



european network against racism

ENAR Shadow Report 2011-2012

ENAR SHADOW REPORT

Racism and related discriminatory practices in Romania

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Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism in the EU and its Member States. NGO reports are, by their nature, based on many sources of data - official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by racism. It is this that gives NGO reports their added value, complementing academic and official reporting.

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1. Executive summary

The aim of this report is to provide an overview of racism and related discrimination in Romania in the period March 2011 - March 2012. The major legislative changes, good practice examples and other important developments are covered by the report. While the focus of this year's Shadow Reports is on the Muslim community, there is very little information available on this community in Romania. Migrants and other vulnerable groups will also be discussed.

The high unemployment rate increases the risk of exploitation of domestic and migrant workers. Some cases involving domestic workers have been reported, but the media rarely reports cases involving the abuse of migrants. Abuse of migrant workers most commonly takes the form of unpaid salaries, retention of work permits, improper working conditions, contractual changes, misinformation, and communication in a language that they don't understand.

The level of educational attainment of migrants is generally lower than of the majority population. No cases of discrimination against Muslims have been reported in this regard. However, the Roma continue to be educated in Roma segregated schools and classes.

Discrimination in housing primarily takes the form of residential segregation and insecurity of tenure. The living conditions of the Roma community are appalling. Those living in rural area also encounter considerable difficulty regarding housing. Cases of structural racism in housing were strongly criticised by civil society but are generally supported by the majority population, ensuring strong electoral support for politicians promoting such measures.

Undocumented migrants face serious problems in accessing health services in Romania. Roma are exposed to serious health problems because of individual factors (refusal of medical staff to treat them), structural factors (unemployment, lack of social security documents) or personal behaviour (food habits, lack of basic information on health issues, self-administration of drugs).

Disabled people, the Roma and the LGBT community are among the most discriminated against groups in accessing various goods and services in Romania. Most common forms of discrimination are related to access to services, access to public places, to education, employment and housing.

Political participation is undermined by electoral corruption. Marginal groups are most exposed to electoral fraud. The level of trust of young people in political institutions like Parliament is extremely low. Both Turks and Turkish Muslim Tartars are represented in the Parliament.

The printed media largely operates on the principle of self-regulation. It continues to present Roma in connection to criminality in a high proportion of news stories. Muslim organisations have a strong online presence.

Romania is among the states with the highest numbers of cases reported at the European Human Rights Court. Policing and ethnic profiling cases are still reported by NGOs. The Roma remain the main target group for racist violence and crimes. Online xenophobic attitudes against Roma, Jews and Muslims are widespread.

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3. Introduction

The aim of the report is to summarise the most important developments in terms of discrimination in the following areas: employment, education, health, housing, access to goods and services, political participation, media and criminal justice. The report covers the period between March 2011 and March 2012. The report also provides an overview of significant legislative changes as well as data extracted from various reports regarding discrimination, examples of good practice and recommendations.

The groups which are vulnerable to discrimination remain largely unchanged; the ethnic minorities (Roma, Jewish people, Hungarians), people with disabilities, persons with HIV/AIDS and LGBT community. Ethnic minorities are often portrayed in connection with criminality or as a threat. People with disabilities are encountering considerable hardship due to the economic crisis as their financial benefits are often delayed, sometimes by a considerable period of time. These are the same vulnerable groups which have been identified in previous ENAR shadow reports on Romania. There have been no serious improvements in addressing discrimination against these groups.

Significant legislative developments during the period covered by this report include: the rejection of an initiative to change the name of the Roma to “Gypsies” (which is a pejorative term); introduction of the European Union Blue Card for highly qualified foreign workers; adoption of the National Strategy for Migration; adoption of a new Roma strategy.

The focus of this report is on the Muslim community. According to the 2002 census, there are 67 252 Muslims in Romania¹. There is little data available about their situation. The interviews we conducted with important Muslim representatives revealed no major problems related to discrimination. The majority of Muslims are migrants and they are vulnerable to discrimination as migrants, rather than as Muslims (especially undocumented migrants).

Islamophobia is not an issue of major concern in Romania. In general, there are good social relations between the integrated Muslim community and the majority population. Mixed marriages are not uncommon. With the exception of an Amnesty International report which stated that there is a high discomfort for Romanians to have a Muslim neighbour², we could find no other national or international report which highlighted discrimination against Muslims or Islamophobia. While there are poor Muslim communities which might therefore be more at risk of being discriminated against on that basis, poverty is not necessarily based on religious discrimination, but rather on the general economic situation of the respective area.

¹ Answer of the National Statistics Institute to our request for data on Muslims

² Amnesty International, *Choice and Prejudice- Discrimination against Muslims in Europe* (2012),

<http://www.amnesty.org/en/library/asset/EUR01/001/2012/en/85bd6054-5273-4765-9385-59e58078678e/eur010012012en.pdf>, accessed 26 September 2012;

This shadow report starts with an overview of significant development related to discrimination during the period under review and a special focus on Muslims' situation in Romania. This is followed by a description of racism and related discriminatory practices in employment, health, education, housing, access to services, political participation, medial and criminal justice. The next chapters provide a civil society assessment of effort made to protect fundamental rights, a series of good practices for the above mentioned areas, national recommendation and conclusions.

4. Significant developments in the country during the period under review

Racism towards the Roma continues to be widespread in Romanian society. Local authorities have played a significant role in reinforcing the difficulties faced by the Roma, especially through segregation in school and housing policies. Anti-Semitism is also a concern, both in the media and in public life. Other vulnerable groups include the LGBT community, persons with HIV/AIDS, persons with disabilities, women and children who are subjected to domestic abuse.

The Romanian Parliament recently rejected an initiative to change the name 'Roma' to 'Gypsy' in all official documents. The word 'Gypsy' is considered pejorative.³ A member of the Chamber of Deputies initiated the proposal and the Romanian Academy supported it. The resolution generated many public debates; some institutions supported the initiative and others, including the Ministry of Foreign Affairs, Ministry of Culture, opposed this change.

In 2011 the Labour Code was updated. The amendments slightly favour employers on several issues: the probation period is now longer (up to 90 days for executive positions and up to 120 days for management positions); the employer can also reduce the working time from 5 to 4 days per week in order to reduce salaries. The National Union Bloc (Blocul National Sindical) made several comments and proposed amendments related to different aspects of the Labour Code: changes in the work contract, the performance objectives of the employee, probation period, extra-hours of work⁴. The new Labour Code brings some minor changes for foreign nationals working in Romania. They can now be employed not only based on working permits but also on residence for working permits.

Law no. 157/2011⁵ introduces the European Union Blue Card, which is a special resident work permit for highly qualified workers. Foreign citizens who wish to engage in commercial activities must invest, under the new law, at least €100 000, which is with €30 000 more than in the previous version of the law. The new measures also provide for fines for foreign workers who do not have working permits. The same law amended the Emergency Ordinance of the Government no. 56/2007. The employer may employ foreign nationals only if he has not been sanctioned before for illegal or undeclared work. The procedures for application (and therefore the time for obtaining it) were simplified.

³Ziare.com, 05 April 2011, <http://www.ziare.com/articole/schimbare+denumire+rrom+tigan>, accessed 29 September 2012;

⁴ Trade Union Block, The Labour Code, http://www.bns.ro/wps/wcm/connect/7761d3a3-b3df-42f1-987d-9afa484d5e76/propuneri_modificare_Codul_Muncii_BNS.pdf?MOD=AJPERES&CACHEID=7761d3a3-b3df-42f1-987d-9afa484d5e76, accessed 25 September 2012;

⁵Legea Start.ro, Law no. 157/2011, [http://legestart.ro/Legea-157-2011-modificarea-completarea-unor-acte-normative-regimul-strainilor-Romania-\(NTg5NzA3\).htm](http://legestart.ro/Legea-157-2011-modificarea-completarea-unor-acte-normative-regimul-strainilor-Romania-(NTg5NzA3).htm), accessed 25 September 2012;

In May 2011 the Romanian Government adopted the National Strategy of Migration 2011-2014⁶. There are five strategic objectives included: promotion of legal migration for the benefit of all parties (includes the encouragement of temporary migration for work, within certain quotas), strengthening of the control on legal residence of foreign nationals in Romania, re-ensuring asylum access, (more efficient application procedures, combating abuses, enforcement of the right to decent living conditions, harmonising the system with those in place in other countries) participation in international efforts addressed to people in need and the social integration of foreign nationals.

The Government Decision 898/2011⁷ introduces changes to asylum law. This primarily concerns the travel documents that asylum seekers need to enter Romanian territory.

By a comparison of the 2011/2012 study⁸ of The National Council for Combating Discrimination (NCCD) on the perception of discrimination with the report⁹ published by the same institution in 2010, one can see that no major changes have occurred in the last year. The most vulnerable groups in Romania remain persons with HIV/AIDS, persons with disabilities, Roma and the LGBT community. The political discourse towards vulnerable groups has not changed significantly - the same speech against segregation of Roma, presented as an opportunity for their development, the same pressure on LGBT public appearances, neglect of the rights of the people with disabilities and discrimination against people with HIV/AIDS are still present in public life.

The National Roma Integration Strategy, adopted in January 2012, is an important step for social development because it includes provisions related to improvement of socio-economic conditions in Roma communities.

⁶ Idrept.ro, The National Strategy of Migration (18 May 2011), <http://idrept.ro/EmbedView.aspx?EmbedId=e7e35fc3-54e1-4070-8457-98659e7c16ac> accessed 25 September 2012;

⁷ Legalis, 3 October 2011, <http://www.legalis.ro/2011/10/03/azilul-strainilor-in-romania-refugiati-permise-de-calatorie-modificari-in-legislatie-aduse-de-hg-8982011/> accessed 25 September 2012;

⁸ The National Council for Combating Discrimination, Report about perception and attitudes regarding discrimination in Romania (2011), [http://cncd.org.ro/files/file/Raport%20de%20cercetare%20CNCD Discriminare.pdf](http://cncd.org.ro/files/file/Raport%20de%20cercetare%20CNCD%20Discriminare.pdf), accessed 25 September 2012;

⁹ The National Council for Combating Discrimination, Discrimination in Romania (2010), <http://www.caleaeuropeana.ro/wp-content/uploads/2010/12/Raport-sintetic..pdf>, accessed 25 September 2012;

5. Special focus: Islamophobia

According to the census, there were 67 257¹⁰ Muslims in Romania in 2002. A large proportion lives in South-East of Romania, Bucharest, and in the centre of the country Cluj Napoca. According to our interviews with prominent members of the Muslim communities living in Romania, the majority of Muslims immigrated to Romania in the last 20 years for educational, business and job opportunities¹¹. The majority are well integrated into Romanian society. Discrimination does not appear to be a significant concern and many among the Muslim community have a high socio-economic status.

In order to present a more detailed picture of the Muslim community in Romania we requested information regarding the number of migrants and countries of origin at the General Inspectorate for Immigration (GII). The ten most common countries of origin, as of 31/12/2011, were: Moldova (15 596), Turkey (9026), China (6944), Syria (2444), USA (2028), Serbia (1556), Lebanon (1512), Ukraine (1334), Tunis (1333) and Israel (1321)¹². Romania does not disaggregate data on migrants according to religion but the information provided by GII shows that a high proportion of immigrants are from countries with a predominantly Muslim population. These are the Muslims that are most vulnerable to discrimination in Romania, mostly because their status.

It appears that Islamophobia is not a significant concern in Romania. All members of the Muslim community interviewed for this report rejected the existence of discrimination against Muslims in Romania. Representatives of Romanian associations working with Muslims also agreed; the president of the “Lumina” (“Light”) Foundation, Mr. Ragip Gokcel stated that discrimination against Muslims does not exist in Romania¹³. The majority of the Turks in Romania are married to Romanian women and are well integrated into society. Mr. Jaber Ahmed, a well-known and respected journalist in Romania also dismissed the idea of Islamophobia in Romania: “I have never seen a Muslim being discriminated in Romania because he prays at the mosque”; “The Muslim community has never been discriminated against in Romania”¹⁴.

We found no national or international reports on discrimination that would indicate that the Muslim community faces any particular difficulties or Islamophobia in Romania.

While there are some cases in which Muslims, refugees and asylum seekers are disadvantaged or discriminated against, this is not necessarily related to their religion, but to factors such administrative procedures, language barriers,

¹⁰ Answer of the National Statistics Institute to our request for data on Muslims;

¹¹ Interviews with Ahmet Jaber, journalist, and Ragip Gokcel, president of “Lumina” foundation;

¹² Address received from the General Inspectorate for Immigration;

¹³ Interview with Mr. Ragip Gokcel, President of “Lumina” Foundation;

¹⁴ Interview with Mr. Jaber Ahmet, journalist;

lack of documents, migration legal framework, lack of education or general economic status.

1.Mr. Jaber Ahmed highlighted his concern after a Muslim woman was unveiled by Romanian authorities for personal data registry, but this is not a practice in Romania. He also noted a number of obstacles for immigrants to Romania particularly the arduous procedures necessary for a businessperson to get a visa or to buy land in Romania, which results in fewer investments. Migrants also have limited access to healthcare. They do not have medical insurance and must pay retroactively beginning from the date when they receive their residence permit.

2.Many of those interviewed consider that the amount of money received by the refugees and asylum seekers from the Romanian government is insufficient to meet their basic needs. This issue was stressed by a representative of the Romania Jesuit Refugee Service (JRS Romania). The attempts to raise this allowance (calculated per person) is blocked by the fact that it would result in higher payments than the social welfare received by a poor Romanian (where social welfare is calculated per family, not per person).

3.Another representative of the JRS Romania emphasised the difficulties faced by migrants who do not have the high educational qualifications demanded by much of the labour market, who are thus dependent on vocational training.

4.According to the JRS Romania statement, only a small percentage of asylum seekers receive a residence permit in Romania due to the inflexible nature of the legal procedures.

5.A representative of APADAR (Association for the Protection of the Stateless and Refugees Rights) also criticised the complicated legal procedures for asylum seekers. The assistance provided to asylum seekers often falls short of legal requirements (although law stipulates that the refugee is entitled to a translator for free, the state does not always provide one unless required by the refugee, or after intervention by an association) He also estimated that 85% of asylum seekers are Muslims from areas of conflict.

6.Our respondents identified a trend that a certain proportion of Muslim immigrants work illegally. This is generated mostly by the lack of education, qualifications or difficulty in proving these, lack of working permits and a shrinking labour market.

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7.A report by Amnesty International on the situation of Muslims in Europe that there is a high level of discomfort towards migrant neighbours in Romania. The majority of Romanians are reluctant to have a Muslim neighbour.

6. Access and full participation in all collective areas of society

While in theory, every social group can access all areas of collective life, in practice this is restricted by prejudices among the general public and authorities. These prejudices generate certain practices that are not publicly condemned, but rather accepted and sometimes supported by the population. For example residential segregation of Roma is always justified by offering them better housing, educational segregation is also argued to be in the interest of Roma children. Another example is the response of Romanian Academy in favour of changing the name of the Roma to “Gypsies”, the pejorative term. The response of state authorities or lack of intervention in aid of other groups which encounter discrimination such persons with disabilities, the LGBT community or people with HIV/AIDS prove a certain discriminatory attitude. It is true that this comes on a background of severe budgetary cuts for social assistance of vulnerable groups, but this should not be an argument for discrimination.

Structural factors also contribute to the restricted access of vulnerable groups to services. There is a shortage of social housing in Romania. The health system needs strong financial support, as many medical units were closed during 2012. Although free of charge, education of a child requires some extra spending. The labour policies do not offer incentives for unqualified workers to enter the labour market.

According to the Romanian Constitution all citizens over 18 years have the right to vote. In order to become Romanian citizen 8 years of residence are necessary (or 5 years in case of marriage). Double citizenship is legally acceptable but it might cause some problems in case of granting refugee status, in the sense that reasons for granting asylum must be very strong.

There is no legal definition of “hate speech”, but there is a provision sanctioning incitement to discrimination in a special law. Racist and xenophobic discourses continue to exist in public space.

6.1 Racism and related discrimination in employment

The legal framework

The Emergency Ordinance no. 56/2007¹⁵ and the Labour Code are particularly relevant for migrant workers in Romania.

In April 2011, the National Council for Combating Discrimination (NCCD) published the report of the Framework Directive implementation (2000/78/EC) for the period 2003-2010 to create a general framework for equal treatment in employment¹⁶.

In May 2011 the Labour Code was updated. The modifications slightly favour employers¹⁷ - for example, the probationary and warning terms for employers were extended. In March 2012, The National Trade Union Bloc ("Blocul National Sindical- BNS") published a proposal that seeks to amend the Labour Code because it limits collective negotiation and freedom of association¹⁸.

