is the establishment of the position of community nurses, of whom in 2014 there were almost 1,000, and who altogether assisted about 1 million people within one year.

Employment

The National Agency for Employment (*Agenția Națională pentru Ocuparea Forței de Muncă – ANOFM*), an institution subordinated to the Ministry of Labour, implements the measures planned in the Strategy of the Government of Romania for the Inclusion of Romanian Citizens Belonging to the Roma Minority for 2015–2020 (*Strategia Guvernului României de incluziune a cetățenilor români aparținând minorității rome pentru perioada 2015-2020*).

According to the NRIS, the ANOFM implements certain programmes (work mediation, information and professional counselling, qualification and training courses, wage subsidies, stimulation of labour mobility, consulting services and assistance for starting a business, skills assessment for persons belonging to the Roma minority, grant subsidies for employers for hiring persons from disadvantaged categories, as well as customised assistance for youth at risk of social marginalisation). Each year, the ANOFM designs and implements the National Programme for Employment (*Programul național pentru ocuparea forței de muncă*) and the National Vocational Training Plan (*Planul național de formare profesională*). In 2016, the “Special programme for communities with a large number of ethnic Roma” (*Programul special pentru comunitățile cu număr mare de etnici rome*) was implemented in 150 municipalities with many Roma.

In the ESIF programming document for 2014-2020⁴⁵ there are 10 priorities and Roma are both specifically targeted and mainstreamed in the Operational Programme Human Capital (OPHC), and the Regional Development Operational Programme. The most important priority is OPHC with a total budget of 4.326 billion EUR. According to official documents, the OPHC has seven priorities⁴⁶ of which priorities 3 and 4 target Roma specifically, although all priorities mention Roma youth unemployment, lack of education, investments, labour market, etc. Since Roma are mainstreamed and targeted in all OPHC priorities, it is difficult to say how much of the budget will fund Roma-related actions. Also, it is very difficult to estimate the total budget allocated for the Roma since the first projects just started in August 2017.

Most of the programmes for Roma are designed from a social services perspective and fail to include information about the historical discrimination of Roma, the invisibility of Roma women in history, and the disadvantages resulting from their social status. For example, besides the MNE, which runs programmes about culture, most governmental programmes address social exclusion and poverty while ignoring gender issues and institutional racism along with other tough issues that have made the circumstances of the Roma minority a complex issue. Various scholars⁴⁷ and Roma activists have

⁴⁴ Tesliuc, E. & Grigoras, V. & Stanculescu, M. (2015). *Founding study for the national strategy for social inclusion and poverty reduction 2015-2020*, Bucharest.

⁴⁵ For more information, see the website <http://www.fonduri-ue.ro/pocu-2014>

⁴⁶ http://www.fonduri-ue.ro/images/files/programe/CU/POCU-2014/2017/15.06.2017/Programul_Operational_Capital_Uman.pdf, the link accessed on January 5th, 2018.

⁴⁷ Rostas, I. (2012). *Roma identity* in Horvath, I. & Nastasă, L. (2012) *Roma or Gypsy? The dilemmas of an ethnonym in a Romanian context*, ISPMN Cluj, p. 201

criticised⁴⁸ the fact that Roma are framed in such policies as a "social issue" using an approach that is gender blind and uninformed by any background about Roma culture, and these critics argue that these are some of the aspects that account for the poor implementation of the strategy at all levels.

Housing

In the area of housing, the Ministries of Regional Development, of Public Administration and of European Funds run two national programmes. The National Programme for Cadastral Survey and Land Registry is being implemented from 2015 to 2020 with the objective of registering all real estate; Roma are mainstreamed in this programme, which acknowledges the fact that many places where Roma live are privately or publicly held land that the occupants have not been legally authorised to inhabit.⁴⁹ The official reports mention the number of administrative units across the country which have signed contracts or finalised the authorisation process without specifying the number of Roma communities/households now regularised.⁵⁰ Some information about the progress of the programme was reported by the National Agency for Roma in its 2015 report, where 585 Roma families are stated to have received support with obtaining property documents.⁵¹

A Pilot Programme on "Social housing for Roma communities"⁵² started in 2008 with the aim of building at least 300 social housing units for Roma in eight regions in Romania, based on proposals made by the NAR and local public administrations. So far 168 flats have been built, 63 are under construction and another 63 are in the preparatory phase.⁵³ In 2017, the E-Romnja Association and Casi Sociale Acum (an informal group of activists in Cluj-Napoca working on housing and forced evictions) wrote two letters requesting information from the Ministry of Regional Development about this situation. According to their communication, the NAR was involved in the consultation process and the identification of Roma communities to work with. On 2 March 2016 the NAR published the information that, at that time, 231 residential units were in various stages of completion in five development regions: 49 in Arad County; 28 in Bihor County; 21 in Bistrita Nasaud County; 21 in Brasov County; 28 in Constanta County; 28 in Mehedinti County, 28 in Olt County, and 28 in Sibiu County.⁵⁴ In 2016, the Romanian Government allocated around 5 million EUR for the programme, more than 92% of which was earmarked for municipalities for the construction of these housing units.

⁴⁸ See Gheorghe, C. (2011) *Gender Mainstreaming in public policies for Roma in the Social Assistants' journal*, the University of Bucharest, no. 2

⁴⁹ According to a public information request submitted by E-Romnja Association and the answer received 05.10.2017

⁵⁰ Official report on the status of the programme
http://www.ancpi.ro/pnccf/documente/Stadiu_lucrari_de_inreg._sist_16_oct.2017_site_final.pdf,

⁵¹ See:
<http://www.anr.gov.ro/docs/Site2016/Transparenta/Rapoarte/Rapoarte2015/Raport%202015%20final.pdf> link accessed on December 22, 2017, link accessed on December 22, 2017.

⁵² Governmental Decision no. 1237/2008 regarding the approval of the Social Housing Pilot Programme for Roma communities, *HG nr. 1237/2008 privind aprobarea Programului pilor Locuințe sociale pentru comunitățile de romi* available at:
http://www.dreptonline.ro/legislatie/hq_program_pilot_locuinte_pentru_romi_1237_2008.php. Accessed 12.01.2018.

⁵³ Excerpt of a communication sent by the Ministry to E-Romnja with registration number 50258/05.05.2017

⁵⁴ The press release containing this information is available at
<http://www.anr.gov.ro/index.php/anr/presedinte-a-n-r/comunicate-si-informatii-2/496-comunicat-de-presa-2-martie-2016-locuinte-sociale-pentru-comunitatile-de-romi>. Accessed 12.01.2018.

Civil society's access to funding for Roma inclusion activities

While the interest of the state for empowerment initiatives is very low, NGO led initiatives are currently implemented with funding from private or public international donors such as the EEA Grants,⁵⁵ Swiss grants, or the European Commission and recently from the European Structural and Investment Funds.

In 2016 there was an attempt by the Ministry of Labour to fund initiative groups at local level formed of women, but ultimately it was not approved by the Ministry of Finance.

The NAR⁵⁶ runs an annual programme for funding Roma social inclusion measures that are fully funded from the state budget. For 2017, the total allocation was the equivalent of around 200,000 EUR. According to the NAR website, there are eight approved projects,⁵⁷ and in the absence of information about their budgets, one can assume that the estimated average budget is 25,000 EUR for each. There is no other national, public source of funding for civil society organisations working on Roma social inclusion available at this moment.

Starting in 2016, the Operational Programme Human Capital launched several calls for proposals that are highly relevant to the Roma situation. Currently these programmes are in the contracting or implementation phase:

- AP5/PI9.vi/OS 5.1 – Preparatory support for community animation within cities with over 20,000 inhabitants, Stage 1: Support for the preparation of Local Development Strategy and creation of new Local Action Groups or adapting Local Action Groups to the DLRC 2014 – 2020 (Community Lead Local Development);
- AP4/PI9.ii/OS 4.1 – Integrated local development (DLI 3600) in marginalised Roma communities;
- POCU/4/6/6.2,6.3,6.4,6.6 – “School for All” Programme – part of Priority Axis 6 – “Education and competences”, under the investment priority 10(i) aiming to “reduce and prevent early school leaving, promotion of equal access to quality pre-school, primary and secondary education, including access to formal, non-formal and informal learning processes for reintegration in education and training”.

Civil society organisations are eligible as main applicants and as partners, and the programme requires no financial contribution from NGOs, which can be considered as a very important incentive to access the funds.

The most relevant sources for funding for NGOs are the EEA Grants⁵⁸ and the Swiss-Romanian Cooperation Programme,⁵⁹ both programmes allocating resources for Roma-related projects. At this moment there are no new calls for proposals for civil society development. The EEA Grants programme has not selected a fund operator for the

⁵⁵ See: <http://www.eeagrants.ro/en> or <http://www.fdsc.ro/participarea-societatii-civile>. Accessed 12.01.2018.

⁵⁶ See: http://www.anr.gov.ro/images/Site2017/Finantari2017/Anunt-Programul_Anual_al_ANR_pentru_acordarea_de_finantari_nerambursabile_-_2017.pdf. Accessed 01.11.2017.

⁵⁷ See: http://www.anr.gov.ro/images/Site2017/Finantari2017/Proiecte_Admise_Propuse_Contracte_Trasferuri.pdf. Accessed 12.01.2018.

⁵⁸ See: <http://fondong.fdsc.ro/>. Accessed 12.01.2018.

⁵⁹ See: <https://www.eda.admin.ch/countries/romania/ro/home.html>. Accessed 12.01.2018.

implementation of the new round of funding, but it is important to mention that for the new programming period the grants allocation for civil society is around 45 million EUR, the largest amount so far.

Availability of reliable data on the situation of Roma

Romania is one of those countries which continue to misinterpret the EU Data Protection Directive as not permitting data collection on ethnic and racial origin, even though the European Committee of Social Rights specifies that the national authorities have a duty to collect data disaggregated according to these criteria in order to create specific policies and programmes for such target groups and to monitor and evaluate their impact.⁶⁰

Professor Philip Alston, the United Nations Human Rights Council's Special Rapporteur on extreme poverty and human rights, stated in 2015: "*This confusion is compounded by a frequent, but inconsistent, assertion that the state cannot collect data on how people of Roma ethnicity are faring compared to non-Roma, whether in education, health, employment or housing. The great majority of officials with whom I met claimed that the law does not allow the government to collect data disaggregated by ethnicity.*"⁶¹

It is Law no. 677/2001⁶² that regulates data collection on ethnic and racial grounds. Article 7 of the law states: "*It is forbidden to process data of a personal nature regarding racial or ethnic origins, political, religious, philosophical or similar convictions, trade union membership or personal data about health condition or sexual life.*" This first paragraph is then completed by a long list of exceptions, including when the consent of the person to the processing of such data is given, or when the processing is based on a specific legal provision regarding the protection of an important public interest and relevant safeguards are in place.

According to the latest Romanian Census of Population and Households (2011), the number of people identifying themselves as Roma was 621,573, although the estimated numbers used by the European Union are much higher (between 1.5 and 2.5 million Romanian citizens belonging to the Roma minority). The number of self-declared Roma has increased over the last three censuses but still does not reflect reality (in 1992, approximately 400,000 Romanians identified as Roma and in 2002, approximately 535,000 did).

In the Romanian Census of Population and Households there is a question regarding ethnic origin, but only one answer can be selected. In line with the questions regarding mother tongue and religion, the questions were formulated with the idea of self-identification and with open-ended answers: "Which ethnicity do you think you belong to?" The main factors that influence reticence in declaring one's ethnicity are:

⁶⁰ Farkas, L. (2017). *Analysis and comparative review of equality data collection practices in the European Union. Data collection in the field of ethnicity*, European Commission, Directorate-General for Justice and Consumers, p. 5.

⁶¹ United Nations, End-of-mission statement on Romania, by Professor Philip Alston, United Nations Human Rights Council Special Rapporteur on extreme poverty and human rights, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16737&LangID=E#sthash.42v5AeFT.dpuf>. Accessed 02.11.2017.

⁶² Law no. 677/ 21.11.2001 (updated) for the protection of persons regarding personal data processing and the free movement of such data, available at: https://www.mae.ro/sites/default/files/file/anul_2016/2016_pdf/2016.11.01_anexa_1_legea_677-2001.pdf. Accessed 12.01.2018.

1. The stigmatisation the Roma face in Romania – besides discrimination and exclusion in different forms, the Roma suffer from self-marginalisation because of the negative experiences they or other members of their same ethnic group have faced before;
2. The lack of trust in the persons conducting the survey – it is necessary to build a relationship of trust between the respondent and the census-taker instead of a power relationship where an individual belonging to the majority group questions an individual from the minority. In some cases, the local authorities have acknowledged this and tried to hire Roma census-takers (for example, the case of Gorj county⁶³) or send Roma leaders in the communities together with the non-Roma census-takers (the case of Prahova county⁶⁴);
3. The low capacity of the census-takers to understand the relevance of the ethnicity question – some respondents stated that the census-taker did not ask all the questions in the survey, especially not the ones regarding ethnicity and religion. The census-takers apparently just assumed that everyone belongs to the Romanian ethnicity and the Orthodox religion.

