

Minority Protection in Romania

AN ASSESSMENT OF THE STRATEGY OF THE GOVERNMENT
OF ROMANIA FOR IMPROVING THE CONDITION OF ROMA.

Table of Contents

1. Executive Summary	478
2. The Government Programme – Background	482
2.1 Background to Present Programme	482
2.2 The Programme – Process	482
2.3 The Programme – Content	484
2.4 The Programme – Administration/ Implementation/Evaluation	485
Central Government bodies	486
County – Prefecture bodies	489
Local bodies	490
Participation from civil society	491
2.5 The Programme and the Public	493
2.6 The Programme and the EU	494
3. The Government Programme – Implementation	497
3.1 Stated Objectives of the Programme	497
3.2 The Government Programme and Discrimination	498
3.2.1 Education	501
3.2.2 Employment	503
3.2.3 Housing and other goods and services	506
3.2.4 Healthcare and other forms of social protection	509
Social benefits	511
3.2.5 The criminal justice system	513

3.3	Protection from Racially Motivated Violence	513
3.4	Promotion of Minority Rights	515
3.4.1	Language	516
3.4.2	Education	517
3.4.3	Participation in public life	518
3.4.4	Media	520
3.4.5	Culture	522
4.	Evaluation	523
5.	Recommendations	524

1. EXECUTIVE SUMMARY

The Romanian Government's approach to improving the situation of Roma is set forth in the "Strategy of the Government of Romania for Improving the Roma Condition" (hereafter, the "Government Strategy"), adopted in April 2001.

The Government Strategy sets forth a detailed programme to address the situation of the Roma, incorporating measures at the central, provincial, and local government levels. It is notable for its forthright approach to combating discrimination, and in the extent to which it provides for Roma representation at the different levels of Government. With the appointment of the National Council for Combating Discrimination in July 2002, its structural measures have largely been implemented. However, measures that would tangibly improve conditions in Roma communities have not yet been realised. The number of projects the Government has carried out to implement the practical provisions of the Strategy remains very low; Phare funding has been the primary source of support, as no State budget resources were allocated directly to Strategy implementation in 2002.

Collaboration between the Government and NGOs, as well as cooperation among NGOs themselves, has dissipated since the Strategy was adopted, partially due to concerns that the Government has chosen to work almost exclusively with a single politically active organisation rather than consulting with a broader range of Roma representatives and experts. The fundamental problems of low levels of formal education, high unemployment, and racially motivated violence have not been sufficiently addressed by the Strategy to date.

Background

The "Strategy for the Improvement of the Roma Condition" is the first governmental initiative to take a comprehensive approach to addressing the problems facing the Roma minority. A project to develop a programme addressing the situation of Roma was first undertaken in 1998, with Phare support. During this phase, considerable consultations were held with Roma organisations, in particular the coalition of NGOs known as the Working Group of Roma Associations. Shortly before the end of its mandate in December 2000, the Government approved a memorandum on a strategic framework. The new Government took up the issue in March 2001, and acting on the orders of the Prime Minister, quickly developed and published the present Strategy in May 2001.¹

¹ Government Decision Number 430/Aprilie/2001, 25 April 2001, published in the Official Gazette number 252, 16 May 2001.

Administration

The Joint Committee for Monitoring and Implementation is responsible for organisation, coordination, and monitoring of Strategy implementation; it is comprised of State Secretaries representing the ministries responsible for implementing the Strategy and leaders of Roma NGOs. As of July 2002 the Joint Committee had met only six times, in most cases with the participation of lower-level staff delegated by the State Secretaries of each ministry.² The National Office for Roma, under the Ministry of Public Information's Department for Inter-Ethnic Relations, is the executive body of the Joint Committee.³

Each ministry involved in implementing the Strategy is also to form its own Commission on Roma; 16 have nominally been established to date, but many are inactive.⁴ The level of funding for projects is left to the discretion of the individual ministries, as the Strategy does not provide for any centralised accounting or budget oversight mechanism. There are no mechanisms for sanctioning ministries that fail to accomplish the activities assigned to them under the Strategy.

The Strategy also gives substantial responsibilities to local authorities. Bureaux for Roma have been established in each county; each Bureau has at least one Roma staff member. Roma experts are to be appointed within mayors' offices as well, although financial constraints have limited implementation of this measure to date. These structural measures constitute an important aspect of the Strategy: increasing Roma participation in decision-making. However, realisation of these measures has been uneven and concerns that the appointment process has been politicised have prevented those appointed from fulfilling the active role envisioned by the Strategy.

EU support

Phare funding has been essential to the Government Strategy, from the EU's support for the drafting process in 1998 to the implementation of pilot projects testing the

² Ministry of Public Information, "Report on the Status of Implementation of the Strategy for Improvement of the Condition of Roma – April 2002," p. 2, (hereafter, "Ministry of Public Information, *Report on the Status of Implementation*"). See <<http://www.publicinfo.ro/ENGLEZA.html>>, (accessed 28 September 2002).

³ Order of the Ministry of Public Information no. 259/02; see also, Government Strategy, Chapter VIII, point 1.

⁴ OSI Round Table, Bucharest, June 2002. *Explanatory note: the Open Society Institute held a roundtable meeting in Bucharest in June 2002 to invite critique of a draft version of this report. Experts present included representatives of the Government, Roma groups, and non-governmental organisations.*

Strategy principles in 2001 and beyond.⁵ Although some organisations have expressed dissatisfaction with the rigidity of Phare application procedures, EU support has made possible many projects addressing the needs of the Roma community. The EU's policy of funding projects under the Strategy directly supports the recommendations of its Regular Reports, in which the Commission has praised the Government for adopting the Strategy, but has noted that its measures must be comprehensively implemented, with special attention to eliminating discrimination.

Programme content and implementation

The Government Strategy sets out broad directives in its chapter on Lines of Action, and details 123 more specific activities and projects in the Master Plan of Action. These activities address both prevention of discrimination and promotion of minority rights and are quite comprehensive. However, the programme fails to explicitly address racially motivated violence, and in particular police brutality, which both domestic and international observers have identified as a serious problem.

Measures to prevent discrimination were enhanced by the adoption of Law 48/2002 on the elimination of all forms of discrimination. The Law provides for a National Council to Combat Discrimination, which was appointed only at the end of July 2002 and does not include any Roma members. Successful results in the fight against discrimination have been achieved in the education sphere, where Government-mandated affirmative action measures have increased the number of Roma university students and graduates. Measures to improve access to healthcare through the introduction of community mediators have also shown promise. However, the overall implementation of substantive anti-discrimination projects remains very low, corresponding to the level of resources the Government has allocated. Projects selected under the EU's Phare Partnership Fund for Roma, particularly in the employment sphere, have shown promise, and civil society programmes have also played an important role in addressing inequalities in several spheres.

The Government's promotion of minority rights has again been most effective in the sphere of education, where opportunities for Romani language education have been expanded considerably in the past several years. Efforts to increase Roma representation in all levels of Government have not met expectations, as the offices created have not been adequately integrated into existing structures or delegated responsibilities that would make the appointments meaningful. Moreover, the Government's partnership with a single Roma organisation, the Roma Social Democrat Party, has raised concerns about the marginalisation and exclusion of other organisations.

⁵ See R.W. Murray, *Testing the Strategy*, Mede European Consultancy, October 2001. See <http://www.rroma.ro/download/testing_strategy.pdf>, (accessed 2 October 2002).

Conclusions

The Government Strategy represents an important step towards greater inclusion of Roma in all spheres of Romanian society. Roma organisations contributed to drafting the programme and mechanisms for their continuous input are incorporated into its provisions. The Strategy addresses most spheres where problems have been identified by domestic and international monitors, with the exception of racially motivated violence and violence against Roma by law enforcement officials.

Nevertheless, the test of the Strategy's efficacy can only come through meaningful implementation, which remains at a very low level more than a year after the programme's adoption. The Government allocated few resources for Strategy implementation in 2002; those projects that have been undertaken have almost exclusively been funded through the Phare Partnership Fund for Roma, which is not administered by the Government directly. The coordinating bodies created by the Strategy meet irregularly and with few results.