In May 2011, the Romanian Government adopted the National Strategy of Migration for 2011-2014¹⁹. The Strategy aims to create "a European platform which will identify the strategies for the management of labor migration and necessary changes to the legal and institutional framework"²⁰. The Strategy has specific objectives, including access to the labour market for third country nationals, correlated with the needs of the local labour market. The Romanian Government encourages temporary migration for work due to the high rates of Romanian unemployment²¹.

¹⁵ The Emergency Ordinance no. 56/2007, published on the Official Gazette of Romania, part I, no. 424, June 26, 2007, <http://www.mmuncii.ro/pub/imagemanager/images/file/Legislatie/ORDONANTE-DE-GUVERN/OU56-2007.pdf>, accessed 05 August 2012;

¹⁶ The National Council for Combating Discrimination, Report - 2000/78/EC, http://www.cncd.org.ro/files/file/Raport%20CNCD%20Directiva%20CE_78_2000.pdf, accessed 07 August 2012;

¹⁷ The Labour Code, http://legislatiamuncii.manager.ro/codul_muncii_actualizat_la_zi.html, accessed 01 August 2012;

¹⁸ The Trade Union Bloc, Codul Muncii - Texte Noi. Texte Modificate. Texte abrogate. Texte in redactarea initiala a codului muncii (March 2012), http://www.bns.ro/wps/wcm/connect/7761d3a3-b3df-42f1-987d-9afa484d5e76/propuneri_modificare_Codul_Muncii_BNS.pdf?MOD=AJPERES&CACHEID=7761d3a3-b3df-42f1-987d-9afa484d5e76, accessed 01 August 2012;

¹⁹ The National Strategy of Migration, published on the Official Gazette of Romania, part I, no. 391, June 03, 2011, <http://idrept.ro/EmbedView.aspx?EmbedId=e7e35fc3-54e1-4070-8457-98659e7c16ac>, accessed 05 August 2012;

²⁰ The Romanian National Strategy of Migration, 2011-2014 - The Migration is a process that should be managed, not a problem that should be resolved- 1st chapter- "Introduction", <http://idrept.ro/EmbedView.aspx?EmbedId=e7e35fc3-54e1-4070-8457-98659e7c16ac>, accessed 05 August 2012;

²¹ The Romanian National Strategy of Migration, 2011-2014 - The Migration is a process that should be managed, not a problem that should be resolved- chapter IV- "The strategic and specific objectives",

In July 2011 the legal framework of foreign nationals in Romania – particularly those from outside the EU – was changed²². The Law no. 157/2011 amended the Emergency Ordinance of the Romanian Government no. 194/2002 (O.U.G no. 194/2002)²³ introducing the European Union Blue Card. This is a special resident work permit that gives its holders the right to work in Romania in highly skilled jobs. Another amendment is the work visa for jobs involving mobility (until this visa, those who worked in Romania were required to have a visa that covered other objectives). Thus, the investment conditions for foreign nationals who wish to engage in commercial activities in Romania were changed: €100000 - € 150000 (in the preview form of law, the investments were €70000 - €100000). The Emergency Ordinance of the Romanian Government no. 56/2007 (O.U.G no. 56/2007)²⁴ introduced new amendments for highly qualified foreign workers - for example, to be issued a work permit, the employer must not have been sanctioned for undeclared work or illegal employment; the sanctions are more severe for employers who do not comply with the legal framework for the employment of foreign nationals.

It is difficult to assess the situation faced by minority groups in the labour market. Labour legislation does not refer specifically to any vulnerable minority groups, but only to foreigners as a whole (as described above). As data collected by the Romanian National Institute of Statistics is not disaggregated by religion, it is difficult to state whether the Muslim community face any particular difficulties.

Statistics

According to the Statistical Bulletin on migration and asylum²⁵, conducted by the General Inspectorate for Immigration of Romania, the work visa status from 2011 to 2012 looks as follows:

Table 1: Visas status

Type of visa	2012*		2011		Difference on approved visas	Evolution on approved visas
	Visa requests	Approved visas	Visa requests	Approved visas		
Employment	770	729	749	710	+19	+2.6%

<http://idrept.ro/EmbedView.aspx?EmbedId=e7e35fc3-54e1-4070-8457-98659e7c16ac>, accessed 05 August 2012;

²²Hot News, 16 September 2011, http://www.hotnews.ro/stiri-dreptul_muncii-10143236-schimbare-importante-aduse-legea-157-2011-regimului-juridic-aplicabil-cetatenilor-straini.htm, accessed 03 August 2012;

²³ The Emergency Ordinance no. 154/2002, republished on the Official Gazette of Romania, part I, no. 421, June 05, 2008, http://www.dreptonline.ro/legislatie/oug_regimul_strainilor_romania_ordonanta_urgenta_194_2002_republicata_2008.php, accessed 03 August 2012;

²⁴ The Emergency Ordinance no. 56/2007, published on the Official Gazette of Romania, part I, no. 424, June 26, 2007, http://www.dreptonline.ro/legislatie/ordonanta_cetateni_straini_munca_romania_56_2007.php, accessed 04 August 2012;

²⁵The General Inspectorate of Immigration, The Statistical Bulletin on migration and asylum (2012), <http://ori.mai.gov.ro/api/media/userfiles/analiza%20statistica%20sem%20I.pdf>, accessed 13 August 2012;

Commercial activities	20	16	33	33	-17	-51.5%
Religious activities	16	13	0	0	+13	N/A
Professional activities	2	1	0	0	+1	N/A

*First semester of 2012

General Inspectorate of Immigration of Romania, The Statistical Bulletin on migration and asylum, 2012

Table 2: Type of work permits

Type of work permit	2012**	2011	Difference	Evolution
Permanent work permit	804	860	-56	-6.5%
Work permit for detachment/mission jobs	580	395	+185	+47%
Work permit for sports activities	99	52	+47	+90%
Work permit for qualified jobs	57	0	+57	N/A
Permanent work permit for studies	10	23	-13	-56.5%
Permanent work permit for family union	1	1	0	0%

**First semester of 2012

General Inspectorate of Immigration of Romania, The Statistical Bulletin on migration and asylum, 2012

Table 3: Work permits allocated by countries

Country	Work permits on 2012***	Work permits on 2011	Differences	Evolution
Turkey	429	219	+210	+95%
China	181	297	-116	-39%
Serbia	124	51	+73	+143%
Philippine Islands	103	171	-68	-40%
Sri Lanka	99	53	+46	+86%
Moldavia	58	85	-27	-32%
Croatia	51	2	+49	+2450%
Korea	46	63	-17	-27%
U.S.A	41	33	+8	+24%
Bosnia Herzegovina	35	1	+34	+3400%

***First semester of 2012

General Inspectorate of Immigration of Romania, The Statistical Bulletin on migration and asylum, 2012

In 2012, there were 10 cases of illegal work as compared to 81 cases in 2011 (a difference by -87.65%)²⁶. There were 4 returning decisions concerning illegal work in 2012 as compared to 22 decisions in 2011 (a reduction by 81.82%)²⁷.

Discrimination framework

No instances of discrimination against Muslims in Romania were reported during the period under review.

In 2010, there were 42 petitions addressed to the National Council for Combating Discrimination referring to nationality, 55 petitions referring to ethnicity, 6 petitions referring to religion and 1 petition referring to race (from a total of 478 petitions)²⁸. There were 68 instances of discrimination, representing 14% of all resolved petitions as compared with 2009, where 7% of petitions were resolved.

High unemployment rates increase the risk of exploitation among migrant domestic workers. There have been reports about abuses of domestic workers' fundamental rights.²⁹ They encounter discrimination in terms of payment, working time, holidays and social insurance.

The Romanian mass media rarely reports on foreign citizens abused by recruitment agencies. The first case that drew public attention to this issue was in 2009, when Chinese workers protested in front of the Chinese Embassy in Romania³⁰. Similar titles appear in the Romanian media: "Two citizens from Bangladesh, company slaves to a businessman in Bacau"³¹, "Romanian nightmare for Filipino nannies"³². In the last two - three years it became fashionable for families with good incomes to hire foreign nannies. Some of these nannies encountered extreme exploitation. Their experiences are harrowing and only a few agreed to be interviewed, on condition of anonymity. Public institutions cannot verify compliance with workers' rights guaranteed by law and this leaves domestic workers very vulnerable to abuse by employers. In addition, the activities of recruitment agencies that bring foreign workers into the country are not regulated. The control of inspectors, police and General Inspectorate for Immigration of Romania on private properties where domestic workers live and work is precluded by the legal

²⁶ Ibid, p.11;

²⁷ Ibid, p.13;

²⁸ The National Council for Combating Discrimination, The Annual Report (2010), p. 20, http://www.cncd.org.ro/files/file/RAPORT%202010_web1.pdf, accessed 05 August 2012;

²⁹ The Fundamental Rights Agency, The Annual Report (2011), http://fra.europa.eu/fraWebsite/attachments/FRA-2012_annual-report-2011-chapter1_EN.pdf, accessed 09 August 2012;

³⁰ Geanina Sandu, Miruna Badea, 16 February 2009, The Chinese workers had required to be repatriated, Mediafax, <http://www.mediafax.ro/social/zeci-de-muncitori-chinezi-cer-ambasadei-din-romania-ajutor-pentru-repatriere-3939246>, accessed 07 August 2012;

³¹ Realitatea TV, 05 October 2011, http://www.realitatea.net/doicetateni-din-bangladesh-sclavi-la-firmaunui-om-de-afaceri-bacauan_876370.html, accessed 08 August 2012;

³² România Liberă, 28 November 2011, <http://www.romanialibera.ro/exclusiv-rl/reportaj/video-cosmar-romanesc-pentru-bonele-filipineze-246081.html>, accessed 08 August 2012;

framework³³. The annual report of the Labour Inspectorate (2011) states that employment of foreigners by Romanian companies is, in some cases, done with the support of Romanian businesses involved in human resource management and employs foreign nationals based on civil contracts³⁴.

Romania has not ratified the International Labour Office Convention no.181 on private recruitment agencies, which establishes basic rules regarding the transparency of these companies, provides the necessary controls and discourages abusive practices against workers³⁵. The Convention provides sanctions for those agencies that use abusive practices and recommends that States should conclude bilateral agreements to prevent abuse and fraud in the recruitment, placement and hiring of migrant workers.³⁶ Romania has also not ratified the International Labour Convention no. 189 on domestic workers (2011)³⁷ which provides, among other things, for protection of migrant domestic workers, recruited or placed by private employment agencies, against abusive practices³⁸.

A study about the working conditions of foreign nationals in Romania - "Talk to us! A study on labour conditions of immigrant workers from Romania"³⁹ - carried out by the Romanian Forum for Refugees and Migrants (ARCA), the Group for Dialogue Initiative and the Pro-Women Foundation underline some difficulties encountered by foreign nationals: abuse by recruiters (e.g. unpaid salaries, the retention of the original work permit at the company offices, improper working conditions), contractual changes, misinformation or information in a language that the worker cannot understand.

According to the Fundamental Rights Agency (FRA) report - *Migrants, minorities and employment - exclusion and discrimination in the 27 Member States of the European Union, July 2011* – the Romanian legal framework temporarily limits the freedom of movement rights and particularly access to EU labour markets until 2014.

³³ The Law no. 319/2006, published on the Official Gazette of Romania, part I, no. 646, July 26, 2006, <http://legislatiamuncii.manager.ro/Legea-securitatii-si-sanatatii-in-munca.html>, accessed 09 August 2012;

³⁴ The Labour Inspectorate of Romania, The Annual Report (2011), p. 78, accessed http://www.inspectmun.ro/site/RAPORT%20ANUAL/RaportIM_2011.pdf, 07 August 2012;

³⁵ Ministry of Labour, Family and Social Protection, The International Labour Conventions, <http://www.mmuncii.ro/ro/453-view.html>, accessed 10 August 2012
http://www.ciett.org/fileadmin/templates/ciett/docs/Countries_having_ratified_ILO_Convention_181.pdf accessed 08 August 2012;

³⁶ The International Labour Office Convention no. 181/ 1997, http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_INSTRUMENT_ID:312326, accessed 09 August 2012;

³⁷ The International Labour Office, C189- Domestic Workers Convention (2011), http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11310:0::NO:11310:P11310_INSTRUMENT_ID:2551460:NO, accessed 09 August 2012;

³⁸ Ibid;

³⁹ Ana Maria Carstea, Camelia Constantin, Rodica Novac, Florentina Constantin, Angela Stolnicu, Talk to us! A study on the labour conditions for immigrant workers in Romania (2010); http://www.soros.ro/en/fisier_acord_publicatii.php?publicatie=100, accessed 09 August 2012;

On January 2012, the National Council for Combating Discrimination (NCCD) published a study about discrimination in Romania⁴⁰. The respondents considered that general problems in Romania are connected with tolerance issues (26%) and discrimination (24%)⁴¹. They also reported that discrimination has increased in recent years (34%)⁴². The study shows that religious minorities are highly discriminated against at a rate of 15% as compared to immigrants (19%)⁴³. 56% of people believe that immigrants have greater difficulty in finding jobs compared to Romanians. 38% of people believe that immigrants are treated badly compared to Romanians⁴⁴. 23% of people would not feel comfortable near a person of another religion; 11% of people would not feel comfortable with an immigrant. 15% of people would not work with an immigrant and 14% of people would not work with an Arab⁴⁵. 7% of people said that were discriminated because of their ethnicity, nationality (4%), race (3%) and religion (3%).⁴⁶

In 2010, The National Trade Union Bloc published a report about gender discrimination in the labour market in Romania. 24% of women and men believed that people are often discriminated against because of their nationality, skin colour (22%) and religion (17.63%)⁴⁷.

Among country regions, people face difficulties in employment connected to ethnicity as follows: 13% of people faced employment difficulties in Bucharest-Ilfov region; 0.30% in West region; 0.87% in South - East region; 0.24% in South region; 1.18% in North - East region; 0.44% in North - East region; 1.15% in South - West region; 3.18% in the centre of the country⁴⁸.

There are significant differences related to discrimination on the public and private sectors. 30.75% of respondents encountered discrimination based on nationality in the public sector as compared to 23.35% in the private sector. 27.91% people noted discrimination based on skin colour in the public sector as compared to 21.6% in the private sector. 21.39% people reported discrimination based on religious belief in the public sector as compared to 17.13% in the private sector.⁴⁹

⁴⁰ The National Council for Combating Discrimination, The discrimination phenomenon in Romania (January 2012), http://www.cncd.org.ro/files/file/Raport%20de%20cercetare%20CNCD_Discriminare.pdf, accessed 06 August 2012;

⁴¹ Ibid, p. 7;

⁴² Ibid, p. 9;

⁴³ Ibid, p.15;

⁴⁴ Ibid, p. 22;

⁴⁵ Ibid, p.34;

⁴⁶ Ibid, p. 40;

⁴⁷ The National Trade Union Bloc, The research report on gender discrimination on the labour market in Romania (2010), p. 41, http://www.bns.ro/wps/wcm/connect/bns_ro/downloads/info%20-%20studii%20rapoarte/c93fb31a-e2d2-4513-b410-6d6840e416c7, accessed 05 August 2012;

⁴⁸ Ibid, pp. 69-71;

⁴⁹ Ibid, p. 87;

6.2 Racism and related discrimination in education

Statistics

According to The Statistical Bulletin on migration and asylum⁵⁰, conducted by the General Inspectorate for Immigration of Romania, in the first half of 2012, there were 429 visa requests relating to studies and 398 approved visas as compared to 443 visa requests and 420 approved visas in 2011 (a decrease of 5.24%)⁵¹. In Romania in June 2011 there were 9419 foreign students (this is 16.45% of the total number of non-Romanian nationals in the country), 2165 foreigner pupils (3.78% of the total numbers of non-Romanian nationals) and 148 post-graduates (0.26% of the total)⁵².

Discrimination framework

There were no reports of discrimination against Muslims in the period under review. In 2010, 18 petitions were addressed to The National Council for Combating Discrimination relating to restrictions in access education (out of a total of 528 petitions) as compared to 16 petitions in 2009⁵³. In 2010 there were three instances of discrimination, representing 3% of all resolved petitions as compared with 2009, where 4% of petitions were resolved.⁵⁴ In 2010 there were two warnings concerning restriction on access to education that were connected to ethnic discrimination; also, there was one warning for restriction on education access that was connected to nationality discrimination (from the total number of 32 warnings)⁵⁵.