In the general standard surveys, the sampling methodology regularly takes ethnic issues into consideration and may introduce certain formulations to ensure the representativeness of the ethnic presence in the sample.

The most recent research on Roma in Romania is the SocioRoMap,⁶⁵ a project implemented by the Research Institute for National Minority Issues funded through the EEA Grants in 2014-2017⁶⁶ that aimed to map the segregated, poor Roma communities at national level. The research was met with criticism by Roma representatives for its methodological approach, which was not based on the principle of self-identification but on a combined approach in which several networks of professionals and other activists' and experts' networks identified the existing communities. Still, it has provided valuable data for anybody who wants to understand data at local level, and it will be extremely important for public authorities to consider data provided by research like SocioRoMap when developing public policies. Although there is some data available about Roma communities, data on social inclusion indicators regarding the Roma in Romania are sparse and sporadically produced. There has been no ex-ante evaluation prior to formulating the new NRIS, no baseline indicators were ever established, and no impact analysis has been performed about the main measures and policies undertaken for Roma social inclusion.

This void of information about the Roma is reflected at all levels of the decision-making process, and in all sectors. Sporadic research from the civil society sector can hardly fill the gap. Also, there is little concern about identifying and scaling up best practices in this field, which jeopardises the sustainability of interventions and leads to the risk of missing important lessons and repeating mistakes. Without a continuous flow of valid data and an ongoing learning process, it is impossible to take appropriate measures.

The monitoring and evaluation mechanisms all over Romania regarding the implementation of the NRIS are not uniform. Most of the data come from the Roma

⁶³ See: <http://romanioliberal.ro/actualitate/fapt-divers/romii-din-gorj-au-cerut-la-recensamant-recenzori-care-apartin-etniei-lor-242433>. Accessed 12.01.2018.

⁶⁴ See: <http://www.mediafax.ro/social/recensamantul-populatiei-si-al-locuintelor-recenzori-insotiti-de-romi-si-apeluri-telefonice-la-primarii-ce-probleme-au-aparut-pana-acum-8889676>. Accessed 12 October 2017.

⁶⁵ See: <https://socioromap.ro/>. Accessed 15.12.2017.

⁶⁶ See: <http://www.ispmn.gov.ro/page/socioromap>. Accessed 15.12.2017.

offices in the county Prefectures, but the data is not verified at national level. Moreover, qualitative data is not collected.

In 2016, the Ministry of Justice published data on its website (www.just.ro/date-statistice/) regarding the ethnic origins of prison inmates in Romania. *Romani Criss* (a Roma NGO) submitted an open letter condemning the data release, considering it an act of discrimination and a violation of the right to human dignity. They claimed that "such a practice creates the risk that ethnic and religious stereotypes and prejudices would count in establishing guilt, the legal framing of the facts of a case, or punishment."⁶⁷ Also, they asked the Ministry to eliminate from the European Criminal Records' Information System all aspects about the ethnic origins and religion of prisoners. The National Council for Combating Discrimination decided in October 2017 that the Ministry of Justice and the National Administration of Penitentiaries are guilty of discrimination in this matter.⁶⁸ Each were fined 2,000 RON (around 420 EUR) and received the recommendation "to avoid using ethnic criteria when preparing statistical data".⁶⁹

Policies and measures addressing specific needs and challenges of Roma women, children and youth

Roma women

The NRIS addresses Roma issues in a uniform way, although it acknowledges in context that there are gaps between women and men on the labour market; in terms of education, where the level of illiteracy is 10% higher among women compared to men; and in terms of access to health care (especially gynaecologists) it determines an increased mortality rate among Roma women which is 15 times higher than the national average.⁷⁰ The document reflects some of the challenges Roma women face and the action plan contains two dedicated measures: one that intends to reduce mortality rates among women when giving birth by providing counselling on reproductive health, family planning and counselling on early marriages/violence against women; and the other measure is increasing the number of Roma women active on the labour market. Currently there is no information available in the NAR's reports about these two measures that are to be implemented by the Ministry of Health and the Ministry of Labour. We can hardly speak of a gender perspective within the NRIS. In fact, it reflects the perceived traditional role assigned to Roma women as being responsible for using contraception, for childcare and family healthcare or for contributing to the family income.⁷¹ While different official documents and reports acknowledge the precarious situation of Roma women within the ethnic Roma community and within society when accessing services or resources, such aspects tend to be overlooked.

While the NRIS contains two measures, the Equal Opportunity Strategy completely ignores the differences between women of different ethnic backgrounds, disabilities, or other vulnerabilities. Data collection and reporting along these lines are scarce; the only

⁶⁷ See <https://www.stiri.org/ong/civic-si-campanii/scrisoare-deschisa-ministerul-justitiei>. Accessed 15.12.2017.

⁶⁸ Ordinance no. 137/ 2000, available at: http://www.dreptonline.ro/legislatie/oq_137_2000_prevenire_sanctionare_forme_discriminare_republicata.php. Accessed 15.12.2017.

⁶⁹ File 346/ 2016, National Council for Combating Discrimination

⁷⁰ According to the Strategy for Roma Inclusion page http://www.anr.gov.ro/docs/Site2014/Strategie/Strategie_final_18-11-2014.pdf. Accessed 01.10.2017.

⁷¹ Gheorghe, C. (2011). *Gender Mainstreaming in public policies for Roma* published in the Social Assistance's magazine from the Bucharest University, no. 2

available data are those provided by international bodies such as the Fundamental Rights Agency or the World Bank and civil society reports.

Some of the tough issues have been raised in the text of the strategy, such as insufficient education for Roma women, lack of access to healthcare especially for pregnant women, and low female participation on the labour market. Other urgent issues raised by civil society that are improperly addressed or altogether ignored are: control of Roma women's bodies by others as the cause of arranged and forced marriages; the cult of virginity; and the cultural prohibition on contraceptive use. According to the Roma feminist Letitia Mark, marriage is an instrument through which gender norms are applied determining a Roma woman's subordination to her husband, his family and his community.⁷²

In this regard, the FRA Roma Survey⁷³ states that one of the causes for low levels of Roma (both boys and girls) education may be Roma early marriages. Across Europe, 2% of Roma girls aged between 10 and 15 are "traditionally married" or living with a partner and around 16% of Roma (male and female) between the ages of 16 and 17 are married or live with a partner. Only 6% of married females aged 16-17 still attend school compared with 36% of the females from this group who are not married.

Another urgent issue is gender-based violence and sexual violence against Roma women and girls, which is underreported, and the difficulty of gathering data about it makes the phenomenon less prioritised. According to studies by Roma and non-Roma feminists, the biggest challenge that Roma women face is asking for support from authorities, whose racist attitudes discourage such action.⁷⁴ This, along with the lack of services at local level and the lack of expertise and interest in this issue on the part of police officers makes any intervention very difficult to initiate. In 2012, E-Romnja⁷⁵ (a Roma feminist NGO in Romania) started work at community level with informal initiative groups of Roma women to create more awareness and solidarity among them on women's issues such as violence against women, reproductive rights, or access to public resources for Roma women.

The acknowledgement of multiple/intersectional discrimination in legal practice is still a goal for Roma feminists and activists. While Romanian legislation defined the term as early as 2006, its instrumentation as well as the handing down of sanctions on multiple grounds are still being delayed.⁷⁶ Data collection based on gender and ethnicity could give a more comprehensive picture of the inequalities between Roma men and women, but also between Roma and non-Roma women. Poverty, housing conditions, and lack of opportunities in employment combined with other forms of vulnerability such as ethnicity, age and residence are major "push" factors for human trafficking, and the state does not make all the effort it could to combat this.⁷⁷ Roma women and girls in

⁷² Bitu, N. and Morteau, C. (2009). *Cazurile mariajelor timpurii în comunitățile de romi din România. Drepturile copilului sunt negociabile?* UNICEF.

⁷³ Fundamental Rights Agency (2014). *Roma Survey – data in focus. Discrimination against and living conditions of Roma women in 11 Member states in 2014.* file:///C:/Users/Daniela/Downloads/fra-2014-roma-survey-gender_en.pdf Accessed 01.10.2017.

⁷⁴ Vrabiescu, I. (2016). *Phenja – violence against Roma women has no colour*; and Neaga D., Braga A. and Nica A. (2017) *They all knew*.

⁷⁵ See more at: www.e-romnja.ro/en

⁷⁶ Mocanu, C. and Zamfir, A.M. (2008). *Discriminarea multiplă în România*. Ed. Agora Clarași.

⁷⁷ NGO shadow report for CEDAW session 2017 on the elimination of all forms of discrimination against women (2017). http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/ROU/INT_CEDAW_NGO_ROU_27790_E.pdf

rural or marginal communities are disproportionately affected by lack of access to gynaecologists, lack of access to the right to safe abortion, lack of access to proper water and sewage utilities, to transportation, to jobs, etc. The profound gaps between Roma women in rural locations compared to urban ones needs to be addressed in policies because of the inequalities that they experience.

There are no current programmes run by government or other public institutions targeting Roma women at either local or national level. However, the health mediation programme involves a substantial number of Roma women, and it is a way of empowering Roma women in local communities: 95% of health mediators have been Roma women.⁷⁸ The programme has proved its effectiveness since 2002 through the increased number of Roma who have registered with a family doctor, received medical treatment, vaccinations, information about hygiene, family planning, etc., as several evaluation reports have concluded.⁷⁹

Another programme that may influence Roma women's access to education is the one to reserve places, as part of affirmative action, in universities and more recently in secondary schools. Nonetheless, as previously mentioned, since the Ministry of Education does not collect data based on gender and ethnicity, the number of Roma women impacted is impossible to estimate, as is the effectiveness of this programme from a gender perspective.

Through the Norwegian Financial Mechanism, the Ministry of Justice was the programme operator for RO20 "Domestic violence and gender-based violence", completed on 30 April 2017, which aimed to reduce gender-based violence in Romania and support the victims of trafficking. The programme had three funding priorities: services and shelters; activities to raise awareness about domestic and gender-based violence in the Roma population; and training activities for professionals. The fund was very much criticised by networks of feminist NGOs and service providers because the support was mainly made available to public institutions; most of those who applied and got grants were service providers from public institutions and just a few NGOs⁸⁰ (four according to the official records). The total budget for the second priority, which specified the Roma as a target group, was 317,647 EUR. There was only one Roma NGO (UNIT) who participated as a partner in one of the projects funded.

Most of the programmes that have addressed Roma women have been funded by international organisations⁸¹ or foundations or the European Social Fund (since 2009), and were run by non-governmental organisations. The missing initiatives on Roma women were reflected in the country's report on gender equality that was presented by the state delegation to CEDAW session 67 held in July 2017. That report did not contain

⁷⁸ See footnote 6 on page 29 of the report *Health services and Roma. Evaluation of the health mediator program 2007* available here http://ec.europa.eu/health/ph_projects/2004/action3/docs/2004_3_01_manuals_ro.pdf. Accessed 11.11.2017.

⁷⁹ See also the evaluation report 2006 from Centre for Politics and Health services http://www.anr.gov.ro/docs/Politici/Evaluarea_PMSR_raport_final.pdf. Accessed 15.12.2017.

⁸⁰ See the list of winning project promoters <http://norwaygrants.just.ro/Portals/0/Apeluri/Projects%20admitted%20-%202022%20ian%202015.pdf>. Accessed 15.12.2017.

⁸¹ See for example JUSTROM programme, Council of Europe: <https://pjp-eu.coe.int/en/web/access-of-roma-and-traveller-women-to-justice/about-justrom>

clear data about pressing issues related to Roma women, with the only relevant references being to the NRIS and the government's intention to fight poverty.⁸²

There have been critical views from different Roma activists and feminists about the lack of gender perspective in antidiscrimination and gender equality policies that are not intersected to reflect the experiences of both racism and sexism.⁸³ Voices of Roma women activists who have struggled to put Roma women's issues on the agenda have not been very successful due to the fact that the antiracist cause takes precedence over sexism or other human rights issues.⁸⁴ In that regard, Roma women activists continue to be present in the consultation processes for the NRIS or other consultation bodies (the NAR, NAEO, etc.) but Roma women's issues continue to be absent from many official documents.

Currently there are three Roma women's organisations in Romania: E-Romnja Association (Bucharest), the Association of Roma Women for Our Children (Timisoara) and the Association for Roma Women in Romania (Bucharest).⁸⁵ The health mediation programme was evaluated in 2006-2007 and *Romani Criss* was involved in that process along with institutional bodies.⁸⁶ None of the three Roma women's NGOs were involved in the planning, implementation, monitoring and evaluation of the programmes mentioned above, according to the reports released.

So far, the Government has not evaluated the impact of its affirmative action measures and there are questions as to whether the gender perspective could be reflected there or not, since there is no official data on gender available from the Ministry of Education.

In 2015 a group of feminist NGOs started to monitor the activity of the Ministry of Justice as it managed funds on gender-based violence through the Norwegian mechanism.⁸⁷ The main criticism was that most of the funds went to public services for victims of violence, disadvantaging civil society organisations who were not allowed to apply for this fund, just for funding to initiate awareness-raising campaigns. The funds mainly went to social services provided by the public administration and only four NGOs received funding.⁸⁸ In response, the Romanian Government initiated a consultation process with women's NGOs with the intention to finance women's NGOs working in different areas and domains through the Programmes for National Intervention. They

⁸² See Romania's report available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1078&Lang=en. Accessed 20.11.2017.