One of the most important aspects of the Strategy is the degree to which it provides for Roma participation at all levels of Government. In particular, these measures call for the establishment of local structures, with Roma representation, to implement the Strategy and ensure it meets the needs of individual Roma communities. These measures have the potential to institutionalise Roma representation in local governance, to create a powerful network of Roma civil servants and to capitalise on the increasing number of Roma university graduates. However, many of these offices have not yet been able to exert significant influence on decision-making processes, as their activities and responsibilities in relation to other governing bodies remain to be defined.

Moreover, local experts on Roma affairs have mainly been appointed based on the proposals made by the Roma Social Democrat Party, without regard to standard hiring procedures or taking into consideration proposals from other representatives of Roma civil society. A single political organisation has thus come to be accepted as the sole representative body for the highly diverse Roma population, failing to take into account the expertise and experience developed within other Roma non-governmental organisations. Roma activists have also blamed the Government's selective interaction with civil society for exacerbating divisions rather than facilitation cooperation within the Roma NGO community.

Where adequate human and financial resources have been committed to addressing the situation of Roma, Romania has demonstrated impressive results through its Government Strategy. Sustained efforts must be complemented by the allocation of sufficient resources to ensure full implementation that meets the Strategy's goals.

2. THE GOVERNMENT PROGRAMME – BACKGROUND

2.1 Background to Present Programme

The programme “Strategy for the Improvement of the Roma Condition” is the first governmental initiative to take a comprehensive approach to the Roma minority. Earlier efforts to address Roma issues included the Department of Inter-Ethnic Relations’ RAXI programme, which was designed to support local initiatives against racism and xenophobia, and the Counterparty Fund, which implemented local projects for disadvantaged minorities, including Roma. These programmes were never formally evaluated, and there is little information available regarding the degree to which they were successful in meeting the needs of the Roma community.

2.2 The Programme – Process

The “Strategy of the Government of Romania for Improving the Roma Condition” (hereafter “Government Strategy”) was adopted as Government Decision Number 430/Aprilie/2001, published on 16 May 2001.⁶

The idea of developing a wide-ranging programme to address the situation of Roma was first considered some three years before the Government Strategy was adopted. In 1998, the Government tasked the National Office for Roma within the Department for the Protection of National Minorities (hereafter, DPMN) with developing a strategic framework. This project received support from a 1998 Phare programme, which provided for the elaboration of a “white paper” outlining a future strategy for improving the situation of Roma.⁷

In order to ensure structured participation and input from the Roma community, the DPMN signed a partnership protocol in March 2000 with the Working Group of Roma Associations, consisting of the most active Roma NGOs in the country at that time.⁸ The Working Group issued several documents, including a “General Policy Recommendation” on the implementation of the Government programme for improving the situation of Roma. Concurrently, an Inter-Ministerial Sub-Commission for Roma was established to assist in identifying strategies in relevant spheres and to

⁶ Official Gazette number 252, 16 May 2001.

⁷ The National Office for Roma was responsible for implementing Phare RO 9803.01, Improvement of the Situation of Roma, with a €2 million total budget.

⁸ See EU Accession Monitoring Program, *Monitoring the EU Accession Process: Minority Protection*, Open Society Institute, Budapest, 2001, p. 245, (hereafter, *Minority Protection 2001*) Available at <www.eumap.org>, (accessed 3 October 2002).

coordinate their implementation as part of a future national strategy. However, beyond the formation of these groups and an inconclusive series of meetings, little progress towards a programme document was made in the course of 2000.⁹

In its last session before the hand-over to the newly elected authorities in December 2000, the Government approved a memorandum entitled “Strategic Framework of the Romanian Government for Improving of the Condition of Roma.” Nevertheless, there was widespread disappointment in the Roma community that the political will to adopt a formal programme still had not materialised.

Some members of the Working Group of Roma Associations considered that the adoption of the Strategic Framework memorandum in December 2000 had fulfilled the Working Group’s mandate, although the body was not officially dissolved.¹⁰ A new body was therefore organised to constitute an official Government partner in the implementation of a future Strategy. In February 2001, the Federation Framework Convention of Roma (hereafter, FFCR) was established as an association of five Roma NGOs,¹¹ which submitted a general policy recommendation to the Prime Minister’s office shortly thereafter.¹²

All five organisations in the FFCR were based in Bucharest, causing concern among some of the former members of the Working Group that the representation was geographically unbalanced and that the leading Roma organisations from Bucharest did not support a unified Roma civil society movement.¹³

At the end of March 2001, the Prime Minister asked the Ministry of Public Information to prepare a strategy to address the situation of the Roma within a very short time frame. The Ministry appointed a team headed by a State Secretary; with the support of the National Office for Roma, this team began to compile information on

⁹ See *Minority Protection 2001*, p. 103; Information from MEDE Consultants, Bucharest, 31 October 2000. The 2000 Regular Report observed, “work on [the national] strategy has been delayed and preparations are still at an early stage. The newly appointed Inter-ministerial Sub-Committee for Roma has met during the reporting period but proved unable to produce any substantial results. [...] The Accession Partnership’s short-term priorities still need to be met (elaborating a national Roma strategy and providing adequate financial support to minority programmes.” 2000 Regular Report, pp. 24–25.

¹⁰ Telephone interview with Dan Oprescu, National Office for Roma, 8 May 2002.

¹¹ Consisting of the Roma Social Democrat Party (*Partida Romilor* in Romanian, RSDP), Romani CRISS, *Aven Amentza*, the Community Development Agency “Together” and the SATRA/ASTRA Association of Anti-Racist Roma Students.

¹² Unpublished Recommendation, submitted to the Prime Minister’s Office on 8 February 2001.

¹³ Interview with Ötvös Géza, member of the Working Group of Roma Associations, president of Wassdas Foundation in Cluj Napoca, 7 April 2002, Cluj Napoca.

the subject, based on the previous efforts of the Working Group of Roma Associations, the “Strategic Framework” memorandum, and additional consultations with Roma and NGO representatives. The Ministry’s Strategy was approved by the Government on 25 April 2001, and was generally accepted by Roma community leaders as a positive development.

According to a State Secretary within the Ministry of Public Information, a number of the principles presented by the Working Group of Roma Associations were incorporated into the Government Strategy.¹⁴ These included the focus on eliminating discrimination and on partnership with Roma associations, the recommendation to establish ministerial commissions on Roma, and a mechanism for allocating funding for the implementation of programmes.

2.3 The Programme – Content

The Government Strategy provides for measures in ten sectors or areas, with detailed goals under each heading, an action plan, and a time frame for each action specified. The ten sectors are:

- Community Development and Public Administration
- Housing
- Social Security
- Healthcare
- Economics
- Justice and Public Order
- Child Welfare
- Education
- Culture and Denominations
- Communication and Civic Participation¹⁵

¹⁴ OSI Round Table, June 2002. *Explanatory note: the Open Society Institute held a roundtable meeting in Bucharest in June 2002 to invite critique of a draft version of this report. Experts present included representatives of the Government, Roma groups, and non-governmental organisations.*

¹⁵ See the “Strategy for Improving the Roma Condition,” Government Decision No. 420/Aprilie/2001, Chapter VII, Sector Fields, available at <<http://www.rroma.ro>>, (accessed 30 October 2002), (hereafter, “Government Strategy”).

The text of the Strategy sets forth its guiding principles in some detail. These include:

- The consensus principle, by which the Strategy is defined as “a joint effort of the Government and the representative organisations of the Roma community;”
- The social utility principle, which calls for measures to respond to the specific needs of the Roma community;
- The principle of “sectoral distribution,” by which tasks are assigned to various bodies according to their respective sectors or spheres of competence;
- The decentralisation principle, by which specific responsibilities are assigned to public institutions at the local level;
- The principle of identity differentiation, which provides that measures should enable Roma to enhance and protect their distinct minority identity; and
- The equality principle, which states that measures to protect Roma should not put other groups at a disadvantage.¹⁶

The Government Strategy is complemented by existing legislation, including the Romanian Constitution, which guarantees equal rights for all Romanian citizens and the right to identity of individuals belonging to national minorities.¹⁷ Of particular importance is Law 48/2002, (formerly Government Ordinance 137/2000) on the elimination of all forms of discrimination, which brings Romania closer to compliance with the EU Race Equality Directive.