On January 2012, the National Council for Combating Discrimination (NCCD) published a study about discrimination in Romania.⁵⁶ 44% of people think that general issues in Romania are strongly tied to education⁵⁷. 77% of people considered that Roma children encounter discrimination through segregation of schools and classes. 65% of people believed that discrimination occurred when a child who has a different religion from the majority is compelled to attend at religious class⁵⁸. The study underlines that 27% of people do not strongly support positive discrimination. Only 11% of people support this issue⁵⁹. 12% of people believe that Roma pupils are discriminated against in

⁵⁰ The General Inspectorate of Immigration, The Statistical Bulletin on migration and asylum (2012), <http://ori.mai.gov.ro/api/media/userfiles/analiza%20statistica%20sem%20I.pdf>, accessed 19 August 2012;

⁵¹ Ibid, p. 7;

⁵² Ibid, p. 9;

⁵³ The National Council for Combating Discrimination, The Annual Report (2010), p. 23, http://www.cncd.org.ro/files/file/RAPORT%202010_web1.pdf, accessed 20 August 2012;

⁵⁴ Ibid, p. 26;

⁵⁵ Ibid, p. 28;

⁵⁶ The National Council for Combating Discrimination, The discrimination phenomenon in Romania (January 2012), http://www.cncd.org.ro/files/file/Raport%20de%20cercetare%20CNCD_Discriminare.pdf, accessed 21 August 2012;

⁵⁷ Ibid, p. 24;

⁵⁸ Ibid, p. 29;

⁵⁹ Ibid, p. 30;

schools and 30% of them do not believe this is the case⁶⁰. 20% of people believe that women encounter discrimination in accessing education as compared to men, 1% of people believe that men are discriminated against as compared to women and 72% of people believe that no one encounters discrimination in this area⁶¹. 10% of people consider that there is discrimination in access to education related to ethnicity⁶².

In Romania, discrimination in education is prohibited by the Law on Education as well as by the Ordinance on Preventing and Punishing All Forms of Discrimination, as amended by Law 48/2002. The legal framework does not explicitly prohibit segregation in education⁶³.

In June 2012, a study concerning the implementation of National Strategy for Roma (adopted in February 2012), conducted by Policy Center for Roma and Minorities shows that in the 2010-2011 school year there were 177 segregated classes and 44 segregated school as compared to 152 segregated classes and 40 segregated schools in the 2011-2012 school year⁶⁴.

In June 2011, The National Council for Combating Discrimination investigated one instance of restriction of education access for Roma children from School no. 19 in Craiova. The petition, addressed by Romani Criss and Amaro Suno, showed that one classroom had only Roma children, while in the other classroom there were only six Roma and the majority was made of non-Roma children⁶⁵. The National Council for Combating Discrimination found that the facts in the petition represented indirect discrimination in accordance with The Government Emergency no. 137/ 2000 and decided to sanction the school management.

In 2009, the level of educational attainment was generally lower for migrants than among the majority population. In Romania, among adults aged between 25 and 65, 35% of migrants have only lower secondary education compared with 25% of the native population⁶⁶. Second generation migrants were less likely to take part in lifelong learning trainings as compared to natives (3%)⁶⁷.

⁶⁰ Ibid, p. 32;

⁶¹ Ibid, p. 34;

⁶² Ibid, p. 36;

⁶³ The European Roma Rights Centre, The impact of legislation and policies on school segregation of Roma children- a study of anti-discrimination law and government measures to eliminate segregation in education in Bulgaria, Czech Republic, Hungary, Romania and Slovakia (2010), p. 18,

<http://www.errc.org/cms/upload/media/02/36/m00000236.pdf>, accessed 19 August 2012;

⁶⁴ Data were provided by the County School Inspectorates in 2012;

⁶⁵ The National Council for Combating Discrimination, E-news (2011),

http://www.cncd.org.ro/files/file/CNCD%20E-news%20nr_2.pdf, accessed 20 August 2012;

⁶⁶ The European Commission, Progress towards the common european objectives in education and training- indicators and bechmarks 2010/2011 (2011), p. 116, http://ec.europa.eu/education/lifelong-learning-policy/doc/report10/report_en.pdf, accessed 20 August 2012;

⁶⁷ Ibid, p. 124;

Young people with a migrant background are generally at greater risk of leaving school without having obtained an upper secondary qualification. There are possible differences in the migrant population, such as country of origin, socio-economic factors and the educational and linguistic backgrounds of the students. Nevertheless, even after accounting for socio-economic background and for the language spoken at home, there is still a considerable achievement gap between native and migrant students. The report of the European Commission showed that in 2009, in Romania 32% of migrants had dropped out of school as compared to 28% of Romanians⁶⁸.

One particularly stark example of marginalization is the experience of the Roma community. Assessing the full extent of the deprivation faced by Roma children in education is difficult. It is estimated that 30% of Roma children in Romania do not continue beyond fourth grade (students aged 10 years old). Education policies and practices have the effect of creating segregation. The school dropout rate in Romania is higher than the EU average (18.4% in 2010). The main cause of early school leaving is poverty and its incidence is significantly higher in rural areas, where the barriers to access to upper secondary education are biggest. Poverty levels are also disproportionately high among the Roma⁶⁹.

In 2012, while more than 70% of all children aged 3-6 were in preschool in Romania, the majority of Roma children were not. 37% of Roma children aged 3-6 are in preschool⁷⁰. The ethnic composition of children in preschools attended by Roma provides a mixed picture with high levels of segregation. A high proportion of Roma children attend all-Roma kindergartens (46%). Thus there is a high degree of segregation in early education⁷¹.

Education levels among Roma aged 25 to 64 years old remain extremely low: in Romania, 12% of Roma men attended a school as compared to 6% of Roma women⁷².

Debates

In 2010, The National Council for Combating Discrimination in partnership with “Petre Andrei” University from Iasi, organised an information campaign in high schools around Iasi city about social policies to prevent and combat discrimination. The debated issues were related to discrimination against Roma, discrimination based on religion or sexual orientation and against persons with disabilities⁷³.

⁶⁸ Ibid, p. 119;

⁶⁹ The European Commission, Analysis of the implementation of the strategic framework for European cooperation in education and training - country analysis (June 2011), p.124, http://ec.europa.eu/education/lifelong-learning-policy/doc/joint11/wp2_en.pdf, accessed 20 August 2012

⁷⁰ The World Bank, Toward an equal start: closing the early learning gap for Roma children in Eastern Europe (2012), p.7, http://siteresources.worldbank.org/EXTROMA/Resources/RomaECD_FinalReport.pdf, accessed 21 August 2012;

⁷¹ Ibid, p.29;

⁷² Ibid, p.16;

⁷³ The National Council for Combating Discrimination, The Annual Report (2010), p. 40,

During 2010 to 2011, Policy Center for Roma and Minorities in partnership with NCCD, ARDOR, The Community Development Agency - "Impreuna", the Ministry of Education, Research, Youth and Sport organised debates in schools, on national level, about how social, ethnic, economic, health and gender differences can be barriers to respect for diversity⁷⁴.

http://www.cncd.org.ro/files/file/RAPORT%202010_web1.pdf, accessed 19 August 2012;

⁷⁴ Ibid, p. 41;

6.3 Racism and related discrimination in housing

The main form of tenure in Romania is owner occupancy. Private owner occupancy accounts for 98.2% (97.5% in urban areas and 99.1% in rural areas) of houses, while state owner occupancy represents 1.5% (2.1% in urban areas and 0.7% in rural areas)⁷⁵. The social housing market is not very developed. The most important initiative in recent years was to build houses for young people and to facilitate their access using advantageous mortgage arrangements with private banks. Access for vulnerable groups to social housing is still very limited, due to low construction rates. This small number of social houses can be explained by the fact that, after 1990, the state stopped building social housing while local authorities prefer to invest more in infrastructure than in new buildings.⁷⁶

One of the main problems in Romania relating to living conditions remains access to utilities. Only 66.7% of houses are supplied with water (91.6% in urban areas and 37.2% in rural areas), 65.1% have access to sewage systems and 44.4% to central heating systems. 84.6% have a kitchen inside the house and 61.9% have bathrooms inside the house.⁷⁷

Homelessness is a problem in Romania, but it is not very visible and is under-documented. A study from 1996 indicated that there was a need for over 1 million houses⁷⁸.

The group which encounters the most discrimination in terms of living conditions is the Roma. There is a huge gap between the living conditions of Roma and living conditions of the majority population. Segregation, forced evictions and insecurity of tenure are still major problems which the Roma encounter.

Short description of living conditions of Roma in Romania

Approximately 45% of the Roma in Romania lack at least one of the four basic facilities: indoor kitchen, indoor toilet, indoor shower or bathroom, electricity.⁷⁹ According to another study, 70% of Roma in urban areas are not connected to drinking water, sewage or gas.⁸⁰ 13% of Roma lack electricity compared to 2% the national average.

⁷⁵ The National Institute of Statistics, The Population and Housing Census from 2011, http://www.insse.ro/cms/files/statistici/comunicate/alte/2012/RPL_rezultate%20preliminare.pdf, accessed 20 September 2012;

⁷⁶ The Presidential Administration – Commission for Social and Demographic Risks, Risks and social inequalities in Romania (2009), http://www.presidency.ro/static/CPARSDR_raport_extins.pdf, accessed 20 September 2012;

⁷⁷ Ibid;

⁷⁸ Ibid

⁷⁹ The European Union Agency For Fundamental Rights, The Roma situation in 11 countries from EU, http://fra.europa.eu/fraWebsite/attachments/FRA-Factsheet_ROMA-RO.pdf, accessed 20 September 2012;

⁸⁰ Soros Foundation - Romania, Barometrul Incluziunii Sociale (2006);

A 2011 study revealed that only 6% live in a house rented by the state and 5% live in a house without paying any rent. The low number of Roma with mortgages is a reflection of their low economic status.⁸¹ 23% of Roma share a room with at least two other persons. 30% of the Roma admitted that their house was built from poor quality building materials⁸². Most of the Roma live on the outskirts of cities (83%). Only 40% own their house, while 30% have no documentation of their tenancy.⁸³ This situation facilitates a number of abuses related to housing (forced evictions, demolitions, etc)

Discrimination in housing

The most frequent cases of discrimination are related to:

Segregation

Segregation is not enforced through governmental programmes but through local authorities' initiatives. One striking example involved the building of a wall around the Roma community. In July 2011 the Mayor of Baia Mare decided to build this wall⁸⁴, despite the protests of the residents and human rights NGOs. He argued that this was a measure to protect the Roma community from car accidents. The wall is 2 meters high and 100 meters long. The non-Roma community was generally pleased by the construction of the wall. Some even said it should have been much higher.

Security of tenure

Many of the Roma do not possess documents indicating ownership or tenancy of their land or house. The local authorities very often ignore this issue and allow these communities to develop illegally. They then evict the entire community, forcing people to move to the address specified in their IDs, usually in surrounding villages.

Forced evictions are never admitted by local authorities, even after considerable time has passed. The case of Cluj municipality is relevant. In a public statement released one year after the event (December 2011), Amnesty International expressed its concern that "the local authorities continue to deny that the forced eviction and the relocation of the families from Coastei Street to Pata Rât constituted a human rights violation and they continue to ignore the impact and the consequences that the forced eviction continues to have on the lives of the individuals and families affected"⁸⁵. The

⁸¹ Soros Foundation – Romania, The Roma – between inclusion and migration (2011);

⁸² Ibid;

⁸³ Daniela Tarnovschi, Sorin Cace, Ana Maria Preoteasa, Cristina Tomescu, Simona Stanescu (coord.), The Research Institute for Quality of Life, 2010, Legal and Equal on Labour Market for Roma Communities - Diagnosis of the Influencing Factors on the Employment of Roma Population in Romania (Soros Foundation Romania, Bucharest, 2010) ;

⁸⁴ Antena 3, 21 July 2012, <http://www.antena3.ro/romania/marele-zid-tiganesc-s-a-finalizat-constructia-desparte-romii-de-restul-baimarenilor-131369.html>, accessed 21 September 2012;

⁸⁵ Amnesty International, 16 December 2011,

eviction of 376 people in December 2010 drew the attention of the Danish EU Presidency and other national and international organisations. In November 2011 the National Council for Combating Discrimination recognised this eviction as a clear case of discrimination and imposed a fine of less than €2000 on local authorities.

Evictions take place even if no alternative housing is provided. One TV station reported the story of six Roma families who illegally occupied a house in Cluj⁸⁶. Eviction took place with some small incidents and the inhabitants ended up at the Police station, instead of being provided with alternative housing as required by international human rights protections.

On a positive note, on 19th September 2011 the Cluj Napoca Court rejected the request of the Romanian Rail Company (CFR) to demolish the houses of 450 persons on the outskirts of Cluj Napoca city⁸⁷.

It appears that the Muslim community do not encounter any particular difficulties in accessing housing.

For those who do encounter difficulties, ARCA (Romanian Forum for Refugees and Migrants) has produced a leaflet⁸⁸ describing housing rights according to Romanian legislation and explaining the assistance that migrants can obtain from this organisation. This includes social and legal counselling and information, as well as some limited financial assistance for paying rent. This last measure has also been adopted by other NGOs dealing with refugees, but only for limited periods of time. Another initiative was developed by Jesuit Refugees Service Romania which has a “Social Dormitory” for 16 persons. However this cannot meet demand as there are no other housing options for refugees in a difficult situation⁸⁹.

<http://www.amnesty.org/en/library/asset/EUR39/013/2011/en/a05fa46a-975e-44b7-afb9-62b5bcdf7968/eur390132011en.html>, accessed 21 September 2012;

⁸⁶ Reporter, 16 October 2011, <http://www.reporterntv.ro/stire/sase-familii-de-romi-au-fost-evacuate-dintr-o-casa-pe-care-o-ocupau-abuziv-in-cluj>, accessed 21 September 2012;

⁸⁷ Succed Together (2011), http://www.sectorulcultural.info/gloc/?page_id=509

⁸⁸ http://www.arca.org.ro/resurse/documentatii/Pliant_locuire_ARCA.pdf, accessed 22 September 2012;

⁸⁹ The Jesuit Refugee Service – Romania, We belong here (2011), http://www.jrsromania.org/index.php?option=com_content&view=article&id=70&Itemid=78, accessed 22 September 2012;

6.4 Racism and related discrimination in health

The UN Committee on Economic, Social and Cultural Rights considers the right to health to comprise four elements: availability, accessibility, acceptability and quality.⁹⁰ In the light of these criteria, the Roma and disabled are the most vulnerable groups in Romania.

Previous reports concluded that availability of medical services is not a problem in itself as the infrastructure is generally adequate.⁹¹ It is rather the accessibility, acceptability and quality elements which are flawed, especially when it comes to Roma. Accessibility, as defined by the previously mentioned body, refers to non-discrimination, physical accessibility, economical accessibility and accessibility of information. The authorities fail in all four aspects, particularly as concerns the Roma community.

Documented cases of direct discrimination against the Roma population have been reported by Romanian NGOs. These have included segregation of Roma patients in maternity wards,⁹² family doctors' refusal to register patients of Roma origin, failure to consult the patient regarding treatment and inappropriate treatment of Roma patients⁹³. 20% of respondents interviewed in an EU-MIDIS report highlighted the issue of discrimination in healthcare.⁹⁴ According to another report based on the year 2010, 27% of Roma respondents felt they had encountered discrimination when accessing healthcare.⁹⁵

It has been alleged that a hospital which specialises in paediatrics isolates Roma children from non-Roma children. The case has been documented and reported by Romani- CRISS NGO.