⁸³ Gheorghe, C. (2011). *Gender Mainstreaming in public policies for Roma* in the Social Assistants' journal, the University of Bucharest, no. 2, or Popa, M.R (2009) *Meaning and uses of intersectionality in public policies* in Nevi Sara Kali, p. 70.

⁸⁴ Bitu, N. (2012). *Roma women and feminism* in Political perspective, vol V, no. 2. p. 133, Matache, M. 2009 *Gender equality, sense of belonging, both?* in Nevi Sara Kali p. 45 or Gheorghe, C. (2014) *Roma feminism: ideological and institutional challenges*". In Andra Nimu, Cristian Pârvulescu and Arpad Todor: Civil society, democracy and institutional capacity; Iași 2016, Polirom; p.237-248.

⁸⁵ www.e-romnja.ro, <http://romawomenassociationforourchildren.ro/>, <https://www.facebook.com/incluziunea/>. Of these three, only E-Romnja is currently active according to their website and Facebook page. Information about the other two NGOs was last updated in 2015-2016 according to their Facebook pages/websites.

⁸⁶ Fundation Secretarito Gitano. *Serviciile de sanatate și romii. Evaluarea sistemului de mediere sanitara. 2007* http://ec.europa.eu/health/ph_projects/2004/action3/docs/2004_3_01_manuals_ro.pdf

⁸⁷ The Network for Preventing and Combating Discrimination against women counted 21 NGOs, out of which there is one Roma feminist NGO, E-Romnja www.violentaimpotrivafemeilor.ro, link accessed on 05.01.2018

⁸⁸ See note 28.

established a working group where women's NGOs and private service providers were present and, after six months of consultation, they initiated a public debate on three national priorities that would be funded by the government.⁸⁹ However, the initiative was rejected by the Ministry of Finance, which argued that the European funds would make resources available for such initiatives.

In February 2017, the Ministry of Justice started a new consultation process for the next Norwegian Financial Mechanism that they will be managing. The network of women's NGOs was present in the consultation to give genuine input into the new mechanism and to introduce Roma women as a target group within the work of the institutions. Implementation will be the Ministry's responsibility, while the network will continue to monitor work on the issue of gender-based violence.

Roma children

The NRIS in Romania mentions the issue of pre-school enrolment: 37% for Roma children aged three to six years old as compared to 77% enrolment for non-Roma children.⁹⁰ Two out of 10 Roma children don't go to school and one out of six Roma parents explains their children's low school attendance by referencing ethnic discrimination.⁹¹ Also, according to the same study conducted by the World Bank, even if more than 80% of Roma parents declare that they want their children to complete at least secondary education, more than 75% of their children do not go on to secondary school. All of this is connected to the fact that a high percentage of Roma in a school correlates with low-quality education provision (quality was defined in the study with reference to criteria such as the state of a school's equipment, libraries, teachers' qualifications, etc.).⁹²

The objective of the NRIS in terms of education is "*increasing the level of educational inclusion of the Romanian citizens belonging to the Roma minority to a level similar to the rest of the population, by closing social gaps that enhance the risk of dropout and illiteracy, through affirmative measures, and by ensuring equal, free and universal access for Roma to quality education*"⁹³. The main action plans of the NRIS to achieve the specific objectives are:

1. creating national programmes for enhancing the access of children belonging to disadvantaged groups, including Roma children, to early childhood education;
2. developing after-school programmes and stimulating the local authorities to support them financially;
3. continuing the implementation of the Second Chance programme for functional literacy;
4. developing programmes for improving the socio-economic situation of Roma students in aspects that affect their educational inclusion (clothes, nourishment, housing conditions, health conditions);

⁸⁹ Information about the consultation process here <https://violentaipotrivaefemeilor.ro/dezbatere-publica-privind-programele-de-interes-national-in-domeniul-egalitatii-de-sanse-intre-femei-si-barbati-si-violentei-in-familie-pentru-perioada-2017-2019/>. Accessed 11.10.2017.

⁹⁰ The World Bank. (2012). *Toward an equal start: closing the early learning gap for Roma children in Eastern Europe*, p.12.

⁹¹ Surdu, L. (2011). *Roma school participation, non-attendance and discrimination in Romania*, Bucharest, Vanemonde.

⁹² Duminica, G. and Ivasiuc, A. (2010). *One school for all?* UNICEF and Agenția Împreună, București.

⁹³ The strategy is available at: http://ec.europa.eu/justice/discrimination/files/roma_romania_strategy2_en.pdf

5. continuing affirmative measures: facilities and seats for Roma youth in upper secondary schools and in universities;
6. incentives for Roma children to attend relevant vocational education and training;
7. ensuring the teaching of Romani language and Roma history at all educational levels, where there is a demand for it;
8. developing counselling, career orientation and tutoring activities;
9. organising lifelong learning activities for teachers in intercultural education to promote non-discrimination and equality of opportunities.

The list of actions in education continues, ending with “any other interventions necessary for achieving the established objectives”.

Second Chance and *after-school* programmes have been implemented. Few programmes have aimed to minimise the socioeconomic gap between Roma and non-Roma children by, for example, supporting the improvement of families’ financial situations or offering different incentives to Roma children, such as free transportation to school.

The actions that the NRIS prioritises as the most relevant relate mainly to social aspects, such as after-school and Second Chance programmes or provision of social benefits (food aid, clothes, etc.). The quality of the education that Roma children have access to is not emphasised enough.

ANTIDISCRIMINATION

Implementing the Racial Equality Directive

Following the Racial Equality Directive, Romania adopted Government Ordinance no. 137/2000 regarding the prevention and sanction of all forms of discrimination.⁹⁴ The national legislation includes ethnicity within the discrimination criteria and mentions that affirmative measures adopted for a certain group or community do not constitute discrimination. This is the case of allocating seats for Roma in upper secondary schools and universities in Romania. The majority population still perceives this measure as discriminatory toward the non-Roma population in Romania. The law also defines the concept of multiple discrimination, interpreting it to mean discrimination on the grounds of two or more criteria and as constituting an aggravating circumstance.

Acting based on the Racial Equality Directive, in the year 2000 the National Council for Combating Discrimination (NCCD) was established as the main national body responsible for promoting equal treatment and non-discrimination. The European Commission has criticized the NCCD as not independent because of its subordination to the Government. Thus, in 2006, one year before Romanian's EU accession, the status of the NCCD was changed to that of a national authority that investigates and sanctions acts of discrimination.

Discrimination is considered a violation of law, so the NCCD may apply fines up to 30,000 RON (6,000 EUR) for discrimination against an individual and up to 100,000 RON (20,000 EUR) if the victim is a group or community. Damages can be obtained in court. For cases related to Government Ordinance no. 137/2000, victims do not have to pay court fees and the Courts are obliged to request the NCCD's expertise.

From 2011 to 2016, 373 petitions alleging ethnic discrimination were filed with the NCCD. In 2016, of the 81 allegations of discrimination on ethnic grounds, discrimination was established in 21 cases and fines were set in 15, while in four cases warnings were issued and in two, recommendations were made. The aggregated data of the NCCD report do not allow for the analysis of Roma discrimination.⁹⁵ European Commission against Racism and Intolerance (ECRI) has recommended the Romanian authorities "establish a comprehensive system for the collection of data to be able to assess the scale of direct and indirect discrimination of groups of concern to ECRI in various fields of life in Romania".⁹⁶

The NCCD does not have any specific programme for preventing the discrimination of Roma and no personnel or resources are devoted to this specifically. The NCCD did not make any special efforts to counter the multiple discrimination faced by Romani women, or disabled Roma, or LGBTI Roma, or Roma who are members of a religious minority community. The small number of complaints to the NCCD in the field of Roma discrimination and the even smaller number of established cases of discrimination as compared to the real situation of the Roma (see in this regard: "End-of-mission

⁹⁴ See:

http://www.dreptonline.ro/legislatie/og_137_2000_prevenire_sanctionare_forme_discriminare_republicata.php Accessed 20.11.2017.

⁹⁵ See:

http://api.components.ro/uploads/1d3a0bf8b95391b825aa56853282d5da/2017/04/Activity_Report_2016.pdf. Accessed 15.12.2017.

⁹⁶ ECRI Report on Romania, 2014, p. 48; <https://www.coe.int/t/dghl/monitoring/ecri/country-by-country/romania/ROM-CbC-IV-2014-019-ENG.pdf> Accessed 15.12.2017.

statement on Romania” by Professor Philip Alston, United Nations Human Rights Council Special Rapporteur on extreme poverty and human rights⁹⁷) is evidence that very little has been done to fight Roma discrimination in Romania. Even if an act of discrimination is established by the NCCD, the fines are so low that they are not a genuinely dissuasive measure (most often, the fines levied are at the minimum level of 1,000-2,000 RON or 200-400 EUR).

Educational and residential segregation

The theme of educational segregation in Romania has been debated in the public space, but few efforts have been made to contain the phenomenon. At present, there are no official data available on this subject. In one report of the European Commission it was mentioned that “*despite some progress, it is estimated that around 27 % of Roma children receive education in de facto segregated schools.*”⁹⁸ The conclusion of a study conducted in 2010 by the Impreuna Agency was that “*schools with a large number of Roma students tend to accumulate a quality deficit in terms of material resources, human resources and organisational ethos, and that discrimination, embodied in one of its most serious forms – segregation, continues to exist in the Romanian education system.*”⁹⁹

More recently, an NGO (Centre for Advocacy and Children’s Rights) monitored the segregation phenomenon in 394 schools in the North-Eastern region of the country. One of their findings was that 20% of the schools presented at least one form of segregation. Also, 50% of the communities involved in the monitoring process (112) have at least one school where a form of segregation is present.¹⁰⁰ As the European Roma Rights Centre concluded in 2016, “*Romani pupils in segregated classes or schools have significantly worse learning conditions than their peers in mixed facilities: buildings are often in a state of disrepair and more often lack heating and access to electricity and sanitation than mixed schools. Their teachers more often lack the qualifications required by law and suffer from poor morale. These conditions lead to a significantly higher dropout rate and poorer educational attainment.*”¹⁰¹

To address the issue of school segregation, the Ministry of Education adopted Order no. 1540/2007, prohibiting school segregation. In accordance with this order, schools and school inspectorates are obliged to report cases and to resolve them. Without any sanctions provided for the perpetrators, however, the order has failed to have a real positive impact. The only institution dealing with school segregation is the NCCD although it lacks an official definition of segregation to work with; fewer than 10 such cases were resolved in the period 2002-2010. From 2007 to date the Ministry of Education has made a single step on this issue, compiling an “Analysis of the state of segregations/desegregations in the school year 2012-2013” dating from 19 July 2013. At the end of 2016 the then-Minister of Education issued a new order (no. 6.134 dated 21.12.2016) prohibiting school segregation but continuing the same approach to the

⁹⁷ See: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16737&LangID=E>. Accessed 15.12.2017.

⁹⁸ European Commission (2016). *Education and Training Monitor 2016, Romania*. https://ec.europa.eu/education/sites/education/files/monitor2016-ro_en.pdf, p. 5. Accessed 15.12.2017.

⁹⁹ Duminica, G., and Ivasiuc, A. (2010). *One school for all?*, p. 141. UNICEF and Agenția Împreună, București.

¹⁰⁰ See: <http://scoalapentrutotocopiii.cado.org.ro/raportul-de-monitorizare-a-segregarii-scolare-in-regiunea-nord-est.html>, Accessed 15.12.2017.

¹⁰¹ See: <http://www.errc.org/cms/upload/file/romania-crc-submission-july-2016.pdf>. Accessed 20.12.2017.

problem and indicating that internal analyses and reports, without sanctions, would be enough to tackle the problems.¹⁰² Because of political changes, the implementation of the plan was postponed until 2018. Nonetheless, the Desegregation Commission has been established; it brings together specialised NGOs in all the areas of segregation mentioned by the Framework Order and is chaired by the Ministry of Education.

There are studies that prove that Roma communities in Romania are confronted with special segregation due to history, social marginalisation and poverty. When it comes to spatial segregation of Roma two types of spatial segregation should be considered: inside the locality/municipality/town/city¹⁰³ and outside, at the outskirts of the city, even outside the legal boundaries of it.