2.4 The Programme – Administration/Implementation/Evaluation

Particular attention has been given to establishing structural mechanisms for implementing the Government Strategy. Coordinating bodies are provided for at the Government, ministry, and county levels, with Roma representation in each. These structures have in most cases been established, but with disappointing results as they so far lack authority and are not well integrated with existing structures. Coordination meetings are infrequent, and attendance appears to be a low priority for the participating representatives. Consequently, Roma communities have seen few concrete results from the Strategy, with implementation falling behind schedule in many areas. Roma organisations have made several efforts to press for increasing the pace of implementation, but have not been successful in uniting to advocate for their common interests.

¹⁶ Government Strategy, Chapter I.

¹⁷ See Romanian Constitution, 1991, Articles 4, 16 and 6.

Central Government bodies

The Ministry of Public Information is the principal governmental body responsible for the elaboration and implementation of the Government Strategy in the field of public information and inter-ethnic relations.¹⁸ The Ministry's Department for Inter-Ethnic Relations is responsible for minority issues in general, including Roma issues.

A specialised structure within the Department, the National Office for Roma, is directly responsible for coordinating implementation of the Strategy together with local public bodies. The National Office for Roma has a staff of six, headed by a Sub-State Secretary. Previously, the Department for the Protection of National Minorities had been responsible for Government policy regarding Roma; the Department for Inter-Ethnic Relations took over its competencies with the formation of a new Government in 2000. This shift effectively diminished the status of minority issues, by transferring responsibility from the level of a department led by a minister to a department within a ministry, run by a Sub-State Secretary.

The Joint Committee for Monitoring and Implementation, the main structure responsible for the implementation of the Strategy, was established in July 2001.¹⁹ It is comprised of State Secretaries representing the relevant Government ministries and leaders of Roma NGOs. The Committee is in charge of organisation, planning, coordination and management of implementation of the Government Strategy. The National Office for Roma is the executive body of the Joint Committee.²⁰

As of June 2002 the Joint Committee had met only six times in the ten months since its establishment, in most cases with the participation of staff delegated by the State Secretaries of each ministry.²¹ An Alternative Report on the programme's implementation drafted by the Aven Amentza Roma Centre for Public Policies (hereafter, "Alternative Report") characterises the Joint Committee as an unsuccessful copy of the earlier Inter-ministerial Sub-commission for Roma. Although the Joint Committee is required to meet monthly,

¹⁸ Romanian Government Decision no. 13/4 January 2001 regarding the Organisation and Functioning of the Ministry of Public Information, published in Romanian Official Monitor no. 16/10 January 2001.

¹⁹ Order of the Ministry of Public Information no. 259/02; see also, Government Strategy, Chapter VIII, point 1.

²⁰ Government Strategy, Chapter VIII.

²¹ Ministry of Public Information, "Report on the Status of Implementation of the Strategy for Improvement of the Condition of Roma – April 2002," p. 2. See <<http://www.publicinfo.ro/ENGLEZA.html>>, (accessed 3 October 2002). The document was completed with information from ministries and MEDE European Consultancy, the company that administered the Phare Programme for Improvement of the Situation of Roma and prepared by the Ministry of Public Information, (hereafter, Ministry of Public Information, "Report on the Status of Implementation").

the Alternative Report suggests that it ceased to do so because of its limited access to information and differences among members' decision-making authority and expertise.²² There are Roma representatives in the Joint Committee, but they appear to enjoy little authority and no resources have been placed at their disposal to facilitate their work.²³

Under the Joint Committee are individual Ministerial Commissions on Roma. To date 16 such Commissions have been formed to oversee implementation of Strategy activities within each ministry's competence.²⁴ Each of these Commissions is headed by a State Secretary, and comprised of a member of the Joint Committee and three to four additional members, one of whom is to be a Rom nominated by Roma NGOs. The "Alternative Report" alleges that the Ministerial Commissions also fail to meet regularly, and that they are "semi-secret."²⁵ Roma experts have been nominated by the FFCR. However, apparently due to a lack of clear internal regulations, the Roma members have not been consulted or invited to all the meetings of the Joint Committee or the Ministerial Commissions.²⁶ Both the low priority of Roma issues and organisational adjustments to the new Commissions' structure within the ministries may have contributed to their weakness to date.

Oversight and reporting on Strategy expenditures is regulated by general Government regulations on accountability. Additional measures are usually specified by international donors such as the EU or the UNDP, and are provided for in individual project contracts. The Strategy does not provide for any centralised accounting or budget oversight mechanism; the level of funding for projects is left to the discretion of the individual ministries. As noted by the Advisory Committee on the Framework Convention for the Protection of National Minorities (hereafter, FCNM), "the different ministries vary considerably in their commitment to take effective action to

²² "Implementation of GD 430/2001 'Strategy for Improvement of the Situation of Roma,' Alternative Report," *Aven Amentza* magazine no. 19–20, April–May 2002.

²³ Nicolae Păun – President of RSDP and M.P., Vasile Ionescu – President of Roma Centre for Public Policies Aven Amentza and expert of the Ministry of Culture and Denominations, Delia Grigore – President of ASTRA/SATRA, Costel Bercuș – Executive Director of Romani CRIS, Marica Ionescu – Expert in the National Office for Roma.

²⁴ Commissions have been formed in the Ministries of Public Information; Public Administration; Small and Medium-Sized Enterprises; Industries and Resources; Public Transport and Housing; Agriculture; Labour and Social Solidarity; Health and Family; Youth and Sports; Justice; Culture and Denominations; Education and Research; Foreign Affairs; Internal Affairs; National Defence; and in the National Authority on Child Welfare.

²⁵ "Implementation of GD 430/2001 'Strategy for Improvement of the Situation of Roma,' Alternative Report," *Aven Amentza* magazine no. 19–20, April–May 2002.

²⁶ Both Costel Bercuș and Vasile Ionescu reported that they were not officially invited to any of the Committee meetings, telephone interviews, 25 April 2002.

improve the situation of the Roma.”²⁷ The Committee goes on to recommend that the Government should “take special care to ensure the plan is fully and consistently implemented by all the bodies concerned, given that the National Office for Roma has only very limited resources and competencies.”²⁸

Indeed, the current level of Government funding for the Strategy is very low. At the request of the National Office for Roma, the technical assistance company, MEDE European Consultancy, estimated that the level of funding required to implement the Strategy as it was drafted is approximately €105 million, of which the Government should contribute 31 percent, and the remaining 69 percent could be funded from extra-budgetary resources.²⁹ Yet in the preparation of the 2002 State budget, no funding was allocated directly to Strategy implementation, although some measures outside the Strategy’s framework are expected to benefit many Roma.³⁰

It is expected that the 2003 budget will include some allocations for Strategy implementation.³¹ The Government Strategy also provides for the creation of a public interest foundation for Roma affairs, to attract extra-budgetary funds from within the country as well as abroad to be used in implementing the Strategy. At the end of 2001, the Resource Centre for Roma Communities (RCRC) signed an agreement with the Ministry of Public Finance – Central Finance and Contracts Unit for administration of the Phare 2000 Civil Society Fourth Roma component.