According to a study, physical accessibility to healthcare centres in itself is not generally an obstacle,⁹⁶ but there are nonetheless associated costs and aspects which might prevent Roma from accessing healthcare services- cost of transportation to healthcare centres, informal payment to the doctors, and lack of health insurance needed to secure access to basic medical services. A recent study shows that the main reason for not being registered with a family

⁹⁰ World Health Organization, Fact Sheet. The Right to Health, http://www.who.int/hhr/Right_to_health-factsheet.pdf, accessed 20 August 2012;

⁹¹ Wamsiedel, Marius et al., *Sanatate si comunitatea Roma: Analiza asupra situatiei din Romania* (Bucharest, 2009);

⁹² Romani Criss, ACRR, *Shadow Report for the Committee on the Elimination of Racial Discrimination. On the Occasion of Report of Romania* (Bucharest, 2010);

⁹³ Wamsiedel, Marius in *Sănătatea romilor. Perspectiva actorilor implicați în sistemul sanitar-medici, mediatore, pacienți* (Bucharest, 2011);

⁹⁴ The European Union Agency for Fundamental Rights, *EU-MIDIS European Union Minorities and Discrimination Survey. Main Results Report* (2009, pg 163);

⁹⁵ Ghiță Eugenia, Negraru Alina, *Stereotipuri, prejudecăți și discriminare etnică: Perspectiva romilor- studiu realizat de TOTEM Communication pentru Romani CRISS* (Bucharest, 2011), <http://www.romanicriss.org/PDF/Stereotipuri,%20prejudecati%20-%20perspectiva%20romilor%20cercetare%202011.pdf>, accessed 20 August 2012;

⁹⁶ Wamsiedel, Marius et al., *Sanatate si comunitatea Roma: Analiza asupra situatiei din Romania*, (Bucharest, 2009);

doctor is lack of health insurance and, the second reason is low income (percentages vary across counties but these two reasons dominate).⁹⁷ When asked if they had any form of medical insurance, around 50% of the surveyed Roma, aged 18 and above answered they did, compared to 81% in the case of the non- Roma.⁹⁸

Regarding economic accessibility, the Roma remain the group with the highest proportion of individuals living in poverty. This situation has deteriorated since the economic crisis. A qualitative study carried out over a period of two years (2009-2010)⁹⁹, has shown that the economic crisis had a deeply negative effect on people's lives. One Roma casual labourer described the crisis as follows: 'the crisis is very deep, we see it in the garbage pit; the garbage is less and of much worse quality'.¹⁰⁰ Those who were already poor have borne the brunt of much of the government austerity measures. The Roma made up a large proportion of those who lived in poverty before the economic crisis. The austerity measures also affected the health care system, with almost 70 hospitals being closed by April 2012.¹⁰¹

When it comes to healthcare, access to information includes knowing one's rights and being informed about available treatments and medical procedures as well as understanding what one's options are. In many cases, Roma are not consulted by their doctors when being treated.¹⁰²

Documented direct discrimination (medical staff's attitude towards the Roma, unwillingness to treat, consult or register Roma, discriminatory attitudes and behaviour towards them, segregation of Roma patients in maternity wards,), structural factors (low- income, lack of social security documents) and personal behaviour and attitudes towards health (the idea that health is the lack of a serious illness, lack of information, eating habits, use of traditional treatments or self-administration of drugs) make Roma the most vulnerable group in terms of exclusion from adequate healthcare. Poor health of Roma¹⁰³ is linked to the social determinants of health. The poor living conditions of the Roma, their vulnerability to forced evictions, overcrowding and lack of access to proper sanitation and safe water - render them vulnerable to infectious

⁹⁷ Paunescu, Bogdan, Accesul romilor la serviciile de sanatate publica. Raport final (Bucharest, 2010, p. 39);

⁹⁸ The European Union Agency for Fundamental Rights, The Situation of Roma in 11 EU Member States. Survey results at a glance (2012), p. 20;

⁹⁹ Stănculescu, Sofia Manuela, Marin Monica, Impacts of the international economic crisis in Romania 2009-2010. A panel study based on qualitative measures (2011), http://www.unicef.org/romania/Impacts_of_the_international_crisis.pdf, accessed 25 August 2012;

¹⁰⁰ Ibid, p.39;

¹⁰¹ Amnesty International, The State of the World's Human Rights Report (2012);

¹⁰² Wamsiedel, Marius et al., Sanatate si comunitatea Roma: Analiza asupra situatiei din Romania (Bucharest, 2009);

¹⁰³ Roma are significantly more likely to report at least one chronic condition and to feel threatened by illness than the majority population" - Masseria Cristina, Mladovsky Philipa, Hernandez Quevedo Cristina, The Socio-Economic Determinants of the health status of Roma in comparison with non-Roma in Bulgaria, Hungary and Romania In European Journal of Public Health, Vol. 20, No. 5, (2010), 549- 554;

diseases¹⁰⁴. The Roma often delay seeking medical help unless their condition deteriorates or use traditional healing methods.

Almost 45% of the Roma aged 35 to 54 admit they have health problems that limit their daily activities, in comparison to 22% of the non-Roma population¹⁰⁵.

Research carried out by the Association for Development and Social Inclusion in March-April 2011, revealed interesting results; on a social preferences scale, Roma were the least preferred group - even among undergraduate student from the first and second year of studies at the University of Medicine¹⁰⁶.

Refugees who have some form of legal protection and non-Romanian nationals who have legal residence in Romania are entitled to medical care under the same conditions as Romanian citizens. In order to benefit from medical care they must pay a monthly contribution.

Asylum-seekers have free access to medical care within the Romanian Office for Immigration (ROI) centres. ROI is, amongst others, responsible for healthcare related issues.

Undocumented migrants are in a difficult situation and are exposed to health risks, as they face considerable barriers in accessing health services. There is no specific legislation regarding access to health services for undocumented migrants. Regulations restrict access to healthcare for those who have some form of protection, even though the right to healthcare is one of the basic human rights recognised by a number of various international instruments.¹⁰⁷

Undocumented migrants may receive healthcare and medication if they are held in detention centres (Situating in Bucharest and Arad).

Facilitating factors or protective measures to combat health inequalities

A number of projects have been initiated or completed in the last year, aimed at promoting equality of Roma, with a focus on health inequalities.

Health and Non-Discrimination is a project financed by the Open Society Institute through the Roma Health Project. The main result of the project was the introduction of a course on prevention of discrimination and intolerance

¹⁰⁴ Vlădescu, Cristian, Scînteie Gabriela, Olsavsky Victor, Romania, Health System Review In Health Systems in Transition, Vol. 10 No. 3, (2008);

¹⁰⁵ The European Union Agency for Fundamental Rights, The Situation of Roma in 11 EU Member States. Survey results at a glance (2012);

¹⁰⁶ Asociația pentru Dezvoltare și Incluziune Socială, Sănătate și nediscriminare. Raport de cercetare. Cunoștințe, experiențe și atitudini față de fenomenul discriminării în rândul studenților de la Universitatea de Medicină și Farmacie “Gr.T.Popa” Iași (2011);

¹⁰⁷ Cuadra Bjorngren Carin, Policies on Health Care for Undocumented Migrants in EU27. Country Report. Romania (2011),

<http://dSPACE.mah.se/dSPACE/bitstream/handle/2043/11137/Romania.pdf;jsessionid=8E9263E6D81B211F9A0C800E63F3B39E?sequence=2>, accessed 25 August 2012;

towards vulnerable groups, with focus on the Roma minority in the curriculum of the Health University in Iași.

Another good practice is the campaign “Profesioniști Romi în domeniul medical” (‘Roma professionals in the health care system’) which offers scholarships for 500 young Roma who wish to pursue a medical career. The project has two main components, mentorship- for those who are already enrolled in medical universities and guardianship- for those who wish to develop a career in the medical field. In the medium and long term, it is hoped the above mentioned projects might lead towards a decrease in the level of discrimination against Roma people with regards to health.

In 2011 the Government endorsed the National Strategy for the Inclusion of Romanian Citizens belonging to the Roma minority for the period 2012-2020, with four key priority areas: education, employment, health and housing.

6.5 Racism and related discrimination in access to goods and services

Manifestations of racism and related discrimination with access to goods and services in the public and private sector

A 2010 report on discrimination in Romania has concluded once again that the Roma most frequently victims of prejudice and discrimination in everyday life. More than 25% of Roma surveyed aged 18 and above experienced discrimination based on their ethnic origin in the last 12 months¹⁰⁸. Nonetheless, the EU-MIDIS 2011 Report characterises Romania and Bulgaria as having low discrimination rates against Roma, at least in comparison with other European countries.¹⁰⁹ A minority ethnic background is believed to be a barrier to workplace advancement by 38% of those interviewed. 65% of the Roma surveyed could not recall an incident of discrimination from the past five years in the nine domains of the EU-MIDIS report surveys.¹¹⁰ Muslims have not (yet) been included in similar research in Romania.

In a recent study, based on data collected during April and May 2010, a third of the respondents (33%) reported that they had encountered discrimination on the part of the police¹¹¹ or when trying to find a job as well as at the city hall. One in five people encountered discrimination within the legal system and 19% when trying to obtain a financial credit.

In April 2011, NCCD issued a decision in a case of ethnic discrimination and prevention of access to medical treatment. The owners of a pharmacy did not want to serve a Roma customer, based on his ethnicity.¹¹² The decision of the NCCD was to give a defendant a warning.

The Working Group of Civic Organisations notified the NCCD of the case of Roma communities in Cluj-Napoca which were marginalised and isolated in the outskirts of the city, close to a chemical plant. These communities are denied access to basic utilities and the health of their members is endangered by the location of the settlement. The local authorities chose to relocate the Roma. NCCD sanctioned the local authority of Cluj Napoca¹¹³.

Access by the Roma community to everyday goods and services is reduced both because of discrimination and as a result of other factors such as

¹⁰⁸ The European Union Agency for Fundamental Rights, The Situation of Roma in 11 EU Member States. Survey results at a glance (2012);

¹⁰⁹ The European Union Agency for Fundamental Rights, EU-MIDIS European Union Minorities and Discrimination Survey. Main Results Report (2009), p.155;

¹¹⁰ Ibid, p.160;

¹¹¹ Ibid, p.17;

¹¹² The National Council for Combating Discrimination, Decision no 166/ 18.04.2012, http://www.cncd.org.ro/files/file/Hotararea%20CNCD%20166_2011.pdf, accessed 30 August 2012;

¹¹³ The National Council for Combating Discrimination, e-News, No. 4, Year II (Nov 2011- Jan 2012), http://www.cncd.org.ro/files/file/E-news%20CNCD%20nr_%204.pdf, accessed 30 August 2012;

illiteracy (25% of the population 16 and above), low level of education- 39.2% of those employed and unemployed hold no qualifications and 77.3% have a low qualification level. Salary- based employment within Roma population of age 16 and above only reached 8.5% in 2010, compared to 23.4% in 1992. More than 60% have encountered discrimination when looking for a job. There is a wide gap between the incomes levels of the Roma compared to the non-Roma.¹¹⁴

Disabled people are, along with Roma and LGBTs, one of the most vulnerable groups to discrimination in Romania¹¹⁵. Earlier in 2012, one of the Romanian athletes who represented Romania in the 2012 Paralympics in London was humiliated in a cinema in Cluj-Napoca, as he could not access the cinema. He had to use the elevator which was meant for goods.¹¹⁶

The latest report from NCCD is from 2010, during which the National Council against Discrimination registered 213 complaints regarding denial of access to public services, 16 complaints concerning denial of access in public places. Out of the 463 resolved complaints addressed to the NCCD, 68 were found to have constituted discrimination. Of these, 24% referred to access to public services, 3% access to public places, 4% access to education, 29% access to employment and 38% access to housing¹¹⁷.

In the case of immigrants, the conditions in detention centres led to protests in front of the Office for Immigration in March 2012. A press release by the organisers of the protest describes the conditions in which immigrants are forced to stay: 'We are treated worse than animals. Policemen in the centres beat us. It happens often. This Tuesday, on March the 2nd, two policemen wanted to use tear gas against a person for reasons unknown to us. They took the person downstairs, in the isolated cell, to beat him. We could hear the screams from our cells.'¹¹⁸

The conditions described in the press release reveal a huge gap between reality and the legal provisions, namely that migrants have the right to judicial, medical and social assistance, as well as freedom to express one's religious, philosophical and cultural identity.

¹¹⁴ Griurca Daniela (coord), Roma Inclusion in Romania. Policies, Institutions and Examples (Soros Foundation Romania, 2012);

¹¹⁵ The National Council for Combating Discrimination, Raport de cercetare. Percepții și atitudini privind discriminarea în România, http://www.cncd.org.ro/files/file/Raport%20de%20cercetare%20CNCD_Discriminare.pdf, accessed 30 August 2012;

¹¹⁶ Mediafax, January 5th 2012, <http://www.mediafax.ro/sport/reprezentant-al-romaniei-la-jocurile-paralimpice-umilit-la-un-cinematograf-din-cluj-9127855>, accessed 30 August 2012;

¹¹⁷ The National Council for Combating Discrimination, Annual Report (2010), http://www.cncd.org.ro/files/file/RAPORT%202010_web1.pdf, accessed 30 August 2012;

¹¹⁸ National Trade Union, Immigrant in Romania, press release, available online at: http://imigrantinromania.ro/wps/portal/Home/Stiri!/ut/p/b1/04_Sj9CPykssy0xPLMnMz0vMAfGjzOLdJFwC3b3dDQ38DcPMDTxDnU2DDV38DAwsTIEKloEKTpxCjY1C3UKDA_2MXA08gdKWQYGHbIauZsTpN8ABHA0I6Q8uYo8P8tcP148Cq8TnELACPD5eeTnpuoX5IZGVHjqOglAmqU6hw!!/pw/Z7_F2DQKGK100O8F0IUMC4MSI2040/ren/p=CTX=%250imigranti_ro%250imigranti%250stiri%250suntem%20tratati%20mai%20rau%20ca%20animalele/-/, accessed 30 August 2012;

As well as the above mentioned problems, immigrants in detention centres have little access to official translators.¹¹⁹ It is recommended that activists and journalists be encouraged to visit the centres in order to increase transparency and ensure that human rights are protected.

With regards to discrimination against the Roma, existing legislation sanctions all forms of discrimination but a number of structural factors indirectly discriminate against vulnerable groups. In addition, hate speech and discriminatory comments targeting the Roma are common even among high level officials. Discriminatory practices are rarely recognised by the majority population, many of whom believe that the Roma do not experience discrimination in Romania, or elsewhere.

Facilitating factors or protective measures to promote equality in accessing goods and services

In December 2011, the Ministry of Labour, Family and Social Welfare initiated discussions on a draft law for Social Economy. The law is expected to come into force in the autumn of 2012. With regard to the Roma population, social economy enterprises may help develop Roma communities, offering measures for labour market activation. It is hoped that this might increase the employment rate of the Roma people but it is important that further measures be taken such as education initiatives and professional training, etc.¹²⁰

¹¹⁹ Rogozanu, Costi, March 21st, in Voxpublica, <http://voxpublica.realitatea.net/politica-societate/suntem-tratati-mai-rau-ca-animalele-protest-solidaritate-cu-migrantii-la-oficiul-pentru-imigrari-76190.html>, accessed 30 August 2012;

¹²⁰ CADI, UNDP Romania, ACRR, Department for Interethnic Relations, Social Economy and Roma Communities. Challenges and opportunities (2012), http://www.undp.ro/libraries/projects/Social_Economy_and_Roma_Communities_Challenges_and_Opportunities.pdf, accessed 01 September 2012;

6.6 Racism and related discrimination in political participation

Key issues

Given that civic involvement has decreased considerably¹²¹ in the last twenty years, political participation is a very sensitive issue in Romanian society. Low voting turnouts¹²², lack of trust in the main democratic institutions, electoral corruption and lack of involvement in the political structures are symptoms of a profound disillusionment with civil society. The representation of minority groups varies considerably. While the Hungarian minority has engaged in political coalitions that allow them to promote policies favourable for their rights in Romania, the Roma continue to be under-represented. The Turkish or Tartar minority have representatives in the Romanian Parliament but they are neither visible nor influential in the decision making process. Only the Hungarian minority holds any real political sway as an interest group.

Political participation in Romania is deeply undermined by electoral corruption. Poor people and members of marginal communities are highly vulnerable to electoral fraud¹²³. The Roma stand out as the community most commonly exposed to this practice.

Various studies reveal a worrying trend in civic involvement and political participation among young people. A study in 2010 shows that the degree of trust among young people in institutions such as the Parliament or the Government is practically non-existent compared to the level of trust towards the Romanian Orthodox Church.¹²⁴ With regards to attitudes towards different minorities, the study reveals a high degree of intolerance towards the Roma and Muslims. 68% of the young people interviewed reject the idea of having Roma neighbours and 42% express a similar attitude towards Muslims.¹²⁵ Such attitudes of young people reflect an increasing trend towards xenophobia in Romania especially when we compare the data to the adults' perspective on the same issue – only 46% of adults rejected Roma and 23% do not accept the idea of having a Muslim neighbour¹²⁶. Other minorities are also rejected including Hungarians (35% of the young people) and the Jewish (34%).

¹²¹ The main reasons are political disillusionment and lack of trust of the citizens in the main democratic institutions (Parliament, president), lack of authentic representation of citizens, high level corruption and the perceived inability of politicians to keep the electoral promises.