Recently, the „*Socio-graphic mapping of the Roma Communities in Romania for a community-level monitoring of changes with regard to Roma integration (SocioRoMap)*”¹⁰⁴ research project collected data about the spatial segregation of Roma communities from Romania. The aim was to map segregated and poor Roma communities at national level. The research identified 2,315 Roma communities situated in 1,661 localities distributed in 1,121 territorial administrative units (TAU: communes, towns and cities). According to the local experts that responded to the questionnaires, the number of people, of Roma ethnicity, living in these communities is 722,844 (59.1% of identified Roma, according to the research methodology).¹⁰⁵ Out of them 30% represented compacted communities with less than 20 households, and 30% with 20-49 households, meaning that 60% of Roma compacted communities are not very large. The research identified 314 (13.6%) compacted communities with more than 150 households), and only 8 of them have more than 1,000 households. The data shows that in Romania Roma communities do not follow the same pattern of spatial segregation as for example in Bulgaria, where there are large segregated Roma communities at the outskirts of few major cities. The spatial segregation of Roma in Romania has the following characteristics:

- small Roma communities (more than 52% are inhabited by less than 150 persons);
- situated towards the margins of localities (50%);
- with primary school located less than 15 minutes of walk (56%); still, there are 39% Roma communities with primary school situated for more than 15 minutes of walk and some 6031 children live at places, from which they must walk more than 30 minutes to attend the school;
- Roma communities that are usually not considered “dangerous to go through” (80%);
- large households (4.08 on average, considering that the average household in Romania in 2014 was 2.7 and 2.3 for EU-28, according to the Eurostat data);
- living in overcrowded houses (more than 50%);
- living in destitute buildings (16.5% living in buildings that are deemed inhabitable, and 30.3% in buildings that are in visible deterioration status).

¹⁰² The Order no. 6158/2016 on the approval of National Action Plan for Desegregation.

¹⁰³ Romania is organized in 41 counties plus Bucharest. Each county is subdivided into cities and communes – territorial administrative units (TAU), which have their own mayor and local council. The communes are formed by villages that are named “localities”. It is important to understand that not all localities are equivalent with territorial administrative units.

¹⁰⁴ “*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>

¹⁰⁵ According to the SocioRoMap (2017) research the number of Roma identified in Romania was 1,215,846, much more than was registered during the 2011 People and Household Census.

Forced evictions

At the beginning of 2017 eight families (in total 43 persons)¹⁰⁶ were evicted from the place in Bucharest where they had been living for over 25 years. Such eviction cases are not isolated incidents; that same year, in Alba Iulia (a city in the Central Region), 150 people were evicted by the local authorities.¹⁰⁷ Fifteen Roma families were then evicted in Mangalia in September 2017.¹⁰⁸ According to Romanian law,¹⁰⁹ forced evictions cannot be performed between 1 December and 1 March; however, in many cases, the Romanian authorities have failed to observe this stipulation.

Most of the forced evictions in Romania are justified as necessary due to the bad state of repair of the buildings and earthquake threats. The solutions offered by the authorities are not convenient for those affected by eviction because they overlook the housing needs of entire families. Most of the solutions include temporary housing arrangements in social centres involving the separation of children from their parents and the adult men and women from each other; therefore, the families refuse these offers.¹¹⁰ NGOs have tried to organise protests and to support these families but living outside in winter and protesting for housing rights is not a long-term solution.

International institutions and organisations have urged the Romanian state to take action and to stop the forced eviction of Roma families: *"ECRI urges the Romanian authorities to take urgent measures to protect Roma from forced evictions by ensuring that: 1) an opportunity for consultation by those affected is created; 2) information on proposed evictions is provided with reasonable notice; 3) adequate resettlement opportunities are provided; and 4) legal remedies are provided by the law, regardless of ownership status, so that they can seek redress through the courts"*.¹¹¹ Professor Philip Alston, United Nations Human Rights Council Special Rapporteur on extreme poverty and human rights, recommended that *"The national Housing Law (114/1996) should be brought into conformity with international human rights law on forced evictions, including General Comment no. 7 of the UN Committee on Economic, Social and Cultural Rights (1997) [...] Eviction should be a matter of last resort. The Government should give clear instructions to local authorities to prioritize the regularization of informal settlements over eviction [...] The Civil Code should be amended to apply to evictions from informal settlements, to allow for a full review of eviction decisions by the courts, and for temporary or permanent stays of execution to be granted. [...] The Civil Code should be amended to apply to evictions from informal settlements, to allow for a full review of eviction decisions by the courts, and for temporary or permanent stays of execution to be granted. [...] Prefects are required to review the legality of all administrative acts by municipalities, including eviction orders. In reviewing the legality of eviction orders, they should take account of international human rights standards. The*

¹⁰⁶ <https://www.vice.com/ro/article/vvjmzd/unde-ajung-familiile-din-bucuresti-care-s-date-afara-iarna-din-casele-in-care-locuiau>. Accessed 20.11.2017.

¹⁰⁷ See: http://adevarul.ro/locale/alba-iulia/foto-video-familii-romi-evacuate-fortat-dintr-un-bloc-alba-iulia-suntem-oameni-nu-animale-Si-caine-gasesti-adapost-1_59dc74355ab6550cb8fcc6d2/index.html. Accessed 20.11.2017.

¹⁰⁸ See: <https://www.agerpres.ro/justitie/2017/10/03/avocatul-poporului-efectueaza-o-ancheta-privind-evacuarea-unor-familii-de-romi-din-mangalia-13-29-05> Accessed 15.12.2017.

¹⁰⁹ See: <http://www.budusan.com/articole/despre-procedura-speciala-a-evacuarii-din-imobilele-folosite-sau-ocupate-fara-drept>. Accessed 22.11.2017.

¹¹⁰ See: http://adevarul.ro/locale/alba-iulia/foto-video-familii-romi-evacuate-fortat-dintr-un-bloc-alba-iulia-suntem-oameni-nu-animale-Si-caine-gasesti-adapost-1_59dc74355ab6550cb8fcc6d2/index.html. Accessed 22.11.2017.

¹¹¹ ECRI Report on Romania, (2014), p. 39; <https://www.coe.int/t/dghl/monitoring/ecri/country-by-country/romania/ROM-CbC-IV-2014-019-ENG.pdf> Accessed 15.12.2017.

Ministry of the Interior should issue guidelines for Prefects when undertaking such legality reviews".¹¹² To date, no concrete measures have been taken in this respect. The National Agency for Roma announced attempts to map the high-risk eviction areas in Romania to plan and have adequate solutions for each local case.¹¹³ Until now nothing has been communicated related to this.

Discriminatory behaviour by police, misconduct by prosecutors or courts

The ECtHR has noted repeatedly that Romanian authorities do not protect Roma citizens against ill-treatment committed by private individuals. The ECtHR has also repeatedly noted that alleged police abuses are not properly investigated if the victims are Roma. In *Ciorcan and others vs. Romania*, "the Court observes that there were striking omissions in the conduct of the investigation", continuing: "it is remarkable that it was not identified by way of an expert report whether Ms Ciorcan was shot with a rubber or metal bullet. This omission is more problematic in the context of the failure to identify who fired the two metal bullets found at the scene of the incident", and "lastly, the Court cannot overlook the fact that the investigation authorities did not address the issue of the planning and control of the operation. In particular they did not investigate whether the presence of the special forces officers at the place of the incident was necessary and in accordance with the law or whether any special measures had been planned in advance in order to cope with the specific known attitude of the persons they were going to encounter".¹¹⁴ Similar cases solved by the ECtHR include *Cobzaru vs. Romania*, *Stoica vs. Romania*, *Boacă and others vs. Romania*.

In these cases, the ruling of the ECtHR found that the Roma were victims of ill treatment according to Article 3 (prohibition of inhuman or degrading treatment) of the Convention in conjunction with Article 14 (prohibition of discrimination).¹¹⁵ According to a report by OSCE published in 2016: "In Romania, however, there has been a rise in anti-Roma sentiment, and anti-Roma rhetoric often comes from high-level dignitaries and is then reinforced by stereotypical media reports. At the same time, it was noted that the police and Roma NGOs in Romania used to co-operate very well, mostly as a result of the 2006 OSCE Memorandum of Understanding (signed between ODIHR CPRSI, the Ministry of Internal Affairs and the NGO Romani Vriss), which led to a decrease in use of force by police in Roma communities. However, as a result of changes in the officials responsible for Roma-related affairs, there is currently a lack of collaboration between Roma organisations and the police, and the working group created as part of the memorandum no longer convenes. With regard to the recruitment of Roma in the police service, an initial positive development meant that police officers of Roma origin were made liaison officers in Roma communities, which helped to prevent violence and racial profiling by police."¹¹⁶

Amnesty International mentioned in its annual report (2016-2017) that "the ECtHR ruled that Romania had violated the rights of four members of the Boaca family. It found that they were subjected to torture and other ill-treatment and discriminated against. In

¹¹² End-of-mission statement on Romania, by Professor Philip Alston, United Nations Human Rights Council Special Rapporteur on extreme poverty and human rights, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16737&LangID=E>. Accessed 15.12.2017.

¹¹³ See: <https://www.facebook.com/agentianationalapentruromi.gov/posts/278940082615125>. Accessed 22.11.2017.

¹¹⁴ See: <http://hudoc.echr.coe.int/eng?i=001-150648>. Accessed 15.11.2017.

¹¹⁵ See: http://www.echr.coe.int/Documents/FS_Roma_ENG.pdf. Accessed 15.11.2017.

¹¹⁶ See: <http://www.osce.org/odihr/119653?download=true>. Accessed 15.11.2017.

March 2006, police officers had physically assaulted them in the police station in Clejani in Giurgiu County. Ion Boaca, father of the other three Roma victims, required 19 days of hospitalization after being kicked in the ribs and punched".¹¹⁷ In the last 10 years, few abusive police raids on Roma communities have been registered.

The Romanian Helsinki Committee (APADOR-CH) has been constantly investigating the stop-and-search tactics of police against Romani people, the disproportionate imposition of fines for minor infractions, and the excessive use of force in Racoş (Braşov county) in 2013-2015.¹¹⁸ In 2017, a young Roma died after being shot in the head by a police officer in a forest near Breaza (Mureş County). The unarmed victim, accused of having stolen wood, died as a result of the gunshot.¹¹⁹ Another Roma who had allegedly stolen wood was also killed by police in a forest near Filpişu Mare (Mureş County) in 2017.¹²⁰ A study carried out in the year 2004 revealed that sentencing upon convictions are more severe for Roma defendants than they are for Romanian and Hungarian defendants (the study was conducted in the Tîrgu Mureş Prison).¹²¹

Access to identity papers

Roma access to identity papers is a subject that seems to have been on the governmental agenda many times but has yet to yield result. According to information provided by the National Contact Point for Roma, there have been some consultations for promoting legislative changes that would allow persons without addresses to receive normal identification ("*carte de identitate*" in Romanian).¹²²

Under the Human Capital Operational Programme, "Axis 4.1 – Social inclusion and combating poverty in Roma marginalised communities" is promoting integrated actions for marginalised Roma communities, including identification and regularisation of property. Some projects have already been contracted for this but are still in the initial stages of implementation, with the first results anticipated by the end of 2018.

Access to clean water and sanitation

According to a national level comparative study by the Impreuna Agency for Community Development (2013) on the four themes included in the NRIS (education, employment, health and housing), 41.5% of the Roma refer to the housing situation as one of the three problems that inhabitants of their neighbourhood face, whereas in the non-Roma sample this is the case for only 18.8% of the respondents.¹²³ Roma communities that are geographically segregated continue to not have access to public utilities, most of them finding it prohibitive to use such services due to lack of financial resources and due to lack of support from local authorities. The results of the study showed that only 53% of

¹¹⁷ See: <https://www.amnesty.org/en/countries/europe-and-central-asia/romania/report-romania/> . Accessed 15.11.2017.

¹¹⁸ See: <http://www.apador.org/raport-apador-ch-privind-abuzuri-ale-politiei-din-racos-judetul-brasov-asupra-cetatenilor-de-etnie-roma/> . Accessed 15.11.2017.

¹¹⁹ See: <http://evz.ro/hot-impuscat-mortal-politist.html> . Accessed 15.11.2017.

¹²⁰ See: <http://observator.tv/eveniment/un-hot-de-lemn-a-murit-impuscat-de-politisti-la-marqinea-unei-paduri-din-judetul-mures-228865.html> . Accessed 15.11.2017.

¹²¹ István Haller: *Discriminarea rasială în județele Mureş și Satu Mare*, p. 105, <http://altera.adatbank.transindex.ro/pdf/25/007.pdf> . Accessed 15.11.2017.

¹²² Interview with Adam Dinu, counsellor, *Ministry of Regional Development, Public Administration and European Funds, National Contact Point for Roma, January 12th, 2018.*

¹²³ Duminica, G. and Ivasiuc, A. (2013). *The Roma in Romania. From Scapegoat to Development Engine*, p. 34.

Roma have access to running water in comparison to 74% of the non-Roma population. The difference between Roma and non-Roma is similar when it comes to hot water: 16% of Roma have access to hot water, while 37% of the non-Roma population enjoys access to hot water.

Poorer access to utilities among the Roma households was expected and thus, in addition to the classic options (i.e., answering “yes” or “no”), the survey included the option “no, although the utility is present in the area”.¹²⁴ The highest difference was found relative to natural gas utilities (28% of Roma state they do not have access to this, even though this utility is available in the area). Also, 17.3% of Roma respondents do not have access to cold running water, and 20.5% of them do not have access to hot water even though these facilities are available for the area they live in.¹²⁵

Regarding a source of drinkable water, we note that one-fifth of Roma households use a public well or fountain as a source of drinkable water, either close to (9%) or far away from (12%) their home, whereas non-Roma use public water sources in less than 5% of cases. This type of water supply from a public well involves some additional time costs, which manifest as a household task usually allocated to children and women.¹²⁶

¹²⁴ *Ibid*, p. 44.