Chapter IX of the Strategy, the “Master Plan of Measures for Applying the Strategy,” sets forth 123 projects and activities in some detail. In many cases, deadlines are specified for projects’ completion, and the responsible ministry or ministries are also indicated. Nevertheless, these deadlines often have not been met. A lack of specificity in assigning tasks allows ministries to shift responsibility for carrying out a given activity between different departments or agencies within the ministry, and to delay the release of resources allocated for implementation. After some delays due to difficulties collecting information from the ministries, the Joint Committee’s report on Strategy implementation to date was made public in April 2002.³² While the sections on institutions, public administration, and education are well elaborated and detailed in this first evaluation, other sections report little progress and can only reiterate the provisions of the Strategy itself. Nevertheless, the Government has demonstrated a

²⁷ Advisory Committee on the FCNM, *Opinion on Romania*, Strasbourg, 2001, para. 25.

²⁸ Advisory Committee on the FCNM, *Opinion on Romania* 2001, para. 25.

²⁹ Estimate completed by MEDE European Consultancy after consultation with each ministry involved in the implementation of the Strategy, 2001.

³⁰ Including social security measures, addressed in Section 3.2.4, below.

³¹ Interview with Marica Ionescu, National Office for Roma, Bucharest, 15 March 2002.

³² Ministry of Public Information, *Report on the Status of Implementation*, p. 4.

commitment to assessing itself in regard to Strategy implementation, which will be increasingly important as the pace of implementation improves.

The executive body of the Joint Committee of Implementation and Monitoring, the National Office for Roma, has only limited power to advance implementation of the Strategy. Because the Strategy was adopted as a Government decision, it does not have the character of a law and therefore does not provide for sanctions if competent bodies fail to accomplish the activities provided for. As the head of Government, only the Prime Minister could compel greater adherence to the Strategy and require ministries to carry out their respective obligations. Representatives of the RSDP have requested the Prime Minister's involvement to re-activate the process, and he is expected to address Strategy implementation as part of his regular teleconferences with prefects (county level Government representatives).

Some of the measures called for under the Government Strategy will also be on the agenda of the "National Plan for Local Development of Roma Communities," which the Strategy names as one of the organisational measures to be taken under its auspices.³³ These measures mainly concern improvements to infrastructure and rehabilitation of housing, job creation, and health. A Phare project to design the plan is in preparation with the National Office for Roma, and should be realised in 2003 with a proposed budget of €6 million, of which the Government should contribute €1.25 million. The project is designed to strengthen institutions at the local and county levels, aimed at establishing equitable and sustainable partnerships of Roma communities and the public administration.

County – Prefecture bodies

County bureaux for Roma have been established within the prefects' offices, under the Ministry of Public Administration's Ministerial Commission on Roma. The County Bureaux were created to evaluate the situation of Roma at the local level, and to coordinate realisation of local development programmes under the Government Strategy. Each Bureau has a staff of three to four, at least one of whom is to be a Rom. Hiring Bureau staff is the responsibility of the prefecture. In most cases, those hired as Roma experts have a university degree, and were nominated to their post by the Roma Social Democrat Party (RSDP).³⁴ By May 2002, the last county to select a Roma

³³ Government Strategy, Chapter XI, Master Plan of Measures for Applying the Strategy of Improving Roma's Condition, Point 20.

³⁴ Ivan Gheorghe, Sub-State Secretary, Ministry of Public Information, Statement in the Seminar regarding the Improvement of the Situation of Roma in Romania, 2-3 November 2001, "...Out of these, 30 have graduate degrees and are not politically involved. ... Twelve have high-school level studies, and, among them, some are older persons coming from the activist sphere."

expert had made an appointment and established its Bureau for Roma. Generally, staff of the County Bureaux report that their tasks mainly involve handling requests for public support documents, unemployment certification, and housing, identity and property documents.³⁵

Experts with the County Bureaux indicate that they have adequate resources at their disposal, although several have noted that a car or other means of transport would facilitate their work in Roma communities.³⁶ The Ministry of Public Administration covers the salaries and associated administrative costs of the Roma experts hired for County Bureaux for Roma, and the Ministry of Public Information has contributed computers and printers to each of the 42 offices through a contract with the “Together” Community Development Agency Bucharest.

The County Bureaux for Roma are expected to convene mixed working groups at the county level, including representatives of the Bureau, NGO representatives, and Roma community leaders. Out of 42 counties, fewer than 15 had managed to set up working groups as of Summer 2002.³⁷ At the initiative of the “Together” Community Development Agency, a project funded through the Phare Access 2000 programme will support the creation of another ten working groups.³⁸ Even those that have been formed have failed to achieve concrete results: according to one County Bureau representative, the local working group does not function properly because the County Bureau has no authority or influence over the institutions represented, such as county labour offices and health centres.³⁹

Local bodies

According to the Government Strategy, positions for local experts on Roma are to be created within mayors’ offices, answering to the mayor and the County Bureau for Roma.⁴⁰ Implementation of this measure has only recently begun, as no additional

³⁵ Interviews with Roma experts from County Office for Roma: Viorica Gotu in Galați County, Corina Copeți from Hunedoara County, Turcata Nicolae from Mureș county, Elena Dumitrașcu from Suceava County, July–August 2002.

³⁶ Interview with Viorica Gotu, Roma expert, County Office for Roma, Galați, 1 August 2002; interview with Turcata Nicolae, Roma expert, County Office for Roma Tîrgu Mureș, 14 August 2002.

³⁷ 13 groups are mentioned in the “Implementation of GD 430/2001 ‘Strategy for Improvement of the Situation of Roma,’ Alternative Report,” *Aven Amentza* magazine no. 19–20, April–May 2002.

³⁸ Interview with Gelu Duminiță, Director of Community Development Agency “Together,” 5 April 2002; the project is funded by Phare ACCESS 2000 micro-projects component.

³⁹ Interview with Viorica Gotu, Roma expert, County Office for Roma, Galați, 1 August 2002.

⁴⁰ Government Strategy, Chapter VIII, point 4.

funding has been allocated and most localities do not have the resources to create a new post. A total of 399 local experts on Roma had been officially nominated as of April 2002.⁴¹ However, not all of these experts are Roma, and in many cases, officials in existing positions were designated as the “Roma expert,” and related tasks were simply added to their existing responsibilities as resources for hiring additional staff were not available. A representative from a County Bureau for Roma noted that, “these civil servants do not have any knowledge and motivation to work for solving Roma problems; it is just another responsibility for them.”⁴²

Participation from civil society

Roma involvement in both the development and implementation of the Government Strategy has been extensive, but has become politicised and even counter-productive in some cases.⁴³ Since the Strategy’s adoption, NGO representatives have registered their dissatisfaction over delays in implementation, especially regarding anti-discrimination provisions.⁴⁴ NGOs have also expressed concerns about the objectivity of the Joint Committee, and the allegedly political criteria used to select personnel for Roma-related projects.⁴⁵ Many complaints have related to the appointment of Roma experts within the local governments. Some representatives of Roma NGOs have stated that the Government has a different vision regarding the implementation of the Strategy than their own, and have called for more effective collaboration with civil society in its implementation.⁴⁶

Ministry of Public Information officials consider their collaboration with Roma civil society organisations to be constructive, and have underlined that they consider this cooperation indispensable, as where public institutions fail, NGOs may have greater

⁴¹ Ministry of Public Information, *Report on the Status of Implementation*, p. 5.

⁴² Interview with Viorica Gotu, Roma expert, County Office for Roma, Galați, 1 August 2002.

⁴³ Statement of Vasile Ionescu, Conference on the Improvement of the Condition of Roma in Romania, organised by United Nations Agencies in Romania and the Romanian Government, 2-3 November 2001.

⁴⁴ See Report of the seminar organised by the UN and the Romanian Government regarding the improvement of the Roma Condition in Romania, 2–3 November 2001 Bucharest, (hereafter, “November 2001 Seminar Bucharest”); statement of Costel Bercuș, Executive Director of Romani CRISS.

⁴⁵ Statement of Vasile Ionescu, President of the Aven Amentza-Roma Centre for Public Policies at the November 2001 Seminar Bucharest.