¹²² Alexandru, Violeta; Moraru, Adrian, and Ercuş, Loredana, *Declinul participării la vot în România. Doar jumătate din participanții la vot din '90 mai sunt astăzi interesați să voteze.* (Bucharest: Institutul pentru Politici Publice, 2009);

¹²³ Electoral fraud in Romania manifests through illegal transaction of votes (people in poor communities sell their votes in favor of one candidate/party for a small amount of money or for particular products such as food or clothing items).

¹²⁴ Bădescu, Gabriel; Comșa, Mircea; Gheorghită, Andrei; Stănuș, Cristina, and Tufiş, Claudiu D, *Implicarea civică și politica a tinerilor* (Constanța: Editura Dobrogea, 2010), p. 28. Degree of trust in Parliament – 9% as compared to the degree of trust in the Romanian Orthodox Church – 82%.

¹²⁵ Ibid, p. 16.

¹²⁶ Ibid;

In terms of electoral behaviour, a study¹²⁷ of the Soros Foundation Romania shows that 81% of Romanians disagree with political counselling from priests on electoral choices in spite of a high degree of trust in the Orthodox Church.

Voting rights

According to the Romanian Constitution,¹²⁸ all citizens over the age of 18 have the right to vote. Several legislative changes in electoral law have formally extended political rights to the representatives of minorities. Until 2011, the final results of the presidential elections could not be contested by anyone other than the candidates themselves and the political parties. The Law number 98 of the 15 June 2011 for the approval of the Government Emergency Ordinance 95/2009 regarding the amendment of the Law number 370/2004 for the election of the President of Romania¹²⁹ allows the organisations of citizens from national minorities represented in the Council of National Minorities to submit a contestation of the results. These changes must be understood and analysed with caution as such rights can be manoeuvred by political coalitions whose majority depends on the involvement of minorities' parties.

Law number 129 from 23 June 2011 regarding the amendment of Law number 67/2004 for the election of the authorities of the local public administration¹³⁰ introduced a change regarding the electoral system. According to the reform, the mayor shall be elected according to the largest number of votes in the first round. NGOs¹³¹ expressed concern regarding the changes of the election system at local level, underlining the risk of inducing 'a tyranny of the majority', undermining the political participation and civic rights of minority groups.

Citizenship

The criteria necessary to gain Romanian citizenship are specified in the Romanian Citizenship Law.¹³² In order to become Romanian citizen, one should have resided for at least 8 years in Romania or to have been married

¹²⁷ Soros Foundation – Romania, Religious Politics (1-21 June 2011), http://soros.ro/ro/program_articol.php?articol=305, accessed 16 June 2012;

¹²⁸ Romanian Constitution - Article no. 36, <http://www.cdep.ro/pls/dic/site.page?id=339>, accessed 25 July 2012;

¹²⁹ The Law no. 98/2011, http://www.dreptonline.ro/legislatie/legea_98_2011_aprobare_oug_95_2009_alegerea_prese_dintelui_romaniei.php, accessed 16 June 2012;

¹³⁰ The Law no.129/2011, <http://www.lex.ro/Legea-129-2011-113423.aspx>, accessed 16 June 2012;

¹³¹ Center for Legal Resources, Apel pentru menținerea unui sistem electoral competitiv pentru alegerea primarilor și pentru asigurarea celei mai mari reprezentativități pentru întreaga comunitate locală (2011) <http://www.crj.ro/Noutati/Apel-pentru-mentinerea-unui-sistem-electoral-competitiv-pentru-alegerea-primarilor-si-pentru-asigurarea-celei-mai-mari-reprezentativitati-pentru-intreaga-comunitate-locala/>, accessed 16 June 2012;

¹³² Law of Romanian Citizenship no. 21/1991 republished (2010), [Monitorul Oficial, Partea I nr. 576 from 13 August 2010, http://www.dreptonline.ro/legislatie/legea_cetateniei_romane.php](http://www.dreptonline.ro/legislatie/legea_cetateniei_romane.php), accessed 17 June 2012;

to a Romanian citizen for at least 5 years.¹³³ For those holding refugee status, the time requirement may be reduced to four years. A special provision regarding the re-naturalization of people who formerly held Romanian citizenship led to an increased number of applications from Republic of Moldova. The effect of facilitating citizenship acquisition particularly to Moldovans is also analysed in a Eurostat document: "In absolute terms, the highest increases, after the UK, were observed in Italy (+6 000) and Romania (+4 000). In some cases (like Luxembourg and Romania) these increases are due to recent substantial reforms of the nationality laws, which had the effect of boosting the number of applications."¹³⁴

Double citizenship is legally acceptable in Romania but it may be an impediment for refugees who seek the protection of the Romanian state. The law provides that the Romanian state may not grant the status of refugee to a person with double citizenship unless there is a strong reason why the country of which he is a citizen has failed to protect him.¹³⁵

A national strategy regarding immigration¹³⁶ and a corresponding action plan¹³⁷ were issued in 2011. One of the priorities was to facilitate the legal migration of citizens from specific areas such as the Eastern border of the EU and Black Sea area.

Political representation and activism

According to Article 62, paragraph 2 of the Romanian Constitution¹³⁸, the national minorities that fail to secure votes above the legal threshold for election nonetheless have the right to a place in the Chamber of Deputies according to electoral law. The Constitution provides that each national minority can be represented by one organisation only, a fact that raises various issues regarding democratic representation. In terms of affirmative measures, the national minorities (defined as any ethnic group represented in the Council of National Minorities¹³⁹) are granted a deputy mandate provided

¹³³ Ibid;

¹³⁴ Fabio Sartori, Population and Social Conditions in European Commission, Eurostat, Statistics in focus (2011), p.2, http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-SF-11-024/EN/KS-SF-11-024-EN.PDF, accessed 16 July 2012;

¹³⁵ Law no.15/1996, article 4, http://www.cdep.ro/pls/legis/legis_pck.http_act_text?id=4955, accessed 24 July 2012;

¹³⁶ Romanian Government, Decision no. 498/2011 for the approval of the National Strategy on immigration for the period 2011-2014, published in the Official Journal no 391 from 3 June 2011, enforcement date 3 June 2011, <http://ori.mai.gov.ro/api/media/userfiles/HOTARARE%20nr.pdf>, accessed 17 July 2012;

¹³⁷ Romanian Government, Decision no. 604/2011 regarding the approval of The Action Plan for 2011 for the implementation of the National Strategy on immigration for the period 2011-2014, approved by Government Decision no 498/2011, published in the Official Journal no 501 from 14 July 2011, enforcement date 14 July 2011, [http://ori.mai.gov.ro/api/media/userfiles/HOTARARE%20n1\(2\).pdf](http://ori.mai.gov.ro/api/media/userfiles/HOTARARE%20n1(2).pdf), accessed 17 July 2012;

¹³⁸ The Romanian Constitution, <http://www.cdep.ro/pls/dic/site.page?id=339>, accessed 25 July 2012;

¹³⁹ Law no. 35/2008 for the election of the Chamber of Deputies and Senate and for the modification and completion of Law no 67/2004 for the election of the authorities of the local public administration, of Law of local public administration no 215/2001 and of Law no

that the candidate secured at least 10% of the national average of votes necessary for the election of a deputy¹⁴⁰. The national minorities have also the right to delegate a common representative of the parliamentary group of national minorities in the Chamber of Deputies in the Central Electoral Bureau¹⁴¹.

The Council of National Minorities¹⁴² is a consultative body of the Government under the umbrella of the Interethnic Relations Department. Its formal role is to provide active support for the inter-cultural activity of national minorities and to foster cultural dialogue between the 19 represented minorities¹⁴³ and the governmental structures. Though no legal personality is granted to this structure, the Council holds plenary meetings four times a year, bringing together three members from each national minority represented in the Romanian Parliament. Practically, this institutional mechanism has no real political impact and 'it was severely criticized by scholars as a façade construct meant in reality to ensure political support to the governing party'¹⁴⁴. Furthermore, its representation dimension was dismissed in favour of a more pragmatic understanding of the mechanism – as a hub for financial support for the national minorities in this structure.¹⁴⁵

The legislative proposal regarding the Status of National Minorities¹⁴⁶ has been under discussion in the Parliament since 2005. 'Consequently, persons belonging to national minorities find it difficult to set up organisations of national minorities and to benefit from particular provisions in the electoral legislation which establish favourable conditions for organisations of national minorities currently represented in the Council of National Minorities'¹⁴⁷.

The Muslims are the only religious entity in Romania that receives "without exception partial public subvention of the clerical and non-clerical staff"¹⁴⁸. The Mufti declared in this report that the Muslim community in Romania 'is

393/2004 regarding the Statute of local elected representatives, <http://www.senat.ro/Start.aspx>, accessed 25 July 2012;

¹⁴⁰ Ibid, article 9, paragraph (1) ;

¹⁴¹ Ibid, article 14, paragraph (1) ;

¹⁴² The Council of National Minorities, http://www.dri.gov.ro/index.html?page=council_minorities, accessed 29 June 2012;

¹⁴³ Albanians, Armenians, Bulgarians, Croatians, Greeks, Jews, Germans, Italians, Hungarians, Poles, Roma, Lippovan Russians, Serbs, Slovaks and Czechs, Turkish Muslims Tartars, Turks, Ukrainians, Macedonians and Ruthenians.

¹⁴⁴ Alina Alexandra Bot, National Minorities in Romania: Governmental Approach in LESIJ, no. XVI, Vol. 2 (2009), p. 432;

¹⁴⁵ Ibid;

¹⁴⁶ The Status of National Minorities, http://www.cdep.ro/pls/proiecte/upl_pck.proiect?cam=2&idp=6778, accessed 29 July 2012;

¹⁴⁷ Advisory Committee on the Framework Convention for the Protection of National Minorities, Third Opinion on Romania (21 March 2012), Council of Europe, ACFC/OP/III(2012)001, http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_3rd_OP_Romania_en.pdf, accessed 29 July 2012;

¹⁴⁸ APADOR-CH, Stat si religii in Romania – o relatie transparenta? (Bucharest, 2008, p. 27), http://www.apador.org/publicatii/raport_stat_religii.pdf, accessed 24 July 2012;

privileged in comparison to the Muslims in other part of Europe where they have to self-support themselves financially¹⁴⁹.

As for representation of minorities in the private environment, the anti-racism and equality directives were transposed in the Romanian legislation. No coherent mechanism is in place for corporations to encourage the inclusion of minorities. The efforts of the civil society through social entrepreneurship - though successful - are limited by financial constraints and they mostly focus on environmental issues and educational challenges in poor communities. Corporate social responsibility is a developing domain and corporations are increasing their focus on the support of marginalised communities. Even though the current legislation offers incentives for the employment of people with disabilities, many corporations would rather pay a contribution to the state according to the existing legislation rather than actually giving an opportunity to a disabled person¹⁵⁰. No such framework exists for members of marginalised ethnic communities.

Political representation of the Muslim community in Romania

Though both Turks and Turkish Muslim Tartars are represented in the Romanian Parliament, some media sources¹⁵¹ indicate that the population census in 2011 excluded them from the list of declared ethnicities. However, the official forms do not specify a list of ethnic or religious groups, but an open question that allows each respondent to willingly declare their ethnic and religious affiliation¹⁵².

Facilitating factors or protective measures to promote equality in the realm of political participation

There is no evidence that any of the Romanian parties are using the Mainstreaming Diversity in Political Parties toolkit¹⁵³ developed by the Migration Policy Group. Diversity within the parties is formally mentioned but rarely implemented. No long term common coherent strategy adopted by all parties is in place to leverage diversity in the political parties. The representation of minorities in the Romanian Parliament is rather formal

¹⁴⁹ Ibid;

¹⁵⁰ Law no. 448/2006 republished in 2008 regarding the protection and promotion of the rights of disabled persons
<http://www.equalrightstrust.org/ertdocumentbank/LEGE%20448%20engleza.pdf>, accessed 25 July 2012;

¹⁵¹ Doru Iordache, Recensământul baga etnicii turci si tatari la categoria "si altii" (23 October 2011), <http://m.jurnalul.ro/stiri/observator/recensamantul-baga-etnicii-turci-si-tatari-la-categoria-si-altii-594415.html>, accessed 12 July 2012;

¹⁵² The official interview guide clearly specifies that the ethnic or religious affiliation shouldn't be suggested by the interviewer. Declaring one's ethnicity and religion, as well as citizenship, depend on each respondent who under no circumstance may be subject of constraint. The interview guide is available at the following link - <http://www.recensamantromania.ro/wp-content/uploads/2011/04/GhidRPL2011-v3-spreads-small.pdf>, accessed 19 July 2012;

¹⁵³ Migration Policy Group, Mainstreaming Diversity in Political Parties, http://www.migpolgroup.com/public/docs/Becoming_a_Party_of_Choice_Mainstreaming_Diversity_in_Political_Parties_FULL_REPORT_EN_01.12.pdf, accessed 20 July 2012;

(except for the Hungarian minority political party that actively engaged in governing coalitions).

In 2011, Romania reached the 68th position out of 135 analysed countries in the World Economic Forum's Global Gender Gap¹⁵⁴. In terms of political empowerment, Romania lags even further behind – rank 112. Though gender equality legislation¹⁵⁵ is in force, “women continue to be drastically under-represented in the Romanian legislative, the executive and at the local and regional level of decision making”¹⁵⁶. There are several women's organisations¹⁵⁷ in the most important Romanian parties but their input is relatively insignificant.

Data indicate that in 2011, the representation of women in the Romanian Parliament was as low as 9.65% (11.2% women in the Chamber of Deputies and 5.9% in the Senate)¹⁵⁸.

No political quotas for women are included in the current legislation. Some attempts to include this component on the legislative agenda failed utterly due to lack of political will¹⁵⁹.

¹⁵⁴ Hausmann, Ricardo; Tyson, Laura D.; Zahidi, Saadia, The Global Gender Gap 2012, World Economic Forum, http://www3.weforum.org/docs/WEF_GenderGap_Report_2012.pdf, accessed 28 July 2012;

¹⁵⁵ Law no. 202/2002 regarding the equality of chances between women and men covers the following fields: equal treatment on the labor market, equal access to education, culture and information, equality of chances concerning participation to decision making. The law put the basis for the National Agency for Equality of Chances Between Women and Men (ANES) that was dissolved in 2010, http://www.dreptonline.ro/legislatie/legea_egalitatii_sanse_femei.php#, accessed 19 July 2012;

¹⁵⁶ Turcu, Ana, Women, Political Participation and Electoral Quotas in Romania (University of Central Florida, 2009); http://www.quotaproject.org/other/Women_Political_Participation_and_Electoral_Quotas_in_Romania.pdf, accessed 27 July 2012;

¹⁵⁷ The most visible are the following women organisations within the most popular parties in Romania: Social Democratic Party's Women Organisation (<http://www.organizatiadefemeipsd.ro/>), Democratic Liberal Party Women Organisation (<http://ofpdl.ro/>), Liberal Women Organisation (<http://www.oflromania.ro/>);

¹⁵⁸ <http://www.femeileinpolitica.ro/>, accessed 14 July 2012;

¹⁵⁹ <http://cotedegen.wgz.ro/home/rom-nia/ncerc-ri-de-introducere-a>, accessed 01 August 2012;

6.7 Racism and related discrimination in media

Legal framework

The Romanian legal framework does not define “hate speech”; there is a provision sanctioning incitement to discrimination and provisions in a special statute forbidding organizations and symbols of a fascist, racist or xenophobic nature as well as the glorification of persons guilty of committing crimes against peace and humanity.¹⁶⁰

The National Council for Combating Discrimination (NCCD) in its report on the implementation of the race directive included a chapter on the ways in which discrimination on the ground of ethnicity, race and nationality is reflected in the media. With regards to the Roma, the report states: “the appeal to tolerance which the written press has made on various accounts has been practically annulled by the presentation of the Roma ethnicity in terms such as “thieves”, “poor people”, “beggars”. The Roma continue to be presented in connection with having perpetrated some crimes (human trafficking, marriages between minors or blackmail). The explanations which journalists offer for the discriminatory attitude towards the Roma ethnicity are limited to underlining the apparent incapacity of the latter to take over and respect elementary social norms”¹⁶¹.

There is no specialized body for controlling the print media. The audiovisual field is monitored by the National Audiovisual Council (www.cna.ro). The print media operates largely through the principle of self-regulation. In 2010, journalists’ organizations drafted a code of ethics. Awards are presented to those who perform best on this front.¹⁶² In May 2011 a number of nongovernmental organizations launched a new media law proposal addressed to Romanian Parliament. The aim of the initiative was to regulate the journalist profession¹⁶³.