¹²⁵ *Ibid*, p. 45.

¹²⁶ *Idem*, p. 48.

ADDRESSING ANTIGYPSYISM

Academics have defined antigypsyism and explained why this term should be used: "*Antigypsyism is a special form of racism directed against Roma that has at its core the assumption that Roma are an inferior and deviant group. Their humanity is often questioned and, historically, de-humanization and objectification represented a technique used to prepare the ground for extermination policies. Inferiority might originate in the negative evaluation of the out-group in comparison with the in-group or reference group [...].*"¹²⁷

Institutional settings for fighting discrimination and addressing antigypsyism

In Romania, antigypsyism seems to be an issue on the EU-related agenda rather than the national one, and it is a specific theme assumed by Roma NGOs rather than non-Roma NGOs, which instead act on general antidiscrimination policies.¹²⁸ There is no national platform for antigypsyism, and it seems to be absent from the discourse of various NGOs.

Currently, the NRIS only considers improving the socio-economic status of Roma, setting aside the prejudices they face day by day. The NRIS should change its focus from Roma as a social group to also cover the relationship between Roma and non-Roma by tackling discrimination, stigmatisation and antigypsyism.

In Romania, there is still a debate regarding the term that should be used. Antigypsyism is not officially used by state institutions; the acknowledged term is discrimination against Roma. According to Csaba Asztalos, President at the National Council for Combating Discrimination, "*The perspective of the state institution in charge of combating discrimination is that legally it uses the term 'racism'. The criterion is ethnic affiliation or racism. So it depends on the type of discrimination or how the act of discrimination happens. [...] Legally, it's important to substantiate the case of discrimination, how the act of discrimination actually took place.*"¹²⁹

Civil society does not always speak with a common voice, and thus the term "antigypsyism" is still a debated one. NGOs are, however, promoters of the term "antigypsyism", as it is considered to better reflect contemporary realities. In an interview in 2016, Nicoleta Bițu, the acting President of the Democratic Federation of Roma, a partnership structure of the most important Roma NGOs and political actors in Romania, who presented the view of the federation, mentioned the following: "*For me, antigypsyism is more than racism because it expresses very clearly this fear of Roma that we encounter both in history and in contemporary society, it's like Romaphobia. In the beginning the term was antigypsyism (tzigan) because the word has a negative historical and emotional significance here in Romania and also in the other countries. [...] This is a very strong term, but also very hard to accept, it's like saying to societies: "You are racist". Antigypsyism is the perfect mirror for our society's structural problems, and those are not only about Roma.*"

¹²⁷ Rostas, Iulius. *Ethnicity, Power and Inclusion: Why policies towards Roma are failing*. PhD thesis CEU. 2015.

¹²⁸ See: <http://www.antidiscriminare.ro/organizatii-membre-ale-coalitie/> Accessed 05.01.2018.

¹²⁹ Interview with Csaba Asztalos, President at the National Council for Combating Discrimination (NCCD), Împreună Agency, 2016.

It was only in 2006 when Romania officially acknowledged the genocide against Roma during the Second World War, along with the genocide against Jews. Today, Romania is not open to a real debate about the subject of 500 years of slavery and its effects on Roma development, nor is society open to a debate about the significant level of stereotyping and discrimination against Roma accessing jobs, health and social services, etc.

Countering hate crime and hate speech against Roma, and antigypsyist rhetoric of politicians, public figures and the media

Law no. 287/2009, on the Civil Code, stipulates the following in Article 30 – Equality before civil law: “Race, colour, nationality, ethnic origin, language, religion, age, gender or sexual orientation, opinion, personal convictions, political or union affiliation, belonging to a social category or to a disfavoured category, wealth, social origin, level of education, as well as any other similar circumstance shall not have any influence whatsoever on civil capacity.” Also, Law no. 134/2010 on the Civil Procedure Code expressly stipulates in Article 8 – Equality that: “During a civil trial the parties shall be guaranteed the exercise of their procedural rights equally and without discrimination.”

It is important to point out that Article 8 is part of Chapter II on the fundamental principles of a civil trial precisely because discrimination is a breach of fundamental rights and consequently, a hindrance to discrimination victims exercising their rights.

Romania has amended its Criminal Code to prohibit deeds of a fascist, racist or xenophobic nature.

According to data collected by the Romanian authorities and reported to the OSCE, during 2016 there were cases of hate crimes in different stages of investigation: 10 new cases were recorded by police, 21 cases (including from previous years) were being prosecuted and 50 had been sentenced. In 2015, 15 new hate crimes were recorded, 24 cases were in the stage of being prosecuted, and in 59 cases sentences had been passed. Also, ODIHR observed that Romania’s law enforcement agencies did not record information about the bias motivations of these hate crimes.¹³⁰

Few policy initiatives are related to this area. The Romanian Police implemented the project “Integrated approach for prevention of victimisation in Roma communities” in partnership with ODIHR and funded by a grant from the Government of Norway.¹³¹ The project also addressed hate crimes. The National Institute of Magistracy (NIM) organised an initial training for 302 judicial trainees (future judges and prosecutors) including the scope of hate crimes and how they should be addressed. Hate crime workshops for judges and prosecutors were conducted focusing on European Court of Human Rights case law.¹³²

In 2015, the Centre for Legal Resources launched a publication called “Combating Hate Crimes. Guide for practitioners and decision-makers”, developed within a project implemented by the NGO Fund in Romania (EEA Grants).¹³³

¹³⁰ See: http://hatecrime.osce.org/romania#popup-modal_content Accessed 23.11.2017.

¹³¹ See: http://hatecrime.osce.org/romania#popup-modal_content Accessed 23.11.2017.

¹³² See: http://hatecrime.osce.org/romania#popup-modal_content Accessed 23.11.2017.

¹³³ See: <http://www.crj.ro/wp-content/uploads/2015/01/Combaterea-infractiunilor-motivate-de-ura.Ghid-pentru-practicieni-si-decidenti.pdf>. Accessed 15.11.2017.

To date there is no data on the existing funding dedicated to combating discrimination against Roma, this area being covered by the National Council for Combating Discrimination as a mainstream public body. However, horizontal issues such as equal opportunity and antidiscrimination are to be approached in all public funding projects, especially the EU structural funding areas where the guidelines ask for details on such issues.¹³⁴

In Romania funding for organisations promoting a racist, antigypsyist discourse is prohibited. Political actors of the extreme right in Romania are small political parties who self-fund their activity and commonly share their negative ideas about Roma. According to a report on hate speech in Romania, there is a potential for radicalisation of the extreme right; therefore, without a clear state intervention, the role of educating society in the values of non-discrimination, tolerance and respect for human rights remains a task for civil society organisations.¹³⁵

As far as hate speech is concerned, the Romanian legislation is in compliance with European and international standards in the field. The provisions of Article 369 of the Criminal Code are applicable: Article 369, Incitement to hatred or discrimination – *“Inciting the public, using any means, to hatred or discrimination against a category of individuals shall be punishable by no less than six months and no more than three years of imprisonment or by a fine.”*

Moreover, Romanian legislation fighting discrimination in criminal matters also comprises the following provisions in the Criminal Code, Article 77, Aggravating circumstances: *“The following circumstances shall be aggravating circumstances: [...] h) Committing the criminal offence on grounds of race, nationality, ethnicity, language, religion, gender, sexual orientation, political opinion or affiliation, wealth, social origin, age, disability, chronic non-contagious disease or HIV/AIDS infection or on any other similar circumstances, considered by the perpetrator as the causes of inferiority as compared to other persons.”*

Unfortunately, in recent years the image that politicians have promoted about the Roma was full of prejudices and stereotypes. In 2010, in his discourse about Roma, the then-Minister of External Affairs, Teodor Baconschi, associated the term ‘crime’ with ‘Roma ethnicity’ and mentioned a ‘natural rate’ of delinquency among Roma.¹³⁶ As a tentative way to save the honour of the Roma minority, the National Council of Combating Discrimination reprimanded the official for his discriminatory statements by issuing him a warning.

In June 2014, the Romanian Prime Minister Victor Ponta spoke about the existence of organised crime clans of Roma people. Wishing, through his declaration, to defame the image of President Traian Băsescu by accusing him of corruption, Ponta managed to express a discriminatory attitude towards Roma, first by saying that the two main problems of Romania are corruption and the Roma, and second by mentioning clearly the criminal nature of ‘Roma clans’: *“Romania has been accused for so many years of two problems: the issue of corruption and the Roma issue, and now we have a public*

¹³⁴ Interview with Eugen Ghiță, President of the *ROMAJUST Asociația Juriștilor Romi* (Roma Lawyers’ Association), October 2017.

¹³⁵ See the study “Discursul instigator la ură în România” http://www.fdsc.ro/library/files/studiul_diu_integral.pdf. Accessed 23 November 2017

¹³⁶ Teodor Baconschi was reprimanded by the National Council for Combating Discrimination at: <http://www.hotnews.ro/stiri-esential-8070553-teodor-baconschi-fost-sanctionat-consiliul-national-pentru-combaterea-discriminarii.htm>. Accessed 11.12.2017

figure, Mr. Traian Băsescu, who embodies both: corruption, and in relation to organised clans of Roma."¹³⁷

In terms of extremist parties, they are not as visible in Romania as in other European countries, but in the latest elections (local and parliamentary) a new party started to grow, the United Romania Party. Its leaders became well-known for extremist messages, especially regarding the Hungarian minority and Muslims. Some of their founders were former members of the Great Romania Party (one of the first and most salient extremist parties in Romania). One of their political slogans for District 5 in Bucharest was: "*We are whitening the 5th District*".¹³⁸ They denied this was an antigypsyist message; claiming to refer to a dark grey area in the district and to connections with corruption. Moreover, in 2015, the leader of the party (Bogdan Diaconu) initiated a debate regarding the name of the Roma minority (Roma or *Tzigan*), arguing that "The name of the Roma was always *tzigan* and it's the same in other countries".¹³⁹ The debate over 'Roma' vs. 'Tzigan' became a serious preoccupation for a lot of politicians aiming to change the name from Roma to *Tzigan*. In the Parliamentary elections of 2017 the United Romania Party obtained 2.7% of the votes.

There are cases of state officials who promote respect for Roma people, but this depends on their personal beliefs rather than on their parties' visions and is more an individual human quality than a manifestation of their politics. Of course, these isolated cases are not very visible in the media as public discourse that promotes respect for the Roma is not much encouraged.

For example, current President Klaus Iohannis declared the following during a debate about the 160th anniversary of the liberation of Roma in the Romanian Principalities: "*The cases of discrimination have not disappeared yet, and most of the time their condemnation lacks celerity and firmness. After 160 years, not all Roma are citizens. Some of them still lack identity papers and they are deprived of any prospect of integration in terms of education, health, social security and constitutional rights. This situation must be on the agenda of the responsible authorities.*"

The normative act for fighting discrimination as a violation of law is Government Ordinance no. 137/2000 on preventing and sanctioning all forms of discrimination. In 2016, 81 petitions were filed with the National Council for Combating Discrimination alleging discrimination on grounds of ethnic origin (the highest number since 2002). Of 81 petitions, 29 have been resolved: 15 perpetrators were fined, 5 received recommendations, 4 received warnings and 5 received ruling summary publications (the publication of the NCCD decision in mass media).¹⁴⁰

The mass media are one of the most frequently-used channels for perpetuation of stereotypes and prejudices against Roma.

¹³⁷ See: <http://www.ziare.com/victor-ponta/traian-basescu/ponta-basescu-intruchipeaza-problemele-romaniei-coruptia-si-rromii-1307616>. Accessed 11.12.2017.

¹³⁸ Albim Sectorul 5": Campanie electorală rasistă în Capitală. CNCD s-ar putea autosesiza [*We are whitening the 5th district*. Racist electoral campaign in the capital]], available at: <http://www.b1.ro/stiri/politica/albim-sectorul-5-campanie-electorala-rasista-in-capitala-cncd-s-ar-putea-autosesiza-foto-149090.html>, Accessed 16.08.2017.

¹³⁹ *Proiect de lege privind revenirea la denumirea de „țigani” a persoanelor de etnie romă* [Law project regarding the change of the Roma name into *tzigan*]], available at: http://adevarul.ro/news/politica/proiect-lege-privind-revenirea-denumirea-tigani-persoanelor-etnie-roma-1_553ccd17cfbe376e35910d60/index.html, accessed 16.08.2017.

¹⁴⁰ National Council for Combating Discrimination. (2016). Activity Report 2016, .p 19, available at: http://api.components.ro/uploads/1d3a0bf8b95391b825aa56853282d5da/2017/04/Activity_Report_2016.pdf. Accessed 21.11.2017.

Crimes allegedly committed by Roma people are extensively covered by the Romanian mass media and have attracted many negative public reactions from key figures, mostly politicians who generalise about certain situations by associating them with the alleged perpetrators' ethnicity. Because they play an important role in shaping public opinion, politicians have therefore been sending a message about Roma people that is considered valid by the public, and even when there is no documentation of the allegations they have reiterated, their messages have nonetheless resulted in incitement to hatred of Roma. This violates the fundamental principles of the European Union, especially the principle referring to respect for citizens' dignity.