⁴⁶ Statement of Vasile Ionescu, President of the Aven Amentza-Roma Centre for Public Policies at the November 2001 Seminar Bucharest.

success.⁴⁷ However, the Government's main partner, the RSDP, has been unable to mobilise existing Roma resources at the local level. In an effort to improve the effectiveness of Strategy implementation, the RSDP formed a new body, "Cartel RO 430" to liaise with the Government.⁴⁸ However, the body has produced few visible results, and some Roma activists have remarked that it exists only on paper.⁴⁹

The membership of each representative body is generally drawn from the same group of Roma leaders, sometimes resulting in confusion over the continued relevance of any one body. This has paradoxically limited Roma organisations' ability to identify common issues for advocacy or to articulate a joint approach to Strategy implementation. In an interview, the Sub-State Secretary of the Ministry of Public Information declared that the FFCR, created during the same year and with the same objective as Cartel RO 430 "does not exist any more" because all the members moved to the Cartel and "the Framework Convention of Roma was absorbed." The President of the FFCR added that, "the Federation Framework Convention of Roma has a protocol signed with the Government regarding implementation. However, most of the members of the [FFCR's] Permanent Committee are also members of the Joint Committee for Implementation and Monitoring and a resignation of these members will mean a blockage of the Strategy."⁵⁰

In June 2002, the RSDP and the Social Democrat Party signed an agreement, the "Collaboration and Political Partnership Protocol," which focuses on cooperation between the Social Democrat Party (SDP) and the RSDP in the promotion and monitoring of the implementation of the Government Strategy. The Protocol calls for establishing a new "State Department for Roma problems," and promotion of Roma issues at the international level. There is also a more explicitly political dimension to the agreement, relating to the promotion of Roma representatives in positions within State institutions, consultations at the Parliamentary level, RSDP endorsement for the SDP's candidates, and collaboration at the county and local level.⁵¹ However, RSDP representatives have since expressed dissatisfaction with the SDP's commitment to the

⁴⁷ Remarks of the Ministry of Public Information State Secretary Dan Jurcan, at the launch of the "Fund for Improvement of the Situation of Roma" the fourth component of the Phare Civil Society Development 2000 program.

⁴⁸ DIVERS Bulletin No. 44, 8 November 2001: Interview with the Sub-State Secretary Ivan Gheorghe, "Cartel RO 430 will have the role of 'contributing to the effectiveness of the implementation of the Strategy for Improvement of the Condition of Roma' and will be the sole organisation that will support the Government in implementation."

⁴⁹ Interview with Toader Burtea, president of Roma Free Democratic Association Saşa Petrosani, 12 April 2002, Cluj Napoca.

⁵⁰ DIVERS Bulletin, Year I, no. 44, 8 November 2001.

⁵¹ Available at <<http://www.psd.ro/documente/protocol-psd-partida-romi.pdf>>, (accessed 2 October 2002).

Protocol,⁵² and have even indicated that the RSDP will sign an agreement with the far-right Greater Romania Party if Strategy implementation does not improve.⁵³

2.5 The Programme and the Public

There has been little effort to present the Government Strategy to the public at large. Government resources allocated to public awareness of Strategy projects and objectives have been minimal, although one component of the Strategy is the improvement of communication and civic participation. In 2001 and 2002, Government representatives gave presentations on Strategy implementation at various national and international meetings, including the OSCE Conference in September 2001, the United Nations Agencies Roma conference in November 2001, and the Braşov Conference on Implementation at the Local Level of the Strategy for Improvement of the Condition of Roma, also in November 2001.

Romanian media has frequently relied upon negative stereotypes in its reporting on Roma issues, and although some positive references to the Government Strategy have appeared, negative representations persist. The independent Roma Press Agency regularly reports on general Roma issues, and the implementation of Strategy projects is often featured.⁵⁴ (See Section 3.4.4)

Greater efforts are needed to build public support for the Strategy. The general public has received the Strategy as a necessary measure, particularly in view of the EU accession process, but confidence that the programme will achieve its objectives seems to be low.⁵⁵ The Government Strategy was welcomed by Roma civil society organisations and by Roma political leaders, who have particularly emphasised the importance of political will at both the highest State and local government levels; it is understood that implementation will hinge on the level of commitment from State authorities.⁵⁶

⁵² Ethnic Minority Briefs No. 20, 26 August 2002.

⁵³ See RFE/RL *Newsline*, 15 August, "Romanian Romany Leader Threatens to Back Extremist Party."

⁵⁴ The Roma Press Agency produces an English-language digest at http://groups.yahoo.com/group/roma_news_en, (accessed 25 October 2002).

⁵⁵ Interview with Marica Ionescu, National Office for Roma, 15 March 2002, Bucharest.

⁵⁶ OSI Round Table, Bucharest, June 2002.

2.6 The Programme and the EU

Phare and other EU funding has been essential to the Government Strategy, from its support for the drafting phase in 1998 to the implementation of projects testing the Strategy principles in 2001 and beyond.⁵⁷ Although some organisations have expressed dissatisfaction with the rigidity of Phare application procedures, EU support has made possible many projects addressing the needs of the Roma community. The EU's policy of funding projects under the Strategy directly supports the recommendations of its Regular Reports, in which the Commission has praised the Government for adopting the Strategy, but has also noted that its measures must be comprehensively implemented, with special attention to eliminating discrimination.

The Government Strategy was drafted with the support of a 1998 Phare programme.⁵⁸ A Dutch company, MEDE European Consultancy, was selected as the Contracting Authority in partnership with the British Minority Rights Group. The "Improvement of the Condition of Roma" project had two objectives: to assist the Government in the development of a White Paper/Strategy to contribute to the elimination of all forms of discrimination against Roma. The project also provided for the establishment of a "Partnership Fund for Roma" which would distribute €900,000 in project grants.

Implementation of the two components was delayed by some two years, in part due to difficulties in consolidating support within the political establishment, and in building a partnership between the Government and the Roma Social Democrat Party. Elections in 2000 also slowed the pace of implementation.

The first component, the White Paper, was fulfilled through the adoption of the Government Strategy in April 2001, while the second component, the "Partnership Fund for Roma" was established in January 2001 with the following objectives:

- To test ministerial strategies by supporting initiatives between (local) government organisations and the Roma community.
- To build the capacity of existing Roma NGOs and to stimulate the development of new Roma organisations in areas where none are operating

⁵⁷ See R.W. Murray, *Testing the Strategy*, Mede European Consultancy, October 2001, (hereafter, "*Testing the Strategy*"). See http://www.rroma.ro/download/testing_strategy.pdf, (accessed 2 October 2002).

⁵⁸ RO 9803.01, "Improvement of the Condition of Roma in Romania" programme, with a total budget of €2 million.

- To identify and support sustainable partnerships and innovative projects between Roma communities and local public authorities.⁵⁹

Of 334 applications received, 40 projects, covering most strategy sectors, were selected and have been implemented in the course of 2001–2002.

The selection process was governed by the applicable procedures under Phare guidelines.⁶⁰ An Evaluation Committee and team of assessors were chosen, to include representatives with experience in the area and a reputation for impartiality and confidentiality. The names of the Evaluation Committee members and Assessors are not made public,⁶¹ but in 2001 one of the Committee members was a Rom, while in 2002 there are two Roma representatives in a team of three. Their assessments form the basis of the Evaluation Committee's recommendations for funding, which are reviewed by the EU Delegation with special regard to the procedural and financial aspects of the process. The Contracting Authority (previously MEDE European Consultancy, presently the Central Finance and Contracting Unit of the Ministry of Public Finance) then makes the final decision on the list of projects to be funded.

Some applicants have expressed concern that the Phare process is not sufficiently transparent, and its lack of flexibility can be especially burdensome for smaller organisations seeking lower levels of support. The same procedures apply, regardless of a project's size, subject matter, or the level of funding requested.

In recent years, most projects for Roma that have been funded by the European Union or other international donors have been implemented on an *ad hoc* basis, and have mainly addressed social and economic problems. As no formal Government programme existed prior to 2001, there was no structure within which to integrate these various initiatives. An interim evaluation of projects supported under the Partnership Fund observed that, "projects were designed and implemented based on local needs and solutions that were identified in particular communities, they were not designed to test specific government measures, and they were not projects commissioned by [the] central

⁵⁹ Guidelines for Applicants, Partnership Fund for Roma, officially launched on 26 January 2001. See also the official web site of European Union Delegation in Romania, <<http://www.infoeuropa.ro/start.php>>, (accessed 3 October 2002).