Racist and xenophobic discourse

While there is no study compiling quantitative data, there is some information available on public discriminatory speech. A report of the National Council for Combating Discrimination (March 2011)¹⁶⁴, reveals that 39% of Romanians

¹⁶⁰ The Penal Code, <http://www.codpenal.ro/legislatie/document/lege-301-din-2012-codul-penal-articol-289-constituirea-de-organizatii-cu-caracter-fascist-rasist-sau-xenofob-1260-63366.html>, accessed 11 September 2012;

¹⁶¹ National Council for Combating Discrimination, Report on the implementation of the race directive in Romania (2003-2010, p. 98), http://cncd.org.ro/files/file/Raport%20D43_2000_CNCD_final.pdf, accessed 12 September 2012;

¹⁶² Pagina de Media, 31 May 2010, <http://www.paginademedia.ro/2010/05/codul-deontologic-al-jurnalistului-elaborat-de-conventia-organizatiilor-de-media/>, accessed 20 September 2012;

¹⁶³ Hotnews, 3 May 2011, http://economie.hotnews.ro/stiri-media_publicitate-8580453-proiect-lege-presei-romania-presa-este-libera.htm, accessed 20 September 2012;

¹⁶⁴ The National Council for Combating Discrimination, Perceptions and attitudes about discrimination in Romania- a research report (2011),

have seen cases of discrimination on TV or in newspapers. 76% of people saw coverage on TV or in newspapers which featured discriminated based on ethnicity, 37% based on nationality, 37% saw or read coverage featuring religious discrimination and 33% saw or read material which discriminated on the basis of race. 46% of people believe that policy makers are responsible for discriminatory cases and 45% think that journalists, restaurant/shop workers and employers are responsible for these situations. The respondents considered that mayors, the President of Romania and doctors are responsible for cases of discrimination at a rate of 30% to 40%.

There are no political parties in Romania with an anti-migrant agenda. However, the Roma are frequently the targets of discriminatory speech by certain politicians. Statements included: "We have some physiological, natural problems of criminality amongst some Romanian communities, especially among the communities of Roma ethnic Romanian citizens" (Romanian MoFA Baconschi, 2010)¹⁶⁵; "For example, you cannot tell to the Finn 'no, it is not true, Gypsies were not in the centre of Helsinki and were not begging' (...). What can diplomacy do when the government finds that the Gypsies are begging, begging aggressively and have started stealing from buses." (President Basescu in the context of Finnish and Dutch opposition to Romania and Bulgaria's Schengen entry, 2011).¹⁶⁶

The US Department of State 2010 Human Rights report examines extremist parties or parties spreading racial stereotyping and hate speech¹⁶⁷. The report refers to publications of the extreme nationalist Greater Romania Party (PRM) headed by Corneliu Vadim Tudor, which "continued to carry statements and articles containing strong anti-Semitic attacks". It also mentions that: "On June 15th, on the 121st anniversary of the death of national poet Mihai Eminescu, PRM Secretary General - Gheorghe Funar - stated that Eminescu was killed by Jews who did not like his political writing and poems. He added that a Jewish doctor poisoned the poet with mercury. The executive director of the National Institute to Study the Romanian Holocaust "Elie Wiesel" labelled the statement anti-Semitic and underscored that Funar did not offer any evidence to support his allegations"¹⁶⁸. The same report identifies three "extremist organizations": New Right Organization, Professor George Manu Foundation and Party for the Nation. Their activities comprise sponsoring events, including religious services, symposia, and marches, commemorating leaders of the pre-World War II era Legionnaire Movement, which "attracted small numbers of persons". The report also states that: "During the year, the extremist press continued to publish anti-Semitic articles. The New Right

http://www.cncd.org.ro/files/file/Raport%20de%20cercetare%20CNCD_Discriminare.pdf, accessed 10 September 2012;

¹⁶⁵ Mediafax.ro, 23 February 2010,

<http://www.mediafax.ro/social/baconschi-cuvantul-fiziologica-sublinia-ca-rata-infractionalitatie-similara-altor-comunitati-5600317>, accessed 10 September 2012;

¹⁶⁶ Realitatea.net, 22 September 2011,

http://www.realitatea.net/basescu-despre-schengen-olanda-si-finlanda-au-avut-un-comportament-non-european_873078.html, accessed 10 September 2012;

¹⁶⁷ US Department of State, Human Rights Report, Romania, section 6, (2010),

<http://www.state.gov/documents/organization/160210.pdf>, accessed 11 September 2012;

¹⁶⁸ Ibid;

movement and similar organizations and associations continued to promote the ideas of the Iron Guard (an extreme nationalist, Anti-Semitic, pro-Nazi group that existed in the Country in the inter-War period) in the media and on the Internet. Organizations with extreme right-wing views also published inflammatory books from the inter-war period"¹⁶⁹.

Islamic/ Minority Media Channels

Article 82, paragraph (4) of the Audiovisual Law no. 504/2002 states that: "In localities where a national minority has a share higher than 20% of the total population, distributors will ensure that transmission services are free for retransmitting programs in the minority language."

The Report on the implementation of The European Charter for Regional or Minority Languages in Romania (2010) of the Council of Europe shows that "in order to cater for Romania's 20 national minorities, at present, TVR's schedule includes programs in: Hungarian, German, Serbian, Bulgarian, Croat, Russian, Turkish, Czech, Slovak, Ukrainian, and Tatar, Greek, Romani. In addition to these, TVR also broadcasts programs in Romanian about the life and culture of the Polish, Italian, Armenian, Albanian, Ruthenian, Jewish and Macedonian communities"¹⁷⁰.

Muslim organizations are active online, using websites, social media affiliation, multimedia content, chat rooms, email listing, blogs and discussion forums. These online tools facilitate debates on religious and cultural topics and allow their users access to a large amount of resources. Online media products are visible in the local Muslim landscape. Muslim organizations use their websites and blogs for fundraising activities. Radio Islam (www.radioislam.ro) is one channel (one of its partners is The Romanian - Arab Press Club, an institution set up by journalists and intellectuals of both Romanian and Arab origin) which promotes social and cultural relations based on tolerance. Thus, Muslim children have also been included into the target groups of Islamic new media in Romania - on the "Micul Musulman" ("The Little Muslim") website (www.miculmusulman.com), children have access to prayers and stories, interactive games and customized applications. Discussion forums are important communication instruments for the local Muslim online environment; some of the most popular among Muslims in Romania are those of The Romanian Converts' Association (www.forum.arci.ro) and of "Islamul Azi" Cultural Center (www.islamulazi.ro), as well as those of the sunnah.ro (www.sunnah.ro) and rasarit.com (www.rasarit.com) websites.

Organizations for journalists which are users of a minority language exist only for the Hungarian language press - Romanian Union of Hungarian Journalists

¹⁶⁹ Ibid;

¹⁷⁰ Council of Europe, Initial Periodical Report on the Implementation of the European Charter for Regional or Minority Languages in Romania (2010), http://www.coe.int/t/dg4/education/minlang/Report/PeriodicalReports/RomaniaPR1_en.pdf, accessed 11 September 2012;

("Uniunea Jurnaliștilor Maghiari din România") and recently an association of Romani journalists¹⁷¹.

The "Babes-Bolyai" University has a Journalism department with training in German and Hungarian.¹⁷² The "Andrei Saguna" University from Constanta allocates a place at the Journalism Faculty for students from the Turkish ethnic group¹⁷³. Other universities allocate supplementary places for Roma students.

The Ethnocultural Diversity Resource Centre report mentions that a small number of producers of the minority languages programs are employed by Romanian Television Broadcasting Society. This is due both to the fact that recruitment policy is decided at central level and to the small number of users of some languages¹⁷⁴. Also, non-governmental organizations promoted inter-ethnic dialogue and monitored the correct presentation in the press of themes related to ethno-cultural communities. The Press Monitoring Agency – "Catavencu" Academy (www.mma.ro), the Centre for Independent Journalism (www.cji.ro), the Ethnocultural Diversity Resource Centre - which initiated the Divers.ro project - have all implemented relevant projects over the years in this field"¹⁷⁵.

¹⁷¹ Ibid, p. 20;

¹⁷² Babes-Bolyai University – Cluj Napoca, <http://polito.ubbcluj.ro/departamente/jurnalism/>, accessed 20 September 2012;

¹⁷³ Andrei Saguna University – Constanta, http://www.andreisaguna.ro/index.php?nod=70&id_mm=25, accessed 20 September 2012;

¹⁷⁴ Ethnocultural Diversity Resource Center, Report on the implementation of The European Charter for Regional or Minority Languages in Romania, Chapter on Media (2009, pp. 19-20), <http://www.edrc.ro/docs/docs/carta/Report-Lang-Charter-MM-final-ENG.pdf>, accessed 11 September 2012;

¹⁷⁵ Ibid, p. 6;

6.8 Racism and related discrimination in criminal justice

Policing and ethnic profiling¹⁷⁶

Policing and ethnic profiling, though legally prohibited, are quite frequent in practice¹⁷⁷. However, official data showing the complexity of this phenomenon are inadequate and fail to expose the development of this negative trend over the years¹⁷⁸. Although the current legislation forbids ethnic profiling, it is also a barrier to collecting official data that could be used to put pressure on authorities to develop efficient instruments which could better tackle these issues. According to the law, “processing personal data related to racial and ethnic origin, political, religious, philosophical and other similar convictions, as well as personal data regarding the health and sexual life is forbidden.”¹⁷⁹

Consequently, allegations regarding such occurrences rely on factual analysis and reports issued mainly by NGOs¹⁸⁰. Another tool for tackling this phenomenon is the European Human Rights Court. However, the decisions of the Court describe an anachronism, as the court’s decisions are issued many years after the reported incident. Nonetheless, the court manages to raise awareness of the impact of human rights violations and to make state institutions more accountable to their citizens.

In 2011, Romania was among the “four States [that] account for over half (54.3%) of its docket: 26.6% of the cases are directed against Russia, 10.5% of the cases concern Turkey, 9.1% Italy and 8.1% Romania.”¹⁸¹ In 2011, Romania was among the countries with the highest number of judgments (68), after Turkey, Russia, Ukraine, Greece and Poland¹⁸².

¹⁷⁶ The Open Society Institute defines “ethnic profiling” as the “use of generalisations grounded in ethnicity, race, national origin, or religion - rather than objective evidence or individual behaviour - as the basis for making law enforcement and/or investigative decisions about who has been or may be involved in criminal activity”.

¹⁷⁷ The decisions of the ECHR in 2011 and early 2012 that sanction the Romanian police for inhuman treatment of detainees – *Rosioru v. Romania* (<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-108417>), *Fane Ciobanu v. Romania* (<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-106762>), accessed 08 August 2012;

¹⁷⁸ FRA qualifies Romania as the only EU country where “no data on hate crime is collected” – European Union Agency for Fundamental Rights, *Making hate crime visible in the European Union: acknowledging victims’ rights*, (2012), <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-106762>, accessed 08 August 2012;

¹⁷⁹ Article 7, Law no 677/2001 for the Protection of Individuals with Regard to the Processing of personal Data and the free circulation of these data, published in the Official Monitor, no 790 from 12 December 2001, http://legislatie.resurse-pentru-democratie.org/677_2001.php, accessed 09 August 2012;

¹⁸⁰ Though few NGOs deal particularly with policing and ethnic profiling in Romania.

¹⁸¹ European Court of Human Rights, Annual Report 2011 (Registry of the European Court of Human Rights: Strasbourg, 2012, p. 13), http://www.echr.coe.int/NR/rdonlyres/77FF4249-96E5-4D1F-BE71-42867A469225/0/2011_Rapport_Annuel_EN.pdf, accessed 23 August 2012;

¹⁸² *Ibid*, p. 14;

In March 2011, the Official Journal no 161/2011¹⁸³ published a decision of the ECHR (issued in 2010) in the case Ahmed v. Romania. The Court decided in favour of the claimant¹⁸⁴, an Iraqi citizen who after 21 years of living in Romania, was deprived of liberty¹⁸⁵ and declared persona non-grata by Romania in 2003 on grounds of allegedly posing a threat to the state security. The reasons for the conviction were not disclosed to the defendant, violating article 1 of Protocol 7.

A similar situation¹⁸⁶ – where the Court issued a partial decision - was also faced by Zeyneddin Geleri, a Turkish national who was declared persona non-grata in 2005 by the Romanian state¹⁸⁷. The Court decision (not final) admits the violation of Article 8 of the European Convention of Human Rights (the expulsion infringed his right to respect for private life and family, as he was deprived of direct contact with his family living in Bucharest) and of Article 1 of Protocol no 7 to the Convention (procedural safeguards to the expulsions of aliens).

Several other cases involving excessive use of police force and degrading treatment such as *Soare and Others v. Romania*¹⁸⁸, *Flaminzeanu v. Romania*¹⁸⁹ and *Elefteriadis v. Romania*¹⁹⁰ prove that the Romanian police force still fails in some cases to comply with the European Convention on Human Rights. However, efforts to reduce the occurrence of such incidents are currently being made by the authorities, as shown by the good practices specified in the following section.

In the past years, one of the challenges Romanian border police allegedly had to face was the increasing number of Turkish citizens trying to cross illegally to the Schengen area. In 2009, “on average, six Turkish citizens were caught every day trying to cross [illegally] the western border of Romania”¹⁹¹. Such developments led to the creation of a “risk profile” in 2009 – “a close check-up must be performed at the border to all Turkish citizens, aged 20 to 35 who

¹⁸³ Curierul Judiciar, 08 March 2011, <http://curieruljudiciar.ro/2011/03/08/cedo-cauza-ahmed-impotriva-romaniei/>, accessed 24 July 2012:

¹⁸⁴ The Romanian state had to pay 8000 euro as moral damages.

¹⁸⁵ Violation of Articles 5&1 of the Convention.

¹⁸⁶ European Court of Human Rights, <http://hudoc.echr.coe.int/sites/eng-press/pages/search.aspx?i=003-3437403-3863243>, accessed 24 July 2012;

¹⁸⁷ Due to reasons that could not be exposed and that were qualified as strictly confidential (state secret).

¹⁸⁸ European Court of Human Rights, *Soare and Others Vs Romania*, No. 24329/02 (22 February 2011, no. 138), [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx#1%22fulltext%22:%22soare%22,%22display%22:\[0,%22itemid%22:%22002-594%22}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx#1%22fulltext%22:%22soare%22,%22display%22:[0,%22itemid%22:%22002-594%22}), accessed 23 August 2012;

189 European Court of Human Rights, *Flaminzeanu v. Romania*, No. 56664/08 (12 April 2011, no. 140), [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx#?%22fulltext%22:%22flaminzeanu%22,%22display%22:\[0\],%22itemid%22:\[%22002-552%22\]](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx#?%22fulltext%22:%22flaminzeanu%22,%22display%22:[0],%22itemid%22:[%22002-552%22]), accessed 23 August 2012;

¹⁹⁰ European Court of Human Rights, *Elefteriadis v. Romania*, No. 38427/05 (25 January 2011, no. 137), <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=002-634>, accessed 23 August 2012;

¹⁹¹ Viorel Ene, *Falsa identitate – Calea spre Uniunea Europeană* (16 October 2009), Hotnews, <http://www.hotnews.ro/stiri-6293620-falsa-identitate-ndash-calea-catre-uniunea-europeana.htm> accessed 25 July 2012;

have passports with Romanian visas issued for a period of 10-15 days”¹⁹². These data, described by a Romanian journalist in an article about immigration¹⁹³, could not be matched with official data from the Romanian police.

Official police reports¹⁹⁴ indicate that in 2011, the immigration route with the highest rates of illegal crossing switched from north (Ukraine) and east (Republic of Moldova) to the south-western border: Turkey-Greece-Macedonia/Albania-Kosovo-Serbia-Romania-Hungary. At the border with Serbia, 1084 persons were detained while trying to cross illegally the border. The majority came from Algeria, Tunisia, Morocco, Pakistan and Afghanistan¹⁹⁵. Most of the immigrants came from conflict areas, the Maghreb area witnessing radical regimes changes during the Arab Spring.

Racist violence and crime

Though formally the Romanian legislation currently in force specifically forbids and sanctions racist violence and crime, incidents continue to be reported by NGOs and victims. According to NGOs, the most frequent targets are Roma. In terms of regulations, the Romanian Criminal Code lists as an aggravating circumstance “any crime invoking reasons related to hate, nationality, ethnicity, language, religion, gender, sexual orientation, opinion or political affiliation, wealth, social origin, age, disability, non-contagious chronic disease or HIV/AIDS infection or any other similar motivations”.¹⁹⁶

Roma, the main target of racist violence and the ethnic group in Romania which most frequently encounters discrimination, were victims of forced evictions in Bucharest, Buzau and Cluj Napoca. The mayor of Baia Mare built a wall separating the Roma community from the rest of the town¹⁹⁷. The most visible incident was the violent clashes between the Roma in Racos (Brasov) and the other inhabitants¹⁹⁸. The Department of Inter-ethnic Relations insists that the nature of the conflict was not ethnic and that the clash was generated by individual conflicts between the parties involved¹⁹⁹. Romani Criss reported to ODIHR that the 24 hours incident resulted “in seven physical assaults committed by a group, including two involving serious injury and one against a child”²⁰⁰.