ActiveWatch Media Monitoring Agency, a human rights organisation that advocates for free communication in the public interest,¹⁴¹ has produced two reports on hate speech in Romania (2014-2015¹⁴² and 2015-2016¹⁴³). The main findings of the 2015-2016 report were that Roma remain the favourite target of hate speech in Romania (along with the LGBT minority); and that the violence of the messages has increased.

Analysing and forming narratives and attitudes towards Roma

In 2009¹⁴⁴ and 2016¹⁴⁵ the FRA prepared reports regarding the Roma minority and the discrimination they face in Romania, for which they interviewed several Roma.

The main findings of the 2009 report were that, on average, every second Roma respondent had been discriminated against at least once in the previous 12 months; Roma who were discriminated against experienced on average 11 incidents of discrimination over a 12-month period; and, on average, one in five Roma respondents were victims of racially-motivated crime including assaults, threats and serious harassment at least once in the previous 12 months.

The findings of the 2016 report are no different: Roma continue to face intolerable levels of discrimination in daily life, whether while looking for work or at work, in education and healthcare, or when in contact with administrative bodies or entering a shop; and almost one in two Roma (41%) felt discriminated against because of their ethnic origin at least once in one of these areas of daily life in the past five years.

In Romania, there are very few initiatives such as campaigns against antigypsyism, and most of them tend to indirectly refer to antigypsyism, while addressing the main issue of discrimination with a focus on the Roma, promoting tolerance and diversity, and reducing stereotypes and prejudices against Roma. An example of such an awareness-raising campaign is "*I am a Roma doctor*",¹⁴⁶ consisting of a photo exhibition and a short film. The programme was developed in Romania by the Roma Education Fund, ActiveWatch, the Association of Resident Physicians and the Roma Centre for Health

¹⁴¹ See: <http://www.activewatch.ro/en/home/>. Accessed 21.11.2017.

¹⁴² The report available at: [http://www.activewatch.ro/Assets/Upload/files/Raport%20anual%20cu%20privire%20la%20discursul%20instigator%20la%20ura%202014%20-%202015\(1\).pdf](http://www.activewatch.ro/Assets/Upload/files/Raport%20anual%20cu%20privire%20la%20discursul%20instigator%20la%20ura%202014%20-%202015(1).pdf). Accessed 21.11.2017.

¹⁴³ The report available at: [http://www.activewatch.ro/Assets/Upload/files/Raport%20anual%20cu%20privire%20la%20discursul%20instigator%20la%20ura%202015%202016\(1\).pdf](http://www.activewatch.ro/Assets/Upload/files/Raport%20anual%20cu%20privire%20la%20discursul%20instigator%20la%20ura%202015%202016(1).pdf). Accessed 21.11.2017.

¹⁴⁴ European Union Agency for Fundamental Rights. (2016) EU-MIDIS Data in Focus Report 1: The Roma, available at: <http://fra.europa.eu/en/publication/2009/eu-midis-data-focus-report-1-roma>. Accessed 21.11.2017.

¹⁴⁵ European Union Agency for Fundamental Rights. (2016) *Second European Union Minorities and Discrimination Survey Roma – Selected findings*. Available at: <http://fra.europa.eu/en/publication/2016/eumidis-ii-roma-selected-findings>. Accessed 21.11.2017.

¹⁴⁶ See: <http://www.activewatch.ro/en/antidiscrimination/events-and-activities/photo-i-am-a-roma-doctor-exhibition-2016/>. Accessed 21.11.2017.

Policy – Sastipen. Such programmes are mostly implemented by civil society organisations, usually in cooperation with Roma NGOs, and the funds for such programmes are project-based, as there is no funding available in Romania specifically for antigypsyism.

In the beginning of 2017 the Ministry of Education and the Institute of Education Sciences launched a process to change the *gymnasium* curriculum in this regard and the draft proposal was available for public debate, according to Ministry of Education order no. 3593/18.06.2014. Starting with the 2017-2018 school year the Ministry of Education approved the compulsory study of Roma slavery and the Holocaust of the Roma and of the Jews within the history curriculum for the 8th grade.

In 2016 and 2017 the Impreuna Agency for Community Development implemented the project “My Tolerant School”, funded by the “Remembrance, Responsibility and Future” (EVZ) Foundation based in Berlin, Germany. The project aimed to develop a mechanism for preventing the recreation of antigypsyist attitudes and stereotypes in the school environment through a pedagogical kit, training for teachers, workshops for students and parents, and through the advocacy campaign for introducing elements of Roma history into the history curriculum, as has happened.

The National Institute of the Magistracy (NIM) is in charge of providing professional training to judges and prosecutors. One of the constant topics of its professional training is antidiscrimination. Given that antigypsyism is not formally used in official documents and regulations, judges and prosecutors are being broadly trained in recognising discrimination.

Besides civil society actions aiming to educate active citizens, the Ministry of Youth and Sports has also implemented several actions about youth citizenship, such as the Forum for Youth Rights.¹⁴⁷ The event was organised in partnership with the Roma Youth Civic Union from Romania, with youth camps, and with the Youth Advisory Council. The Youth Council in Romania (a federation that represents youth organisations at national and international level) organises a regular Youth Summit with the participation of more than 300 youths to celebrate the youth movement in Romania.¹⁴⁸ At the 2017 Summit the participants included Roma students.

In early October 2016 a partnership agreement was signed between the Ministry of Education and Scientific Research, the Elie Wiesel National Institute for Studying the Holocaust in Romania, the National Centre for Roma Culture – Romano Kher, and the Impreuna Agency for Community Development Foundation. The aim of the partnership was to develop a single set of educational materials to support teacher training and to inform students, parents and the public about the realities of Roma Slavery in the Romanian Principalities and about the Holocaust. Approximately 2,200 students and 970 teachers participated and were informed about Roma History and other elements that can lead to antigypsyist attitudes in Romanian society. The Ministry of Education was actively involved in the project by promoting it and informing the County School Inspectorates about the training programmes and the programme in general. The project will continue in 2017-2018, aiming to increase knowledge and awareness of the Roma minority; to reduce prejudices, stereotypes and antigypsyism; and to improve intercultural dialogue between the Roma minority and the majority population.

¹⁴⁷ See: <http://mts.ro/noutati/tinerii-participanti-la-forumul-pentru-drepturile-tinerilor-au-adoptat-o-declaratie-cu-ocazia-zilei-de-10-decembrie-ziua-internationala-a-drepturilor-omului/>. Accessed 21.11.2017.

¹⁴⁸ See: <https://ctr.ro/summitultinerilor2017/>. Accessed 21.11.2017.

IMPACT OF MAINSTREAM EDUCATION POLICIES ON ROMA

Access to quality early childhood education and care services, especially kindergarten

In Romania, kindergarten (pre-school education) is not compulsory. According to the Law on Education no. 1/2011, compulsory general education consists of 11 grades and includes primary education, lower secondary education, and the first two years of upper secondary education.¹⁴⁹ Therefore, the decision regarding kindergarten attendance belongs to the parents and depends on the available places. If a kindergarten receives more applications than the number of available places, general and specific ranking criteria are applied to admissions.¹⁵⁰ The general criteria prioritise orphans, children who have a sibling attending the same kindergarten, and children with disabilities. The specific criteria are developed by each kindergarten and approved by the school inspectorate.¹⁵¹

There are three forms of organisation in pre-school education: kindergartens with a normal daily schedule (5 hours/day), kindergartens with an extended daily schedule (10 hours/day), and kindergartens with a weekly schedule.¹⁵²

The average number of children in a kindergarten group should be 15 (no less than 10 and no more than 20).¹⁵³ In reality, kindergartens with high enrolment demand have 30 or more children, according to the lists displayed at kindergartens.¹⁵⁴ Largely due to insufficient infrastructure, the average kindergarten attendance of children at least four years old was 82% in Romania in 2011, compared to the European average of 93.2%.¹⁵⁵ According to the National Statistics Institute¹⁵⁶, the situation has not changed much since 2011; the rate of enrolment in education in the 2016/2017 school year for children between three and five was 82.4% for boys and 83% for girls. The enrolment rate is higher for children from age four to the starting age of compulsory education (87.6% in 2015 in Romania, but still below the EU average of 94.8%).¹⁵⁷ The situation is different for Roma children; a recent survey by the European Agency for Fundamental Rights (FRA 2016) shows that only 38% of Roma children attend ECEC (early education and care), a lower attendance rate than in 2011, when the figure was 45%.¹⁵⁸

To address the infrastructure problem, investments that focus on pre-primary, primary and lower secondary education are foreseen under the Specific Objective 10.1 of the Regional Operational Programme 2014-2020. Priority will be given to investments in communities with kindergarten enrolment rates under 85%, to investments in

¹⁴⁹ Romania, Law on National Education no. 1/2011.

¹⁵⁰ Ministry of National Education official letter no. 30.924/26.04.2017 regarding the enrolment of children ages three to six in pre-school education in 2017.

¹⁵¹ *Ibid.*

¹⁵² Romania, Ministry of National Education and Research, Order no. 4464/7.09.2000.

¹⁵³ *Ibid.*

¹⁵⁴ *Sastipen* observation on the site - Group lists displayed at kindergartens.

¹⁵⁵ Romania, Regional Operational Programme 2014-2020, p. 190.

¹⁵⁶ Romania, National Statistics Institute, Press release no. 155/23.06.2017.

¹⁵⁷ European Commission, Education and Training Monitor 2017 Romania, pg. 3, available at: https://ec.europa.eu/education/sites/education/files/monitor2017-ro_en.pdf. Accessed 21.11.2017.

¹⁵⁸ *Ibid.*, pg. 5.

communities without facilities for pre-school education, and to investments in pre-primary units with an inclusive approach providing access to education for children from vulnerable groups, such as children from poor families, Roma children, and children with special educational needs.¹⁵⁹ The call for applications was launched on 4 December 2017 and projects can be submitted from 4 January to 4 May 2018.¹⁶⁰

According to Order 1086/27.09.2016, kindergarten groups with a normal daily schedule (five hours/day) for children ages five and six can be organised, in justified cases, also during the afternoon (14:00-19:00). One condition justifying this situation is the number of applications for regular kindergarten that exceed the capacity of the pre-school education system to ensure the necessary places in kindergartens with a normal daily schedule (five hours/day) in the morning (8:00-13:00).¹⁶¹

In Romania, preschool education is free of charge.¹⁶² In kindergartens with an extended schedule (10 hours/day), a hot meal is provided for children at lunchtime and the cost of the meal is covered by the parents. There are no regulations allowing a lower fee to be charged for meals for disadvantaged families, but there are a few initiatives at national level regarding children's nutrition and health:

- Starting with the 2003/2004 school year, children in state-run and privately-run, authorised/accredited kindergartens with a normal daily schedule receive free of charge dairy and bakery products every school day.¹⁶³
- Starting with the 2009/2010 school year, primary and lower secondary school children who attend authorised/accredited state-run and privately-run education receive free of charge fresh fruit each school day.¹⁶⁴ This measure was extended to children in state-run and privately-run authorised/accredited kindergartens with a normal daily schedule starting with the 2016/2017 school year.¹⁶⁵

Although kindergarten is not mandatory, to stimulate participation in pre-school by children from disadvantaged families and to increase their access to education, an educational incentive has been established in the form of social vouchers. These vouchers depend on children's regular kindergarten attendance, are the equivalent of 0.1 ISR¹⁶⁶ (50 RON, or 11 EUR per month) and can be used for the purchase of food, hygiene products, clothing and/or supplies.¹⁶⁷

The quality of service provision is assessed in every kindergarten by the ARACIP (Romanian Agency for Quality Assurance in Pre-university Education), a public institution in the national interest that is subordinated to the Ministry of National Education.¹⁶⁸ Assessment of accredited education providers must be performed at least every three

¹⁵⁹ Regional Operational Programme 2014-2020, p. 191.

¹⁶⁰ Ministry of Regional Development, Public Administration and European Funds, Order no.7002/4.12.2017.

¹⁶¹ Ministry of Health Order 1086/27.09.2016.

¹⁶² Ministry of National Education and Research Order no. 4464/7.09.2000.

¹⁶³ Government Emergency Ordinance no. 96/16.08.2010.

¹⁶⁴ Government Emergency Ordinance no. 24/24.03.2010.

Government Emergency Ordinance no. 66/5.10.2016.

¹⁶⁶ ISR – Social Reference Index, currently 500 RON, approx. 11 Euro.

¹⁶⁷ Law no. 248/2015 on stimulating the participation in pre-school education of children from disadvantaged families.

¹⁶⁸ Government Emergency Ordinance no. 75/2005.

years. Information about educational units, including kindergartens, and documents such as their annual internal evaluation reports are public and can be found using the search section of the following website: <http://aracip.eu/>.

The continuing training of teaching staff is both a right and an obligation under current legislation and includes professional development and career advancement. Such training follows developments in education and training, including national curricula, as well as teachers' personal interests and development needs.¹⁶⁹

Order no. 3850/17.05.2010 of the Ministry of Education approved the standards for the materials used in the teaching and learning process as well as the minimal endowment of equipment for early education services, but there are no data regarding the current situation in each kindergarten.