⁶⁰ See <http://europa.eu.int/comm/europeaid/tender/gestion/pg/e_en.htm>, (accessed 3 October 2002).

⁶¹ *Practical Guide to EC external aid contract procedures*, p. 158. "The entire procedure, from the drawing-up of the Call for Proposals to the selection of successful applicants, is confidential. The Evaluation Committee's decisions are collective and its deliberations must remain secret. The committee members are bound to secrecy."

[G]overnment.”⁶² The Partnership Fund for Roma has nevertheless been the most consistent source of European Union funding for Roma in Romania.

Through the Phare Lien and Phare Democracy Programmes, between 1995 and 1999, approximately €200,000 was distributed as grants for 26 projects related to Roma issues; of these only ten projects were directly implemented by Roma organisations, while the rest were carried out by other NGOs or by public institutions. In 2002–2003, as part of the Phare Civil Society Development 2000 Programme,⁶³ one component was devoted to Roma issues. The component, the “Fund for Improvement of the Situation of Roma” has a total budget of €927,500, which will be distributed in the form of grants to 29 projects.⁶⁴

Under the 2001 Phare programme, a database and a publication were compiled under the title, “Projects for Roma in Romania, 1990–2000;” these were intended as a tool for Government institutions, donors, and NGOs for the development and implementation of future policies.⁶⁵ The large number of implemented projects listed in this index is disproportionate to the results achieved, and it is debatable whether all the projects were in fact focused on Roma or disadvantaged populations more generally.

In the 1999 Regular Report, released prior to the adoption of the Strategy, the European Commission was strongly critical of the Government’s level of commitment to addressing the problems faced by the Roma community.⁶⁶ By contrast, the 2001 Regular Report praised the adoption of the Government Strategy, which had been a priority in the 1999 Accession Partnership (since revised),⁶⁷ referring to it as a “comprehensive and high quality document that was elaborated together with Roma organisations and has been welcomed by them.”⁶⁸ Decentralisation and the involvement of local level institutions are singled out as important features of the

⁶² *Testing the Strategy*, p. 1.

⁶³ Phare RO 0004.02 Civil Society Development 2000, with a total budget of € four million.

⁶⁴ The list of the 29 projects is available at
<<http://www.romacenter.ro/documente/PR%20ROMA%20RO%20castigatori.doc>>,
(accessed 2 October 2002).

⁶⁵ *Projects for Roma in Romania, 1990–2000*, edited by Viorel Anăstăsoaie and Daniela Tarnovski.

⁶⁶ Commission of the European Communities, *2000 Regular Report from the Commission on Romania’s Progress Towards Accession*, Brussels, 2000, p. 23.

⁶⁷ Commission of the European Communities, *2001 Regular Report on Romania’s Progress Towards Accession*, Brussels, November 2001, p. 29, (hereafter, “EU Regular Report 2001”).

⁶⁸ EU Regular Report 2001, p. 29.

Strategy;⁶⁹ Partnership Fund support has accordingly been allocated almost exclusively to local initiatives.⁷⁰

The Regular Report emphasises that Roma NGOs will have to play an active role in the implementation of the Strategy, while observing that the lack of unity between Roma organisations could pose an obstacle.⁷¹ Civil society organisations have pointed out that this perspective fails to take account of the diverse community their organisations represent, and does not examine the ways in which Government policy has contributed to tension and friction within the NGO sector.⁷²

3. THE GOVERNMENT PROGRAMME – IMPLEMENTATION

3.1 Stated Objectives of the Programme

The Government Strategy addresses a broad range of issues affecting the Roma minority, addressing the prevention of discrimination, setting forth measures to redress present inequalities, and supporting the promotion of minority identity. The general objectives of the Strategy are the following:

- Delegating political objectives and responsibilities concerning the Roma that are currently assumed by the Government to the central and local public authorities in the implementation of measures to improve the condition of the Roma;
- Supporting the formation and promotion of an intellectual and economic elite within Roma communities, to facilitate the application of social integration and modernisation policies;
- Counteracting the stereotypes and prejudices held by some civil servants in public institutions;
- Encouraging change in public opinion concerning Roma, on the basis of principles of tolerance and social solidarity;
- Stimulating Roma participation in the economic, social, educational, cultural and political spheres, based on their involvement in various assistance and community development projects;

⁶⁹ EU Regular Report 2001, p. 29.

⁷⁰ See generally, *Testing the Strategy*.

⁷¹ EU Regular Report 2001, p. 29.

⁷² OSI Round Table, Bucharest, June 2002.

- Preventing institutional and social discrimination against Roma in access to social services;
- Ensuring conditions for Roma to have equal opportunities to attain a decent standard of life.⁷³

3.2 The Government Programme and Discrimination

The Government Strategy identifies the elimination of discrimination as one of the most important factors in improving the condition of the Roma. The opening statement of the Strategy acknowledges that “in the course of history, Roma were objects of slavery and discrimination, phenomena that have left deep marks on the collective memory and have led to the social limitations of the Roma.”⁷⁴ Throughout the text, the Strategy accordingly sets out specific measures to address inequalities, and to prevent future incidences of discrimination. These measures include:

- Establishing the National Council for Combating Discrimination and including Roma representatives in this structure;
- Monitoring the application of Emergency Ordinance No. 137/2000 (now Law 48/2002) and sanctioning civil servants who commit discriminatory acts;⁷⁵
- Creating programmes to prevent and combat discrimination against institutionalised Roma children and other groups of children in need;⁷⁶
- Establishing a programme for fighting discrimination in the media;
- Drafting programmes to provide information about combating discrimination in employment;
- Calling attention to cases of public or private discrimination against Roma through the media;
- Developing and implementing programmes to support the development of Roma civil society, in order to facilitate their efforts to prevent and combat discrimination.⁷⁷

⁷³ Government Strategy, Chapter III.

⁷⁴ Government Strategy, Chapter I.

⁷⁵ Government Strategy, Chapter VII Section A, Point 6.

⁷⁶ Government Strategy, Chapter VII Section G, Point 2.

⁷⁷ Government Strategy, Chapter VII, Section J, Points 2,3,6,8.

Local activists and the international community welcomed the much-delayed entry into force of Law 48/2002 as a comprehensive and potentially powerful tool against discrimination.⁷⁸ The Law includes a broad definition of discrimination on grounds of ethnicity, race, and sex, and stipulates equality in economic activity, employment; access to legal, administrative and public health services; access to other goods, services, and facilities; access to education; and the right to personal dignity.⁷⁹ The law provides for a monitoring and enforcement body, the National Council for Combating Discrimination (NCCD).

However, the Law does not meet the standards prescribed by the EU Race Equality Directive, which are intended to represent minimal protection against discrimination.⁸⁰ Law 48/2002 fails to adequately define indirect discrimination, referring only to “active” and “passive” discrimination.⁸¹ There are also no provisions regarding harassment or intimidation, and the standard of evidence is not adequately defined explicitly to allow the introduction of statistical evidence. The Law does not provide for reversal of the burden of proof in discrimination claims, although the NCCD could do so in defining its own procedures.

The NCCD is administratively subordinated to the Government General Secretariat, although it is designed to be an independent body. It has six members and one president holding the rank of Secretary of State.⁸² After a significant delay, the NCCD was established by a decision of the Prime Minister on 31 July 2002. Its members were appointed based on proposals from the relevant ministries,⁸³ and its President is a former director in the Governmental Law Harmonisation Directorate.⁸⁴ Disappointingly, no Roma member was appointed, as had been anticipated.⁸⁵ Although there were several

⁷⁸ See, e.g. EU Regular Report 2001, p. 29.

⁷⁹ See Government Ordinance 137/2000, Chapters I, II, II, IV, V. English text available at <http://www.minelres.lv/NationalLegislation/Romania/Romania_antidiscrim_English.htm>, (accessed 2 October 2002).