¹⁹² Ibid;

¹⁹³ Ibid;

¹⁹⁴ Romanian Border Police, Annual Report (2011), http://www.politiadefrontiera.ro/informatii_publice/bilant_2011.php, accessed 27 August 2012;

¹⁹⁵ Ibid;

¹⁹⁶ Romanian Penal Code, published in the Official Monitor, Part I, no 510 from 24/07/2009, enforced on 24 July 2012, <http://www.avocatura.com/II491-noul-cod-penal.html#ixzz2D2EfUrBC>, accessed 27 August 2012;

¹⁹⁷ Rights Equality & Diversity European Network, <http://www.red-network.eu/?i=red-network.en.items&id=466>, accessed 26 August 2012;

¹⁹⁸ Romanian Government, Department for Interethnic Relations, http://www.dri.gov.ro/index.html?page=eveniment_214, accessed 29 August 2012;

¹⁹⁹ Ibid;

²⁰⁰ ODIHR, Crimes and incidents motivated by bias against Roma and Sinti, p. 59,

There is no official support mechanism for the victims of racial violence. Police have continued collaboration with Roma mediators so as to facilitate better communication with the Roma communities and “an advisory board [within the Romanian Police administration] is responsible for managing the relationship between police and the Romani community”²⁰¹. “During the year the Institute for Public Order Studies within the Ministry of the Administration and Interior conducted six training sessions for more than 300 police officers to promote human rights legislation and the prevention of torture and other forms of mistreatment”²⁰².

According to a declaration of the chief of the General Inspectorate of the Romanian Police, Alexandru Tanco, in 2011, there are one hundred Roma in the police force and the police educational structures have quotas for young Roma²⁰³. The inclusion of national minorities was extended in 2011 as follows: “15 for the Hungarian minority, 14 for the Roma minority and 19 for other minorities taken together.”²⁰⁴

Furthermore, a special guide against policing and ethnic profiling was launched by the Romanian Police in 2011 together with OSCE and ODIHR – “the manual Police and Roma and Sinti: Good Practices in Building Trust and Understanding [to be used] in the development of its 2013 educational curriculum for the police academy”²⁰⁵.

We could not identify cases of violence against Muslims in terms of ethnic profiling and racist crime, such occurrences being more visible in the case of Roma.

Hate speech

Throughout the year, public hate speech mostly against Roma continued. The media continued perpetuating stereotypes of the Roma and high level politicians made racist public declarations. “Extremist organizations occasionally held high-profile public events with anti-Semitic themes and continued to sponsor events, including religious services, symposia, and

http://tandis.odihr.pl/hcr2011/pdf/Section_7.2_CRIMES_AND_INCIDENTS.pdf, accessed 28 August 2012;

²⁰¹ Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices – Romania (2011), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, accessed 15 August 2012;

²⁰² Ibid;

²⁰³ Radio Romania, http://www.politicaromaneasca.ro/imbunatatirea_relatiei_dintre_politie_si_romi_in_viziunea_o_sce-5227, accessed 25 August 2012;

²⁰⁴ Rights Equality & Diversity European Network, Special places for minorities within police schools (19 May 2011), <http://www.red-network.eu/?i=red-network.en.items&id=732>, accessed 23 August 2012;

²⁰⁵ ODIHR, Crimes and incidents motivated by bias against Roma and Sinti, p. 61 - http://tandis.odihr.pl/hcr2011/pdf/Section_7.2_CRIMES_AND_INCIDENTS.pdf, accessed 28 August 2012;

marches, commemorating leaders of the pre-World War II fascist Legionnaire Movement.”²⁰⁶ Websites against Muslims such as the Romanian Defence League²⁰⁷ reveal that the anti-Islam feeling in Romania is also growing.

In terms of the legal unacceptability of hate speech, the Criminal Code criminalises “inciting the public, by any means, to hate and discrimination against a category of persons”, punishable with jail from 6 months to 3 years and by fine²⁰⁸. Practically, though some of the racist statements by officials were symbolically sanctioned by the National Council for Combating Discrimination, many such incidents were ignored, confirming the social acceptability of racist public statements. Despite that in October, the Romanian president received a warning²⁰⁹ from the Council for criminalising the Romanian Roma migrating to Finland²¹⁰, the same institution failed to sanction the president earlier in June for racist declarations about Roma in 2010 in Slovenia²¹¹.

A legislative proposal that demanded a replacement of the term “Roma” with “Gypsy” in all public communication materials stirred a lot of controversy. Though strongly criticized by civil society for enforcing existing negative stereotypes regarding Roma, the proposal seemed to be quite popular. It was finally rejected in April by the lower chamber of the Romanian Parliament.

MCA Romania²¹² publicly contested the definition given by the Romanian Academy to the pejorative term “jidan”, asking for a modification of the official explanation in the Romanian Explanatory Dictionary. The NGO emphasized that the definition fails to reveal the negative character of the term that expresses strong anti-Semitism²¹³.

Several NGOs accused senator Sova of denying the Holocaust after a public statement in March 2012. Following the accusations, Sova invoked misunderstanding of his statement. Several NGOs “filed a criminal complaint against the Senator for the breach of Government Emergency Ordinance 31/2002 on the prohibition of organizations and symbols with a fascist, racist, or xenophobic character and the promotion of the cult of persons guilty of

²⁰⁶ U.S Department of State, Country Reports on Human Rights Practice – Romania (2011), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186396>, accessed 28 August 2012;

²⁰⁷ Romanian Defence League, <http://www.romaniandefenceleague.org/news.php>, accessed 27 August 2012;

²⁰⁸ Romanian Penal Code, Article 369, published in the Official Monitor, Part I, no 510 from 24/07/2009, enforced on 24 July 2012, <http://www.avocatura.com/II491-noul-cod-penal.html#ixzz2D2EfUrBC>, accessed 26 August 2012;

²⁰⁹ The National Council for Combating Discrimination, <http://www.cncd.org.ro/noutati/cauta/Comunicat-de-presa-referitor-la-deciziile-Colegiului-director-al-CNCD-din-data-de-17-10-2011-122/>, accessed 26 August 2012;

²¹⁰ Rights Equality and Diversity European Network, Red News, <http://www.red-network.eu/?i=red-network.en.items&id=548>, accessed 21 August 2012;

²¹¹ Lack of jurisdiction of the Council outside Romania.

²¹² The Center for Monitoring and Combating Anti-Semitism in Romania, www.antisemitism.ro, accessed 23 August 2012;

²¹³ The Center for Monitoring and Combating Anti-Semitism in Romania, Definitions, <http://www.antisemitism.ro/ro/notiuni-si-definitii/mca-jidan.htm>, accessed 23 August 2012;

crime against peace and humanity, considering that the statements made were explicit and that the apology should have reflected regret for what he has said and not for having been wrongly interpreted or understood.”²¹⁴

Online hate speech in Romania

Though no assessments of online hate speech occurrences are currently available, the users’ comments on one of the main media outlets²¹⁵ reflect a xenophobic attitude widely spread towards Roma, but also towards Jews and Muslims.²¹⁶ The controversial line between violation of human dignity/racism and freedom of speech does permit the acceptability of extremely racist online statements while moderation is minimal.

Counter terrorism

The legal framework regarding counter terrorism in Romania is defined by two laws issued in 2004 – Law no 535/2004 on preventing and combating terrorism²¹⁷ and Law no 508/2004²¹⁸ that regulated the establishment of the Directorate for Investigating Organised Crime and Terrorism²¹⁹. The legislation provides that counter terrorism must respect human rights national and international provisions.

In April 2011, DIOCT issued a press release²²⁰ regarding 21 raids in Bucharest, Cluj, Constanta, Mehedinti and Gorj targeting Romanian citizens and foreigners suspected of involvement in “actions with potential of radicalization and radical Islamic proselytism, as well as supporting channels of financing such activities”²²¹. Media²²² reported that the targets of the raids were leaders of the Islamic and Cultural League of Romania and of the Cultural Foundation “Islam Today” and raised suspicions of terrorism. As a reaction to the articles in the media, the two organisations launched a

²¹⁴ Rights Equality and Diversity European Network, Red News, <http://www.red-network.eu/?i=red-network.en.items&id=860>, accessed 21 August 2012;

²¹⁵ Such as www.hotnews.ro;

²¹⁶ US Department of State, Country Reports on Human Rights Practices (2011), “MCA Romania repeatedly warned that anti-Semitic, racist, xenophobic, and nationalistic views continued to be distributed via the Internet.” – <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dlid=186396>, accessed 21 August 2012;

²¹⁷ LegeStart.ro, the Law no. 535/2004, [http://legestart.ro/Legea-535-2004-prevenirea-combaterea-terorismului-\(MTMyOTU5\).htm](http://legestart.ro/Legea-535-2004-prevenirea-combaterea-terorismului-(MTMyOTU5).htm), accessed 24 August 2012;

²¹⁸ LegeStart.ro, the Law no. 508/2004, [http://legestart.ro/Legea-508-2004-infiintarea-organizarea-functionarea-cadrul-Ministerului-Public-Directiei-Investigare-Infractiunilor-Criminalitate-Organizata-Terrorism-\(MTMxOTY3\).htm](http://legestart.ro/Legea-508-2004-infiintarea-organizarea-functionarea-cadrul-Ministerului-Public-Directiei-Investigare-Infractiunilor-Criminalitate-Organizata-Terrorism-(MTMxOTY3).htm), accessed 24 August 2012;

²¹⁹ Directorate for Investigating Organized Crime and Terrorism, <http://www.diicot.ro/>, accessed 26 August 2012;

²²⁰ Directorate for Investigating Organized Crime and Terrorism, News, <http://www.diicot.ro/index.php/arhiva/491-comunicat-de-presa3-20042011-491>, accessed 26 August 2012;

²²¹ Ibid;

²²² Stiri de Cluj, 20 April 2011, <http://www.stiridecluj.ro/social/perchezitii-la-liga-islamica-din-cluj-si-alte-orase-intr-o-ancheta-antiterorism->, accessed 28 August 2012;

communiqué²²³ denying any accusation of terrorism and stating that the media reporting was misleading and had a negative effect on the Muslim community in Romania.

Allegations regarding the existence of secret CIA detention facilities in Romania²²⁴ were firmly rejected by the Romanian authorities. The documentation of such cases relies on declarations from former CIA agents as some media sources such as *Sueddeutsche Zeitung* claim²²⁵. Amnesty International required in September 2011 the investigation on such facilities to be re-opened in Romania²²⁶.

Facilitating factors or protective measures in criminal justice

The decisions communicated by the ECHR to Romania²²⁷ put pressure on the Romanian government and on the public authorities to develop a better mechanism for monitoring and combating racist crime. With the exception of several measures taken by the Romanian police (such as using a manual against racist crime developed together with OSCE²²⁸), no mechanism was used to monitor the evolution of hate crime in Romania in 2011. Furthermore, Romania is still listed among the worst performers in terms of implementing the decisions of the Court²²⁹. In 2011, ECHR issued 20 decisions²³⁰ that involved the Romanian state accused of inhuman or degrading treatment. "At the end of 2011, the Court had delivered 859 judgments concerning Romania, of which 777 found at least one violation of the European Convention on Human Rights, primarily of Article 6 (right to a fair trial) and Article 1 of Protocol No. 1 (protection of property), and 24 found no violation."²³¹

²²³ Stiri Online, 23 April 2011, <http://www.stiri.com.ro/stire-6528/discreditarea-musulmanilor-in-romania.html>, accessed 28 August 2012;

²²⁴ Amnesty International, Amnesty International Report - The State of the World's Human Rights (2012), pp. 36-37, <http://www.amnesty.org/en/annual-report/2012>, accessed 12 July 2012;

²²⁵ Sueddeutsche.de, 8 December 2011, <http://www.sueddeutsche.de/politik/rumaenien-geheimgefaengnis-der-cia-in-rumaenischer-behoerde-entdeckt-1.1229296>, accessed 12 July 2012;

²²⁶ Amnesty International, 9 December 2011, <http://www.amnesty.org/en/news/romania-must-come-clean-over-secret-prisons-2011-12-09>, accessed 14 August 2012;

²²⁷ European Court of Human Rights, Annual report (2011), http://www.echr.coe.int/NR/rdonlyres/219E9A92-716A-4337-99DE-053358F536B3/0/2011_Rapport_Annuel_EN.pdf, accessed 24 July 2012;

²²⁸ Radio Romania, 8 July 2011, <http://www.politicaromaneasca.ro/imbunatatirea-relatiei-dintre-politie-si-romi-in-viziunea-osce-5227>, accessed 29 July 2012;

²²⁹ SETimes.com, 28 January 2011, http://setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2011/01/28/feature-01, accessed 29 July 2012;

²³⁰ European Court of Human Rights, http://www.echr.coe.int/NR/rdonlyres/596C7B5C-3FFB-4874-85D8-F12E8F67C136/0/TABLEAU_VIOLATIONS_EN_2011.pdf, accessed 24 July 2012;

²³¹ European Court of Human Rights, Press country profile (2012), http://www.echr.coe.int/NR/rdonlyres/E7BA2B4A-1124-4631-895C-FC764EF43610/0/PCP_Romania_en.pdf, accessed 01 November 2012;

The main political discussion related to the official declaration of the ethnic background of the citizens took place before the population census in October 2011. The political representatives of various minorities groups called on the population to state their ethnicity, emphasizing benefits such as the official promotion of minorities' culture and languages. Many of the awareness raising efforts concentrated on Roma who avoided declaring their ethnic background previously, fearing of discrimination, marginalization and ethnic profiling. There is no evidence of positive action undertaken in Romania to protect Muslim communities against ethnic profiling.

7. Civil society assessment and critique in ensuring protection of fundamental rights

Civil society has been very vocal concerning racial discrimination and human rights violations, up to the point of accusing the National Council Against Discrimination of political biases in issuing decisions²³². Some efforts by NGOs failed to remove the officials who had implemented racist and segregationist measures. For instance, the mayor of Baia Mare built a wall to separate the Roma community from the rest of the city. Civil society reacted immediately²³³. “NGOs protested against the construction, arguing it was amounting to discrimination and that it would lead to ghettoization”²³⁴. The NCCD agreed that the measure is discriminatory and recommended the removal of the wall. “On November 15, the CNCD fined the mayor 6,000 lei (\$1,794) for erecting a large concrete wall that separated the housing of Roma and their neighbours in a highly symbolic way. At year’s end the wall remained in place, and negotiations continued concerning alternative housing for the affected Roma.”²³⁵ Not only did this structural racism prevail, but also the mayor won the local elections in June 2012 with 86.03% of the votes in his favour²³⁶.

Civil society was actively engaged in criticizing other housing practices that led to discrimination and marginalization such as the case of Pata Rat in Cluj-Napoca. Roma from the centre of the city were relocated “to the outskirts near a landfill site”²³⁷. In this case, the protests and legal actions of the NGOs led to a fine for the local authorities issued by NCCD.