There are no extensive studies regarding parental involvement in the life of kindergartens, but the main conclusions of a study¹⁷⁰ conducted in Vrancea County in both urban and rural areas are that, in the urban areas parents want to be involved in several types of activities (monthly meetings, child-parent activities organised in the kindergarten, participating in trips/visits, organising special events, counselling activities, dialogue groups, donating toys and books), that in the first year of kindergarten parental involvement is higher than in the following years, and that parents prefer traditional educational activities during the educational program, citing lack of time; while in the rural area parents are less available to participate in activities and want to be involved only in one or two types of activities.

In 2017 the *Asociatia Filantropia Ortodoxa Alba-Iulia* carried out a sociological research analysing the perspectives of 50 teachers from 23 schools and day centres where activities for preventing school dropout by primary school children from vulnerable groups were supported. They found that 90% of teachers believe parents should show more eagerness to be actively involved in their children's education.¹⁷¹

Promoting integrated education

In Romania the issue of school segregation was an important topic for the pre-accession period; a Ministry of Education order was passed prohibiting the school segregation of Roma children (order no. 1540/2007) and the methodology for the prevention and elimination of school segregation entered into force.

There are several forms of school segregation present in Romania:

- In-school: this involves the organisation of separate classes for Roma. This form may also include intra-class segregation, which implies a different level of curricular standard applied in the same class to Roma students.
- Inter-school segregation with three different sources:
 - geographical or residential segregation between ethnic groups, so that a particular school will have a majority of students of a particular ethnicity;

¹⁶⁹ Law on National Education no. 1/2011.

¹⁷⁰ Study regarding the family's involvement in the kindergarten-family partnership, Ilescu Valentina, Carligele kindergarten, Vrancea, available at http://www.concursurilecomper.ro/rip/2014/februarie2014/10-IlescuValentina_Studiu_implicarea_familiei.pdf. Accessed 21.11.2017.

¹⁷¹ Asociatia Filantropia Ortodoxa Alba Iulia, Sociological research conducted within the project "Preventing school dropout", presented at the "Prevention of school dropout centres – Best practices model in school dropout prevention in the Romanian educational system" Conference, 27.04.2017, Alba-Iulia.

a common case is that, although there is a neighbourhood school attended by all children in the area, there is a gradual shift of non-Roma children to other schools, with a majority of Roma children remaining in the neighbourhood school;

- improper or cultural selection processes that determine the placement of children without disabilities in schools for children with mental disabilities;
- the existence of private or religious institutions with entry examinations or tuition fees from which Roma children are *de facto* excluded due to social disadvantage.
- Individual – this is also a common form of segregation largely resulting from enrolment conditioned by residence. The peripheral location of the Roma community will lead to the predominant inclusion of students in that community in a neighbourhood school where they become the majority or which, in most cases, is attended exclusively by pupils of a particular ethnicity. According to a report by civil society,¹⁷² order no. 1540/2007 has proved ineffective in combating the segregation of Roma pupils as it does not provide any sanctions for the failure or refusal to implement it.

On 21 December 2016, the Ministry of National Education issued a Framework Order banning school segregation in pre-university schools (*Ordinul Cadrul privind interzicerea segregării în unitățile de învățământ preuniversitar*).¹⁷³ The Framework Order has an action plan (*Ordinul pentru adoptarea Planului de acțiune pentru desegregarea școlară și creșterea calității educaționale în unitățile de învățământ preuniversitar din România*) which has as its main objectives: (1) amending the legislative framework on school desegregation in Romania; (2) increasing the quality of the educational services provided in the pre-university Romanian school system; (3) training of teachers; (4) incentivising and attracting quality human resources to the schools. Because of political changes after elections in 2016, the implementation of the plan was postponed until 2018. Nonetheless, the Desegregation Commission has been established; it brings together specialised NGOs in all the segregated areas mentioned by the Framework Order and is chaired by the Ministry of Education.

In the beginning of 2017 the Ministry of Education and the Institute of Education Sciences launched a process to change the *gymnasium* curriculum and the draft was available for public debate, according to the Ministry of Education order no. 3593/18.06.2014. Starting with the 2017-2018 school year, the Ministry of Education approved the compulsory study of Roma slavery and the Holocaust of Roma and Jews within the history curriculum for the 8th grade.

Avoiding early determination of school career (early tracking)

The institution of a preparatory class, known also as the “zero class”, was introduced in the 2012-2013 school year to compensate for the fact that pre-school is not compulsory.

¹⁷² Moisa F., Rostas I. Tarnovschi D., Stoian I., Radulescu D., Andersen S. (2013). *Civil Society Monitoring Report in the implementation of National Roma Inclusion Strategy, Romania*.

¹⁷³ Ordinul Cadrul privind interzicerea segregării în unitățile de învățământ preuniversitar, available at: <https://www.edu.ro/ordin-cadru-nr-613421122016-privind-interzicerea-segreg%C4%83rii-%C8%99colare-%C3%AEn-unit%C4%83%C8%9Bile-de-%C3%AEenv%C4%83%C8%9B%C4%83m%C3%A2nt>. Accessed 20.01.2017.

Six-year-old children may be enrolled directly into a preparatory class, while for children under six an assessment of their psycho-somatic development is required.¹⁷⁴

All children have access to compulsory schooling: "The number of places to be allocated for the preparatory class is greater than or equal to the number of children who have reached the age to start primary education, thus ensuring each child a place."¹⁷⁵ According to the Law on Education No. 1 of 2011, compulsory general education consists of 11 grades and includes primary education, lower secondary education and the first two years of upper secondary education. Upper secondary education will become compulsory by the end of 2020.¹⁷⁶ Primary education comprises the preparatory class and grades 1-4, while secondary education comprises lower secondary education or gymnasium (grades 5-8) and upper secondary education, which can be upper secondary school (grades 9-12/13) finalised with baccalaureate diploma or vocational education lasting for at least 3 years (finalised with qualification diploma).¹⁷⁷

To complete an academic track high school, students must pass the Baccalaureate examination at the end of the 12th/13th grade. Students who have completed the 10th grade in a technological or vocational school and who have completed a practical training course may take a Qualification Certification Exam corresponding to the level of certification established in the National Qualifications Framework.¹⁷⁸ Students in vocational and/or technical school who have not completed their upper secondary school studies may be included in training programmes for the equivalence of an upper secondary education.¹⁷⁹

There is no data regarding the dropout rate presented separately for vocational schools and mainstream academic secondary education as, in Romania, high school has the following branches: theoretical, vocational and technological. The dropout rate is presented separately for primary education and lower secondary education as compared to upper secondary and professional education and as compared to post-secondary education.

The reason for school dropout is, most often, the family's economic situation (poverty) and a disorganised household with parents working abroad and a lack of attractive jobs for youth.¹⁸⁰ In 2013/2014 the dropout rate in primary and lower secondary education was 1.5% (1.3% in primary education and 1.9% in lower secondary). The highest dropout rate was registered in post-secondary education and by foreman school (*scoala de maistri* in Romanian): 7.9%. In upper secondary school and in vocational education during the 2013/2014 school year the dropout rate was 2.9%.¹⁸¹

¹⁷⁴ See MNE order no. 3.247/14.02.2017 regarding the calendar and methodology for registering children for primary education 2017-2018.

¹⁷⁵ Ministry of Education, order no. 3247/14.02.2017, Annex 2, Art. 2.

¹⁷⁶ Law on National Education No. 1/2011, Art. 16.

¹⁷⁷ *Ibid*, Art. 23.

¹⁷⁸ Law on National Education No. 1/2011, Art. 32, para. 3.

¹⁷⁹ Law on National Education No. 1/2011, Art. 33, para. 5.

¹⁸⁰ National Statistics Institute, Forecasts about the school population of Romania in 2060, available at http://www.insse.ro/cms/sites/default/files/field/publicatii/proiectarea_populatiei_scolare_din_romania_la_orizontul_anului_2060_0.pdf. Accessed 23.11.2017.

¹⁸¹ National Statistics Institute, Forecasts about the school population of Romania in 2060, available at http://www.insse.ro/cms/sites/default/files/field/publicatii/proiectarea_populatiei_scolare_din_romania_la_orizontul_anului_2060_0.pdf. Accessed 23.11.2017.

The access of vocational training graduates to higher education is limited. These youngsters need to complete their upper secondary school and earn a *Baccalaureate*; this is possible but requires extra courses/credit equivalent to upper secondary school. There is no reliable information regarding the flow of Roma students from vocational schools to upper secondary education.

Eliminating grade repetition

The NRIS does not mention grade repetition at all. The Strategy for Reducing Early School Leaving emphasises that grade repetition is one of the most relevant predictors of school dropout, especially for boys and for lower secondary students in rural areas.¹⁸²

In the 2014/2015 school year, 50,500 students were repeaters (the number includes both primary and lower secondary students), or 3% of students.¹⁸³ In the same study carried out by the Impreuna Agency for Community Development in 2013,¹⁸⁴ data regarding grade repetition rates were collected. "Grade repetition indicates two potential scenarios: lack of performance and low attendance, the two being correlated to some extent. The percentage of Roma children who did not manage to complete a grade at least once is 16.5%, and a share of these cases also reported low attendance. In the non-Roma sample, 5.3% of the children enrolled in school failed to pass a grade at least once."¹⁸⁵ There is no data available about the gender of the students in this study.

Targeting disadvantaged schools

Targeting low-performing, disadvantaged schools is going to be fully approached during the second phase of this monitoring project. Currently the information available is inconsistent and scarce. Moreover, at this moment, the process of signing funding contracts under the Human Capital Operational Programme "School for All"¹⁸⁶ is in its final stage, and its total budget allocation of 193,200,000 EUR is anticipated to produce significant changes in disadvantaged schools in the next three years. "School for All" is part of "Priority Axis 6 – Education and competences", under Investment Priority 10(i) targeting the "reduction and prevention of early school leaving; promotion of equal access to pre-school, quality primary and secondary education, including access to formal, non-formal and informal learning processes for reintegration in education and training." The first results of the programme will be reflected in the monitoring report for 2018.

¹⁸² *Strategia privind reducerea părăsirii timpurii a școlii în România* [Strategy for Reducing Early School Leaving in Romania] (2013). Available at: <https://www.edu.ro/sites/default/files/fi%C8%99iere/Invatamant-Preuniversitar/2015/Strategie-PTS/Strategia-PTS-2015.pdf>. Accessed 23.11.2017.

¹⁸³ National Statistics Institute. (2016). Romanian Educational System – 2014 – 2015 school year, p. 26.

¹⁸⁴ Duminica G. and Ivasiuc A. (2013). *The Roma in Romania. From Scapegoat to Development Engine*.

Comparative study between Roma and non-Roma on the 4 themes included in the strategy (education, employment, health and housing).

¹⁸⁵ Duminica G. and Ivasiuc A. (2013). *The Roma in Romania. From Scapegoat to Development Engine*, p. 95.

¹⁸⁶ POCU/4/6/6.2,6.3,6.4,6.6 se <http://www.fonduri-ue.ro/apeluri/details/2/73/apeluri-pocu-4-6-6-2,6-3,6-4,6-6-program-%E2%80%9Dscoal%C4%83-pentru-to%C8%9Bi%E2%80%9D> for more details on European Union structural funding in Romania.

COMPREHENSIVE LOCAL CASE STUDY

Community Centre for Medical and Social Care Slatina, Olt County: an innovative model for increasing access of Roma people to health services

Introduction

The year 2014 saw the approval of the Romanian Government's National Health Strategy for 2014-2020, entitled "Health for Prosperity", a strategy that heralded changes in the national healthcare system in terms of prevention (e.g., primary care), as well as service provision in hospitals and the rehabilitation of hospital infrastructure.

The case study presented below is relevant for the implementation of the NRIS in that the creation of a Community Medical-Social Care Centre that meets the healthcare needs of vulnerable populations responds to NRIS measures, namely, the *establishment / extension at national level of the network of community centres providing integrated core services. Community Centres provide basic medical-social services.* In addition, the takeover of this centre and the services provided by the Local Council of Slatina demonstrate the authorities' involvement and will to implement the NRIS.

Reports produced prior to this strategy by various health organisations and institutions regarding the social inclusion of vulnerable Roma people often highlighted the barriers to accessing health services. These include lack of health insurance, the unavailability of medical services in different areas of the country, ignorance of the population about risk factors, a tendency to postpone doctor visits, unaffordable medical expenses, etc. All these lead to increased inequality in access to healthcare services for certain categories of the population.

On the other hand, with reference to improvements in primary care and hospital services, the National Health Strategy has established as a first overall goal the improvement of health in general and of mother and child nutrition care, which should be achieved by improving nutritional status, as well as by reducing the risk of infant or maternal death. Despite careful interventions and the monitoring of this key indicator, the situation of infant mortality has not improved significantly yet. Romania still presents almost double a figure for infant mortality compared to the European level figure of 8% in 2015.¹⁸⁷

In addition the National Institute of Statistics warned, in its report entitled "Health status as perceived by the Romanian population in 2014", that at the national level one in four people suffer from at least one chronic illness or had a long-term health issue, with a greater share of women (29.9%) as compared to men (21.8%) reporting problems, that 3.6% of Romania's population has never had a family doctor, and that 40% of the population is using services provided by pharmacies instead of seeking medical advice.