⁸⁰ See *Minority Protection 2001*, p. 394.

⁸¹ See Government Ordinance 137/2000, Art. 2 (2).

⁸² Government Decision on Organisation and Functioning of the National Board on Fighting Discrimination, Art. 4.

⁸³ Prime Minister Decision No. 139/31 July 2002, regarding the nomination of the members of the National Council for Combating Discrimination. Proposals were received from the Ministries of Public Information, Labour and Social Solidarity, Justice, Health and Family, Public Administration, Education and Research and Interior.

⁸⁴ See *Divers – Romania Ethnic Diversity Briefs*, No. 18, 12 August.

⁸⁵ Government Decision on Organisation and Functioning of the National Board on Fighting Discrimination, Article 5(5): “When appointing the Directory College members, the presence of the persons belonging to the national minorities or to the disabled categories shall also be taken into consideration.”

proposals from the SDRP, there was no consultation with representative Roma NGOs, which could offer significant experience and trained staff in the field of combating discrimination.⁸⁶ The NCCD will have a budget of approximately ROL 3 billion (Romanian Lei, approximately €280,000⁸⁷) in 2002, and should ultimately have a staff of 50.

Despite the adoption of the anti-discrimination Law as a provisional ordinance in 2000, no sanction for discrimination against Roma was imposed under this legislation for more than a year. During this period, the courts rejected some claims of discrimination on the grounds that the NCCD (which had not yet been appointed) is the only body that can rule on discrimination, although in fact regular courts are still required to hear claims raised under other legislation.⁸⁸ It is therefore crucial that the Government provide training for judicial and legal professionals on the new legislation; this is clearly necessary to ensure its effective implementation.

The NGO community has actively pursued the development of anti-discrimination law and practice. Civil society groups contributed to elaborating the text of Ordinance 137, and have already taken test cases through the courts, in order to begin building authoritative interpretation of the Law's provisions. Recently, the manager of a Bucharest football club was fined ROL 1.5 million (less than €50) for failing to prevent supporters from unveiling a banner with racist overtones and shouting remarks directed at the Roma fans of the opposing team.⁸⁹ Though the fine was small, the significance of the ruling is great; this is reportedly the first time that a penalty of this kind has been imposed.

NGOs have supported information campaigns against discrimination: the RCRC carried out a Phare-supported information campaign on anti-discrimination legislation in 2001 with young Roma activists. The programme, "Defend Your Rights!" was funded by the European Union within the European Initiative for Democracy and Human Rights, and its purpose was to present the Ordinance 137/2000 to 40 Roma communities in Cluj, Bucharest, Iași, Timișoara, Craiova, Bacău, Mureș, and Sibiu. As a result of the campaign, approximately 4,000 Roma community members learned of the existence of this legislation, and at least 200 Roma know the contents of the ordinance in detail and understand the role of the NCCD and other institutions defending human rights.

⁸⁶ Interview with Maria Ionescu, National Office for Roma, 23 August 2002, Constanța.

⁸⁷ The exchange is calculated at ROL 32,093 to €1.

⁸⁸ Ordinance 137/2000, Chapter V, Art. 20 (3). See also, Romani CRISS, Annual Report 2001, Human Rights Department, *CRISS vs. Angely*.

⁸⁹ See RFE/RL *Newsline*, 21 March 2002, "First Fine Imposed in Romania for Racism Display."

3.2.1 Education

Education is a high priority under the Strategy, in a context in which the level of formal education and professional qualification of the Roma population is generally low. Impressive results have been achieved in higher education through affirmative action measures to ensure places for Roma at most universities. The Government Strategy does not address discrimination within the school system directly, but sets more modest goals such as compiling better statistics and preparing studies and reports on means of improving levels of school attendance among Roma schoolchildren.

Encouraging school attendance and decreasing the drop out rate are priority areas in the Government Strategy.⁹⁰ To this end, The Ministry of Education and Research has received Phare funding in 2002 for the programme “Access to education of disadvantaged groups, with a special focus on Roma.” The programme has total funding of €7 million and the EC Delegation is currently in the process of selecting the technical assistance company. The Ministry will contribute €1.33 million to this programme, which is to be implemented in between 2002 and 2004. On 10 September 2002, the grants component was officially launched, opening the process for applications from County School Inspectorates in partnership with County Councils or NGOs with experience in the field of education or the protection of minorities.⁹¹

The Institute for Educational Sciences, the Ministry of Education and Research and UNICEF Romania have also elaborated a strategy for stimulating the participation of Roma children and youths in the educational system, which is currently awaiting approval by the Ministry of Education and Research.⁹²

The Strategy calls for analysis of the possibility of organising secondary and vocational school institutions for Roma in the spheres of arts and trades, vocational education, and professional reorientation.⁹³ A collaborative project between the Ministry of Education and the Education 2000+ Centre has completed preliminary research into this possibility,⁹⁴ but the Government has not yet initiated any projects on the basis of project findings.

⁹⁰ Government Strategy, Chapter VII, Section H, Paragraph 1.

⁹¹ EC Delegation Press Release, launching the “Access to education for disadvantaged groups, with special focus on Roma,” Bucharest, 10 September 2002. The value of grants given is between €200,000 and €500,000 per project; the applicant must contribute with at least 10 percent of the total value of the project. A total of €4 million is to be allocated through this component.

⁹² Ministry of Public Information, *Report on the Status of Implementation*, p. 14.

⁹³ Government Strategy, Chapter VII, Section H, Paragraph 2.

⁹⁴ Funding was provided by the Dutch government’s MATRA programme. The Education 2000+ Centre is member of the Soros Open Network Romania, based in Bucharest.

Training programmes for school mediators and intercultural programmes for teachers are also planned under the Strategy.⁹⁵ The Government has not taken any steps towards implementing this point, although 11 mediators are currently active in schools through the project “A Second Chance,” implemented by the Education 2000+ Centre.

To facilitate access to higher education for Roma, the Strategy provides for reinforcement of the existing incentives and support to Roma university and college students.⁹⁶ In the majority of universities, places for Roma students are already set aside based on affirmative action measures previously mandated by the Ministry of Education and Research.⁹⁷ Supplementary measures have been enacted by the University of Cluj Napoca, the University of Constanța, and the National School for Administrative and Political Sciences, which have allocated seats for Roma candidates beyond the level required by the Ministry of Education.⁹⁸ Between 150 to 200 Roma students have begun their university education annually since 1998, and it is estimated that approximately 800 Roma students are now registered in university studies, with both State-funded and private support.⁹⁹ Non-governmental organisations have also offered scholarships since 1987.¹⁰⁰

The Strategy further provides for drafting and implementing programmes to encourage Roma parents to participate in school and extra-curricular educational activities.¹⁰¹ For example, it obliges school administrations to organise remedial courses for Roma at all educational levels,¹⁰² and allows the possibility for individuals or organisations to

⁹⁵ Government Strategy, Chapter VII, Section H, Paragraph 3.

⁹⁶ Government Strategy, Chapter VII, Section H, Paragraph 8.

⁹⁷ Order no. 3577/15 April 1998, Order no. 5083/26 November 1999, Order no. 3294/01 March 2000, Order no. 4542/18 September 2000, are normative acts of the Ministry of Education and Research (formerly the Ministry of National Education).

⁹⁸ L. Murvai, ed., *Minorities and Education in Romania*. School year 2000/2001, Editura Studium, Cluj Napoca, 2001, p. 64–65.

⁹⁹ L. Murvai, ed., *Minorities and Education in Romania*. School year 2000/2001, Editura Studium, Cluj Napoca p. 64. “... 150–200 distinct places were given annually for Roma candidates at the entrance examinations at different faculties and colleges at the University of Bucharest, Cluj-Napoca, Iași, Timișoara, Brașov, Sibiu, Constanța, Oradea, Suceava and the National School of Political and Administrative Studies of Bucharest.”