In terms of individual experiences of discrimination, “the Centre for Legal Resources and INTERRIGHTS (...) asked the Court [ECHR] to adapt its admissibility criteria so to allow NGOs to bring cases on behalf of a person with disabilities, even in the absence of specific authorization.”²³⁸ The request was related to the case of Valentin Campeanu, a HIV positive Roma whose death in 2004 is presumed to have been caused by the improper living conditions in the Poiana Mare Psychiatric Hospital. “In a parallel development,

²³² The Center for Legal Resources, News (2011), The Center for Legal Resources and Romani Criss raised the issue of the Council impartiality regarding its decision to not sanction President Basescu’s racist statements regarding Roma. The Council explained that it could not sanction the president because he made the declaration in Slovenia, where the Council does not have jurisdiction, <http://www.crj.ro/Noutati/CNCD-ul-administreatza-in-mod-preferential-si-politizat-dosarele-in-care-sunt-implicati-inalti-demnitari-ai-statului/>, accessed 27 July 2012;

²³³ The Center for Legal Resources, News (2011), <http://www.crj.ro/Noutati/Rasismul-atinge-un-nou-nivel-in-Baia-Mare-revin-ghetourile/>, accessed 27 July 2012;

²³⁴ Amnesty International, Amnesty International Report - The State of the World’s Human Rights (2012), p. 278, <http://www.amnesty.org/en/annual-report/2012>, accessed 12 July 2012;

²³⁵ U.S Department of State, Country Reports on Human Rights Practice – Romania (2011), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?dliid=186396>, accessed 28 August 2012;

²³⁶ <http://www.romanialibera.ro/actualitate/politica/rezultate-finale-alegeri-baia-mare-catalin-chereches-a-castigat-primaria-baia-mare-cu-86-03-la-suta-din-voturi-267044.html>

²³⁷ Amnesty International, Amnesty International Report - The State of the World’s Human Rights (2012), p.279, <http://www.amnesty.org/en/annual-report/2012>, accessed 12 July 2012;

²³⁸ Ibid;

another complaint was brought before the European Court concerning the deaths of seven patients at the Poiana Mare Hospital as a result of a combination of factors including extremely substandard living conditions, as well as inferior care and treatment.”²³⁹

Regarding the statute of aliens in Romania, Jesuit Refugee Service served 850 beneficiaries in 2011 and “their recommendation to the government led to a new law that gives “tolerated persons” an identification number and the right to work.”²⁴⁰

The racist statements of various politicians were publicly condemned by NGOs. In August, Media Monitoring Agency²⁴¹ and Policy Center for Roma and Minorities²⁴² sent a letter to the Senate and to the leaders of the Liberal Democrat Party “regarding the irresponsible and xenophobic character of the article of Senator Iulian Urban, published on his blog on 25 July 2011”²⁴³.

“According to the article, entitled Breivik did not commit the assault, but the current leaders of the European Union did, a big part of the blame for these assaults belongs to European politicians, who, by being inconstant in their attitudes towards the immigration problem, especially the Islamic one, created favourable circumstances for anti-immigration feelings to be expressed through acts of terrorism. In the same article, Iulian Urban shows a visible xenophobic attitude, using expressions such as “the Muslim colonization that is being made in the EU” or “Muslims are relying only on the state for their livelihoods, [...] they refuse to work”.”²⁴⁴

Though such statements are usually aligned to the ideology of extreme right parties, in 2011, representatives of the whole political spectrum made high level xenophobic statements. The Social Democratic Party senator Dan Sova was accused by NGOs of denying the Holocaust in a public statement²⁴⁵.

In terms of policy development, several NGOs criticized the newly adopted Strategy for Roma Inclusion, highlighting that it contains discriminatory provisions and fails properly to consult civil society, revealing the lack of

²³⁹ Interights, 7 June 2011, <http://www.interights.org/campeanu/index.html>, accessed 29 July 2012;

²⁴⁰ Daniela Vella (ed.), Jesuit Refugee Service, Annual Report (2011), p. 32, <https://www.jrs.net/assets/Publications/File/ar2011en1.pdf>, accessed 17 July 2012;

²⁴¹ Active Watch, www.activewatch.ro, accessed 17 July 2012;

²⁴² Policy Center for Roma and Minorities, www.policycenter.eu, accessed 17 July 2012;

²⁴³ Policy Center for Roma and Minorities, 04 August 2011, <http://www.policycenter.eu/activewatch-%C8%99i-policy-center-for-roma-and-minorities-sesizeaz%C4%83-parlamentului-articolul-senatorului-iulian-urban>, accessed 17 July 2012;

²⁴⁴ Ibid;

²⁴⁵ The Center for Legal Resources, 07 March 2012, <http://www.crj.ro/Noutati/CRJ-condamna-declaratiile-negationiste-ale-Senatorului-PSD-Dan-Sova/>, July 19 2012;

authentic commitment of the National Agency for Roma to actually tackling Roma exclusion in Romania²⁴⁶.

Civil society also took a very strong position against a legislative proposal that suggested the public use of the pejorative term “tigan” instead of “Roma”. MCA Romania supported by other NGOs sent a request to the Romanian Academy to change the inappropriate definition of the term “jidan” that has anti-Semitic connotations.

The Policy Center for Roma and Minorities continued to condemn racist and violent manifestations in sport²⁴⁷ and to raise awareness on the necessity to limit such incidents through highly visible sports events developed in partnership with the Romanian Football Federation, UEFA and Football Against Racism in Europe.

Apador-CH²⁴⁸ continued to support victims of degrading and inhuman treatment and to monitor the conditions in prisons and the extent to which police respect the human rights of the convicts and accused individuals. Apador-CH also supported action by Samusocial organisation that opposed an initiative to collect fingerprints of homeless people in Sector 4 of Bucharest²⁴⁹. The act of “creating by any authority of a data base with the hand prints of people who were not prosecuted is considered a violation of the right to private life, guaranteed in Article 8 of the European Convention on Human Rights (decision ECHR in 4 December 2008 in the case S. and Marper v. Great Britain)”²⁵⁰.

²⁴⁶ The Centre for Legal Resources, 11 April 2011, <http://www.infolegal.ro/strategia-privind-incluziunea-romilor-incalca-principiile-trasate-de-uniunea-europeana/2011/11/04/>; <http://www.crj.ro/Noutati/Centrul-de-Resurse-Juridice-atrage-atentie-asupra-prevederilor-discriminatorii-din-Proiectul-de-Strategie-a-Guvernului-Romaniei-de-incluziune-a-cetatenilor/>, accessed 25 July 2012; Romani Criss – <http://www.romanicriss.org/Adresa%20catre%20guvernul%20romaniei%20strategie%20romi.pdf>

²⁴⁷ STIRIONG.R, 01 February 2011, <http://www.stiriong.ro/ong/minoritati/anti-rasism-prin-sport>, accessed 26 July 2012;

²⁴⁸ Association for Human Rights Protection in Romania (APADOR CH), 29 November 2012, <http://www.apador.org/#>, accessed 30 November 2012;

²⁴⁹ Association for Human Rights Protection in Romania (APADOR CH), 06 June 2011, http://www.apador.org/show_report_nf.php?id=226, accessed 29 July 2012;

²⁵⁰ Ibid;

8. Good practices

Example of NGO Good Practice in Employment

1. During the period 2009 to 2011, The National Trade Union Bloc provided assistance and counselling for migrant workers from Romania. A website for migrant workers from Romania was created entitled "Immigrant in Romania". In April 2011 a brochure for immigrants workers was published - "The Union Representation for Migrant Workers from Romania"- to inform them about their rights and obligations in the Romanian labour market. On November 2011, the Trade Union Bloc organized a national awareness and information campaign to change the social attitudes and stereotypes in employment and in the workplace – "The equality on employment and workplace" - and also published the "Social Inclusion Barometer".

2. Between September 2011 and June 2012, the ADO SAH ROM organisation, in partnership with TIAD, CRC and ADRA, organised vocational trainings and provided legal assistance regarding work qualifications for 110 immigrants. Thematic dictionaries and CDs were published in Romanian - Turkish/ Turkish - Romanian languages and Romanian - Arabic/ Arabic - Romanian languages.

3. The Roma encounter considerable discrimination in the labour market, particularly in recruitment. In 2010, a SOROS Foundation Romania report revealed that only 15.4% of the Roma interviewed declared themselves to be employed. Almost half of them had no qualifications. The result is that many Roma are vulnerable to economic and social exclusion and are often involved in the informal economy. Women make up only 19% of those Roma who are employed (30% of those aged 15-64).²⁵¹

Example of NGO Good Practice in Education

Between June 2011 and June 2012, The Jesuit Refuge Service from Romania, provided advice and assistance to 150 persons (asylum seekers and refugees) with regards to vocational and Romanian language courses.

Example of NGO Good Practice in Housing

In 2011 the Working Group of the Civic Organisations was established with the aim of finding short term and long term solutions to the problems of poor living conditions and evictions in Cluj Napoca city. The members are civil society activists, NGO representatives, academics, architects, artists, and residents of poor areas. The activities they have developed include: initiating

²⁵¹ Daniela Tarnovschi, Sorin Cace, Ana Maria Preoteasa, Cristina Tomescu, Simona Stanescu (coord.), The Research Institute for Quality of Life, 2010, Legal and Equal on Labour Market for Roma Communities - Diagnosis of the Influencing Factors on the Employment of Roma Population in Romania (Soros Foundation Romania, Bucharest, 2010);

debates with residents and local authorities, street protests, consulting with organisations like Amnesty International or UNDP Romania, public debates, intervention plans, workshops.

Example of NGO Good Practice in Access to Goods and Services

During the period June 2011 to June 2012, the Jesuit Refugee Service of Romania provided assistance and training to foreigners from Romania in order to protect their socio-economic rights. 263 persons benefited from training on access to the labour market, social, health and housing assistance, Romanian language and culture classes, advice on how to get a residence permit or citizenship in Romania. Among those who received assistance there were 71 children and 192 adults from Afghanistan, Iraq, Myanmar, Cameroon, Serbia, Iran and Syria.²⁵²

Example of NGO Good Practice in Media

During the period June 2011 to June 2012, the Romanian Jesuit Refugee Service and Romanian Association to Promote Health (“Asociatia Romana pentru Promovarea Sanatatii”) initiated an information and awareness public campaign for Romanian society related to the necessity and benefits of legal immigration. The main activities - media campaigns (the production and distribution of a TV/ radio/ online spot- “Un viitor impreuna”) and local information workshops – were conducted in 12 counties, listed with a high number of non-Romanian nationals (according to data provided by the General Inspectorate of Immigration): Bucharest, Iasi, Ilfov, Cluj, Constanta, Timis, Galati, Prahova, Suceava, Bacau, Brasov, Bihor.

Example of NGO Good Practice in Criminal Justice

In April 2011, the Association for the Defence of Human Rights in Romania – Helsinki Committee (APADOR-CH) launched, with the financial support of the Trust for Civil Society in Central and Eastern Europe, a project focused on the harmonization of the Romanian – regarding the administrative handling of a potential convicts to the police headquarter – with the international standards in this field, and particularly with the Additional Protocol to the UN Convention against Torture (ratified by Romania in April 2009)²⁵³.

²⁵² Jesuite Refugee Services Romania, Activity Report (2011), http://www.jrsromania.org/DOCUMENTE/Raport_anual_de_activitate_2011_JRS_Romania.pdf, accessed 01 September 2012;

²⁵³ Association for Human Rights Protection in Romania (APADOR CH), <http://www.apador.org/blog/campanii/scoateti-legea-din-duba/>, accessed 27 August 2012;

9. National recommendations

Employment

- Adopt proper regulations governing employment and recruiting agencies. Even if Romania is not ready to adopt the ILO Convention 181 (1997) on Private Recruiting Agencies, it is possible to improve the existing legislation and introduce at least some of the provisions of the Convention.
- Consolidate the monitoring capacity of public institutions in Romania. The rules on Labour Inspectorate must be strengthened so that labour inspectors are able to monitor the conditions under which migrants are recruited and employed.
- The local authorities should develop a dialogue with the private sector at the local level in order to foster public-private partnerships with private companies as part of a plan to increase employment of immigrants and ethnic groups.
- Local authorities should adopt strategies and targets for ensuring equal opportunities for immigrants and ethnic minority groups, including Muslims, employed in the public sector at local level as well as promoting their employment in the private sector.
- Social partners and NGOs should increase their capacity to inform migrant workers of their rights, and to protect and promote those rights.

Education

- Encourage young people from migrant backgrounds to consider careers in teaching. Schools should make efforts to hire teachers from migrant backgrounds.
- School authorities and school management should encourage and coordinate mentoring activities from outside the school by voluntary associations, welfare organizations, migrant associations and municipalities.
- Educational authorities and schools should regularly set goals for improving access to education for students from minority groups, such as by increasing rates of enrolment in academically demanding schools, aiming to lower rates of early school leaving or by improving discipline and academic performance. Monitoring must accompany such efforts.

Housing

- There is a need for mapping the poor communities and designing intervention plans. This process should lead to integration of these territories into the urban development plans of the cities.
- Discrimination in housing (especially segregation) should be addressed by adopting a clear definition and identification criteria of this phenomenon that should be part of the legislation. Clear definition and strong sanctions are the only way segregation can be limited and prevented.

- Rural and Roma communities should be focused by special intervention programs, in order to reach the territorial cohesion target. European Structural Funds can be a source of funding for these programmes, particularly beginning from 2014.

Health

- Develop appropriate institutional tools in order to tackle the failure of the Romanian state to facilitate the availability, accessibility, acceptability and quality of health services for Roma;
- Include anti-discrimination topics in the curricula of medicine students to prevent the marginalization of vulnerable groups in hospitals and health facilities.

Access to goods and services

- A better mapping of the discrimination in access to public spaces and an improved sanctioning mechanism;
- Public acknowledging and addressing via institutional mechanisms correlated factors that lead to discrimination in access to goods and services (especially to Roma) such as illiteracy, low level of education, lack of information regarding reporting of such occurrences;
- Capacity building of public servants in properly dealing with and preventing discrimination of ethnic minorities in access to services.

Criminal justice

- Develop a racist crime monitoring instrument and proper prevention and intervention measures to limit such incidents;
- Intensify the debate about ethnic profiling and policing in the police and judicial structures;
- Create an official support mechanism for victims of racist crimes;
- Launch a national awareness raising campaign related to the Muslim community in Romania in order to limit the prejudices towards this minority;
- Thorough application of the legislation in force and the development of a system of control for the proper enforcement coordinated by watchdog NGOs;
- Strengthen the voice of the civil society in Romania through a strong and active common platform against racism and discrimination;
- Stimulate the accountability of politicians and public leaders through visible sanctions for racist speeches.

Media

- Advocate for a clear legislative definition of hate speech and a complementary sanctioning system;
- Create of platform of watchdog NGOs that monitor racist speech in the media at local, regional and national level;

- Facilitate the creation of a pool of journalists with various ethnic backgrounds who can objectively document the situation of minorities in Romania;
- Create a specialized body that monitors racism in the print media;
- Develop an awareness raising campaign on the influence of discriminatory messages in the media;
- Stimulate a stronger reaction of civil society and legislative bodies against discrimination in media.

10. Conclusion

While discrimination remains a serious issue in Romania, there are good signs for the future. Though they encounter many difficulties, NGOs are still vocal when it comes to violations of basic human rights.

Segregated schools and classrooms will continue to be in the attention of civil society and authorities. Strong reactions of NGO related to residential segregation (especially Baia Mare and Cluj cases) had a significant impact at local level. This was encouraging for the NGO sector and discouraging for local authorities.

The European Union is paying increasing attention to the human rights situation in Romania. As 2013 is essential for the programming of future structural funds 2014-2020, special attention is paid to anti-discrimination dimension in the national policies and programmes.

The socio-economic situation of vulnerable groups will be better as the economy develops. The risk of racism and discrimination remain and there is still a need for improvement (by creating or enforcing regulations) in addressing certain problems such as public hate speech, online hate speech, or criminal justice.

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- 7) Interview with Jesuit Refugee Service – Romani

Annex 1: List of abbreviations and terminology

ACRR – The Civic Alliance of Roma in Romania
ADO SAH ROM - The Association for Organization Development - SAH ROM
ADRA - The Adventist Agency for Development Reconstruction and Help
APADAR – The Association for the Protection of the Stateless and Refugees Rights
APADOR – CH – The Association for the Defence of Human Rights in Romania – Helsinki Committee
ARCA – The Romanian Forum for Refugees and Migrants
ARDOR – The Romanian Association for Debate Elocution and Rethoric
CFR – The Romanian Rail Company
CIA – The Central Intelligence Agency of Unites States of America
DIICOT – The Directorate for Investigating Organized Crime and Terrorism
EC – The European Commission
ECHR – The European Court of Human Rights
EDRC – The Ethnocultural Diversity Resource Center
EU – The European Union
FRA – The European Union Agencz for Fundamental Rights
GII – The General Inspectorate for Immigration
HIV/AIDS – Human Immunodeficiency Virus
JRS – Jesuit Refuge Service
LGBT – Lesbian Gay Bisexual Transgender
MCA – The Center for Monitoring and Combating Anti-Semitism in Romania
NCCD – The National Council for Combating Discrimination
NGO – Non Governmental Organization
ODIHR – Office for Democratic Institutions and Human Rights
OSCE – Organization for Security and Co-operation in Europe
PCRM – Policy Center for Roma and Minorities
PRM –The Greater Romania Party
RED – The Rights Equality and Diversity European Network
UEFA – The Union of European Football Association
UK – United Kingdom
UNDP – The United Nations Development Programme
U.S.A – United States of America



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