This data on health in general, and maternal and child health in particular, raised concern in Sastipen and caused this organisation to identify and propose (in April 2014) to a consortium of organisations that they start using a model of social and medical intervention aimed at increasing access to primary health services at community level; at providing health education programmes for mothers, infants and small children; and at strengthening primary healthcare with a preventive role at community level.

¹⁸⁷ National Public Health Institute and the National Centre for Health Evaluation and Promotion.

This case study examines one of the models applied in disadvantaged Roma communities, namely, the Roma community in Slatina (Olt County). It presents an innovative instrument of integrated social and medical intervention at community level, implemented in the context of the "zefiR - Together for the Power of Action" programme. The model was coordinated by a multidisciplinary team consisting of a centre coordinator, a physician, a community health nurse and a health mediator.

The programme providing social and medical care services was implemented for two years until February 2016, allowing the intervention model to become sustainable. The programme was funded by Swiss Contribution and the total budget was almost 56,000 CHF (around EUR 48,000) for one centre. After the project was finalised, the Local Council of Slatina committed to cover all its administrative and human resource-related costs from their own budget, according to national legislation and the local expenditure plan. Since every year the budget is different, and the number of beneficiaries varies, the costs are only known by the local council.

In developing this case study, we relied on the activity reports of the Slatina Community Centre for Medical and Social Services, the monitoring and evaluation reports about the medical and social activities, as well as interviews with the team members and representatives of local authorities and members of Roma communities who have benefitted from the services of the centre.

Description of the community

Slatina is the capital of Olt County and is located in the southern part of Romania, in the central part of Olt County, with a population of 78,815 inhabitants, according to the 2011 Census. Some 5,000 persons there declared themselves to be ethnic Roma, part of the Rudari Roma and the "Bear Trainers" Roma.

The Roma community in Slatina lives in a compact settlement on the outskirts of the city, residentially segregated yet accessible. Most houses in the community are small, with no water or electricity supply, and in a bad state of repair. The Bear Trainers Roma group is a Romanes-speaking group, unlike the Rudari Roma group, who do not speak Romanes and have no specific traditions or customs, but who, by hetero-identification, are labelled as a group belonging to the Roma people who are recognised by the Rudari area. The religious affiliation of both Roma groups in Slatina is Orthodox. The average age of marriage is 18 and early marriages are increasingly rare.

There are 630 Roma households, but about 80% do not have legal authorisation and 30 % present a high risk of deterioration (no proper roofs, dampness, water leaking through the roofs, no fences, etc.). The access roads to the Roma community are cobbled and not asphalted and there is no public transport service for the Roma community. Not every family in the Roma community is connected to the electricity network or to a wastewater draining system.

Regarding educational provision, the Roma community of Slatina benefits from the services provided by three schools in the community and in its proximity, as follows: Secondary School no.1 (5th - 8th grade), where 98% of the children are Roma; Secondary School no. 2 (5th - 8th grade), where 15% of the children are Roma, and "Ion Minulescu" High School, where 5% of the children are Roma. Speaking of pre-school education, Kindergarten no. 1 in Slatina has 98% Roma children and Kindergarten no. 2 has 100% Roma children. The Roma adults' educational attainment level is limited to lower secondary school (50%), with only 5 % having completed upper secondary school.

Regarding healthcare, the main issues the community is confronted with are: children who have not been vaccinated, people suffering from tuberculosis and hepatitis, disabled people, precarious hygiene, discrimination when it comes to accessing health services,

and lack of health insurance. The number of institutions community residents can visit is limited to one polyclinic and six general medical practices between one and five kilometres away.

Employment is another problem in the community because about 2,500 people are unemployed, 60% of them being long-term unemployed persons (80% of them receive no unemployment benefits). These persons do not have health insurance until they become beneficiaries of the provisions of Law No. 416/2001, meaning that, in this case, 230 families live on minimum wage and 423 families receive disability allowances.

At present, after the implementation of the “zefiR” project, the Roma people active at community level are the school mediator, health mediators, the community medical nurse, a Roma local expert and a department coordinator within the Social Protection and Social Work Department of the Municipality of Slatina.

Description of the social and medical support programme

A KAP (knowledge, action and practice) study conducted within the “zefiR - Together for the Power of Action” project highlighted the fact that at the local level, in Slatina, the same general barriers can be identified regarding access by the Roma population to health services as have been reported in other relevant studies. These barriers are generated by poverty, lack of health insurance, lack of information regarding the importance of health matters, lack of coordination in the activities of health mediators, and precarious social and economic factors. This context has led to the need to implement an integrated social and medical intervention at municipal level that would address the real issues identified in the Roma community, increase their access to health services, and contribute to changing their behaviour in matters such as their personal health, with a focus on the health of mothers and children. The intervention model consisted in placing a modular container clinic near the area inhabited mostly by vulnerable people so the services offered from it could be accessible to anyone who needed social and/or medical services. The modular container was equipped with minimal medical equipment (as stipulated by law) and staffed by medical personnel to offer proper services according to the methodology proposed by the Sastipen Association.

The Community Centre for Medical and Social Care’s intervention area was defined mainly by information campaigns and communication at community level about the services and the opportunity to access them, including the primary medical services provided, as well as weekly campaigns promoting a healthy lifestyle.

The social and medical services provided by the Community Centre for Medical and Social Care, which were adequate for the health problems the Roma population was facing, included:

- Primary medical services (check-ups, blood pressure and sugar level measurements and recommendations to see specialists, support services, etc.);
- First aid provision;
- Social and medical counselling;
- Facilitating access to social services and to public health services;
- Monitoring pregnant women and infants enrolled on the general practitioners’ lists;
- Programmes about breast-feeding of babies and additional feeding;
- Organizing screening campaigns for risk factors or frequent illnesses;
- Programmes and health services responding to individual needs, provided in an integrated manner with social services.

The results of the social and medical support programme

Between 2014 and 2015 the Slatina Community Centre for Medical and Social Care developed social and medical integrated services for disadvantaged Roma people from Slatina whether they had health insurance or not (in accordance with the job description of the community medical nurse and of the health mediator, the medical team in the project provided services especially for persons without health insurance), with an emphasis on activities related to the health of mothers and babies. A series of health campaigns were carried out targeting women aged 18-50, focusing on breastfeeding of new-born babies and on appropriate diversification of infants' diet, on the importance of the Babes-Papanicolau test for women's health and screening for cervical cancer, on the importance of preventive medical check-ups, the importance of the BCG vaccine for children, preventing and treating breast cancer, the importance of oral health, prevention of viral respiratory infections, etc.

All these activities resulted in access to health services for 1,119 children (aged 0-17) who received primary medical services in the centre and at home as well, offered for free by a doctor and a community medical nurse, for 136 pregnant women who benefitted from counselling, monitoring and medical care in the centre and at home; 290 persons without health insurance received free medical services; and 112 mothers were advised to visit the doctor regularly with their infants after being discharged in order to get medical care and allow their cases to be monitored. In addition, new cases of diabetes and hypertension were found among those who requested primary medical consultations at the Slatina Community Centre for Medical and Social Care who were advised to see specialised doctors at the municipal hospital.

In cooperation with the health mediators working for the Slatina Social Work Directorate, the Slatina Community Centre for Medical and Social Care organised 23 health campaigns for women aged 18-50 targeting around 350 ethnic Roma.

Conclusions

An important role in providing the social and medical services was played by the community team including the centre coordinator, a paediatrician, a community medical nurse and a health mediator. They ensured integrated intervention and case management guided by the following values: increasing trust within the community; responsibility; respect and empathy towards beneficiaries; perseverance in all actions to accomplish their mission; professionalism in conducting activities; integrity and honesty; persuasion; teamwork; and efficiency.

The intervention by the Community Centre for Medical and Social Care had a positive impact on beneficiaries, as well as on the partner local public authorities, as follows:

a) In the case of beneficiaries:

- Following the implementation of the social and medical intervention model within the project, the level of satisfaction within the group increased from 1 to 4 on a scale from 1 to 5 regarding attitude, communication, and patient-doctor interaction;
- Increased level of beneficiary trust in the community team, with 84% of beneficiaries having commended the quality of services provided by the centre.

"When we used to go to the doctor nobody was paying attention to us because we had no health insurance. Now we visit this small centre and the doctor is very nice to us and really helpful. He does not ask from the very beginning if we have health insurance, he asks about your health and helps you. The medical nurse and the health mediator visit

us and advise us about the children and the rest of the family members as well. If it hadn't been for them, I would never have had my sugar level or blood pressure checked, as I never thought that somebody would offer it to me for free." (I.O., mother from Slatina Roma community, aged 42)

b) Regarding the impact on local authorities:

- Based on Local Council Decision (HCL) no. 56/24.02.2016, the Municipality of Slatina, Olt County adopted a Memorandum of Cooperation between the Roma Centre for Health Policies – SASTIPEN/ Terre des hommes Foundation and the Local Council/The Municipality of Slatina with the aim of ensuring the continuity of social and medical activities according to the methodology implemented by the SASTIPEN Association and employing the same staff as had been employed during the project implementation period.
- The Community Centre for Medical and Social Care is therefore now a new department created within the Social Work Directorate, a public service subordinated to the Local Council of Slatina, and we can refer to it as the first of its kind in Romania in recent years. The community team was trained during the project implementation period and was subsequently employed by the Social Work Directorate, the related costs being budgeted for locally. The sustainability of the services provided by the centre was thus secured and the people in the Roma community of Slatina still have improved access to primary medical services.

"We took over this centre, its services and staff because we saw results and professionalism. The staff are well-coordinated, they are doing their job, and the people are content. I am aware of the fact that this model of intervention will have results, so I recommend replicating it." (N.P, representative of the local administration)

RECOMMENDATIONS

Governance and Overall Policy Framework

- Clarify the roles of the public institutions dealing with Roma issues (National Agency for Roma, National Contact Point, Roma Cultural Centre) so they can fulfil their tasks and responsibilities and be held accountable for them.
- Ensure that Roma-related public policy documents are based on and promote the 10 Common Basic Principles of Roma Inclusion in line with the request of the Council of Ministers in charge of Social Affairs to the Member States and the European Commission, particularly, principles no. 3 – explicit but not exclusive targeting, no. 5 – mainstreaming and desegregation, no. 6 – awareness of gender dimension and no. 9 – involvement of regional and local authorities should be applied, where possible.
- Ensure proper consultation with Roma and pro-Roma civil society actors in all aspects of Roma inclusion.
- Provide information to the process of public policy development for Roma by systematically collecting data on the situation of the Roma (disaggregated by gender), including through the National Institute for Statistics.
- Ensure financial resources for implementation of the measures of the NRIS.
- Ensure that all related public policy documents respect the principle of equal opportunities for women and men.
- Increase the transparency of the NRIS implementation by the annual publication of monitoring and evaluation reports.

Anti-Discrimination

- Ensure transparency and proactive consultation with Roma civil society in all aspects of anti-discrimination policy development, implementation and monitoring.
- Ensure full implementation of European Court of Human Rights judgments in Roma-related cases.
- Allocate financial resources for funding anti-discrimination programmes and awareness campaigns.
- Develop national training programmes for representatives of public institutions on preventing and fighting discrimination.
- Increase the value of fines given by the National Council for Combating Discrimination for discrimination cases.
- Map high-risk eviction areas in Romania to find adequate solutions for each case.
- Reinforce legislation to address multiple/intersectional discrimination in the juridical practice of the National Council for Combating Discrimination.

Antigypsyism

- Promote the understanding of what antigypsyism is and its implications (negative effects) to challenge the status quo of this widely-accepted institutional racism.
- Develop efficient campaigns for combating antigypsyism based on data collected through research.
- Develop a civil society fund for implementing projects on preventing and combating antigypsyism.

Impact of mainstream education policy on Roma

- Allocate sufficient funding (state budget and European Union structural funding) for addressing the school infrastructure issue, especially for areas where enrolment and participation in preschool and school education are below average.
- Make school mediation available for all areas/communities where school dropout is present; clarify the professional status of school mediators and allocate resources for hiring where needed.
- Address desegregation of Romani children in classes and schools: fully apply the legal provisions, including through imposing sanctions to those failing to implement the legal provisions; adopt a national programme (measures, institutions responsible for implementation and funds) for the desegregation of the education system and for the promotion of inclusive education for all; map the school segregation situation and regularly monitor and publicly report on progress.
- Redefine inclusive education policy using international standards defined by UNESCO and other international organisations in the field: initiate and implement legislation and regulations complementing the national law on education through the adoption of new education plans, changed curricula, new textbooks that include relevant information about minorities, teacher training, teaching methodologies etc.
- Ensure that each child has free access to preschool education for at least two years by making available free of charge, full board (9:00 to 17:00) access to kindergarten for all children, including Roma, as a prerequisite to better integration into the school system.
- Make all information about special education public through the Ministry of Education, including ethnically disaggregated data about enrolment into such education.

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