¹⁰⁰ Approximately 100 Roma students from Romania received scholarships through the Open Society Institute’s Roma Memorial University Scholarship Program in 2001. The Open Society Foundation Romania, between 1987 and 1999; the RCRC between 2000–2001, and the Open Society Institute Budapest in 2001 have offered university scholarships for Roma students.

¹⁰¹ Government Strategy, Chapter VII, Section H, Paragraph 6.

¹⁰² Government Strategy, Chapter VII, Section H, Paragraph 9.

suggest new initiatives. However, there is no indication that the Government has taken steps to implement any of these measures.

As a means of encouraging the employment of Roma experts in public administration, the Strategy encourages Roma students to apply to institutions that train civil servants and the staff for public institutions, such as social work and public administration, as well as medical faculties, military academies, schools for officers and non-commissioned officers for police departments, and the Ministry of National Defence.¹⁰³ With the exception of initiatives to increase Roma applications for the Bucharest police force (see Section 3.3.), little appears to have been accomplished to achieve this objective.

3.2.2 Employment

The Strategy addresses inequalities in the sphere of employment primarily through economic development. The Master Plan of Action provides for the elaboration of measures to encourage entrepreneurial activity, but these have not been developed. In contrast, training and employment projects funded by the Phare Partnership Fund for Roma have been implemented and suggest that such activities can be both sustainable and productive.

The Strategy provides for measures to improve the practice and revival of traditional Roma handicrafts; it also calls for the development and implementation of specific financing programmes for income-generating activities and small businesses for Roma families and communities, especially Roma women.¹⁰⁴ Of particular note is a provision offering financial incentives for entrepreneurs who hire Roma;¹⁰⁵ however, according to a Memorandum of Understanding signed between the Government of Romania and the IMF, any existing fiscal incentives will be cut in order to ensure equal opportunities for investors.¹⁰⁶ The Strategy calls for “fighting against any forms of discrimination in hiring the Roma,” without specifying how this will be accomplished or elaborating specific means of doing so.¹⁰⁷

The Strategy also foresees support for agricultural activities, in connection with the land ownership process; support for small and medium enterprises (SMEs) owned by Roma through a soft credit system; and greater inclusion of Roma communities in

¹⁰³ Government Strategy, Chapter VII, Section H, Paragraph 10.

¹⁰⁴ Government Strategy, Chapter VII, Section E.

¹⁰⁵ Government Strategy, Chapter VII, Section E.

¹⁰⁶ Ministry of Public Information, *Report on the Status of Implementation*, p. 14.

¹⁰⁷ Government Strategy, Chapter VII, Section E.

regional development projects.¹⁰⁸ The Master Plan of Measures for applying the Strategy calls for the presentation of a set of measures for the partial financing of entrepreneurial activities and small businesses for Roma families and communities, in cooperation with Roma leaders and NGOs.¹⁰⁹ The Ministry of Public Information's 2002 *Report on the Status of Implementation of the Strategy for Improvement of the Roma Condition* (hereafter, "Report on the Status of Implementation") notes that Roma leaders have proposed a project offering partial funding to workshops in Roma communities; the Ministry of Small and Medium Enterprises and Cooperatives approved a similar project, but a source of funding has not been identified (the project cost has been estimated at €700,000).¹¹⁰

Few of the Government's objectives in the sphere of employment have been achieved to date; of the 232 Roma who graduated from professional qualification courses in 2001, only 71 (31 percent) found a permanent job.¹¹¹ Nevertheless, in 2002 a further 243 Roma are expected to take part in professional qualification courses based on a separate National Employment Programme.

Projects under the Partnership Fund for Roma

In comparison, several civil society pilot initiatives are functioning successfully. Under the Partnership Fund for Roma, there are a number of projects promoting professional qualification and employment. As pilot projects, most are localised and being implemented on a small scale, drawing on local resources and expertise. A high level of collaboration between Roma associations and local authorities is a common feature of most successful projects. The Government must begin to assume responsibility for utilising the experience gained through these projects in developing larger-scale initiatives, and in identifying and addressing systemic obstacles to employment among Roma.

The following projects were included in an internal evaluation of Partnership Fund initiatives:

The "Amare Phrala" Association in Cluj Napoca, in partnership with the Cluj Napoca "Spiru Haret" Vocational School, trained 83 young Roma, who studied for qualifications in more than 14 trades or specialisations such as auto mechanics, sewing, computer operation, bartending, and hairdressing. After the six-month course, almost all of those enrolled passed their qualification exams and received a diploma. 15 of the trainees found employment, and four who were previously employed received a pay increase afterwards. The project was implemented between September 2001 and

¹⁰⁸ Government Strategy, Chapter VII, Section E.

¹⁰⁹ Government Strategy, Chapter XI, Point 55.

¹¹⁰ Ministry of Public Information, *Report on the Status of Implementation*, p. 14.

¹¹¹ Ministry of Public Information, *Report on the Status of Implementation*, p. 10.

March 2002, and it is seen as an example of good practice as a result of the positive collaboration it engendered between the Roma association and the school. The project was recommended as having high potential for replication in other areas.¹¹²

In Jimbolia, the Mayor's Office offered vocational training over three months to 34 people, in partnership with a local group of Roma. Twenty-one Roma men received training in bricklaying and 13 Roma women in sewing, and all the participants graduated from the training course. A success factor in this project was the excellent collaboration between the town hall and the Roma group, as well as the commitment of the Roma leader, himself a successful young businessman, to develop projects for his community. The town hall has expressed interest in developing an ongoing partnership with the Roma community for the development of further projects.¹¹³

In Baia Mare, the "Friendship" Roma Association, in partnership with Maramureş county, the Satulung Mayor's Office, and the Transylvania Business Centre, initiated a brick-production project that will employ 25 Roma. The project is intended to develop existing brick-making activities by doubling production and modernising the process. In spite of difficulties operating in the winter, the project team managed to accomplish its objectives. According to the Partnership Fund's evaluation, the level of collaboration between the Roma Association and its partners was very good. If the brick factory becomes profitable, this project will provide an example of best practice in the economic sphere.¹¹⁴

In Reşiţa, the local Inspectorate for Environmental Protection, worked with the Caraş-Severin county Alliance for Roma Unity and four village mayors' offices, to establish an "Ecological Guardians Corps." 50 Roma were selected from the four villages and trained in environment, legislation, hygiene, and employment issues. At the end of the course, they were to be evaluated, and 20 participants were to receive offers of permanent positions, with the remaining 30 eligible for seasonal contracts. However, the project assessment found there were significant differences in the way the Alliance and the Inspectorate understood the project goals. The Roma saw the project as a source of direct assistance to participants, while the Inspectorate prioritised the interests of the municipality, considering the training aspect a secondary concern.¹¹⁵

¹¹² Resource Center for Roma Communities, field monitoring fiche of the project, "Vocational Training and Assistance for Socio-Professional Integration," (PFRO 130), Cluj Napoca, 2002.

¹¹³ Viorel Anăstăsoaie, MEDE consultant, Evaluation Fiche, "Roma Access: A Concrete Step for the Improvement of the Social Condition of the Roma Community from Jimbolia Town" (PFRO 329), Cluj Napoca, 2002.

¹¹⁴ MEDE Evaluation Fiche, "The Friendship Brickwork" (PFRO 178), Cluj Napoca, 2002.

¹¹⁵ MEDE Evaluation Fiche, "The Establishment of the Ecological Guardians Corps in rural area of upper Timiş, Caraş-Severin county" (PFRO 322), Cluj Napoca, 2002.

Consequently, the Roma participants were dissatisfied with their role, and the official assessment also concluded the level of Roma participation should have been greater.¹¹⁶

In Movileni, the Roma Community from Romania, in association with the mayor's office of Movileni Commune, sought to employ 40 Roma in a workshop that would produce tar-paper for roofing. After facing some difficulties in implementation, especially due to the lack of participation from the mayor's office, the project was completed with positive results at the end of March 2002. The Roma community ultimately reached an agreement with the mayor's office to use the building and site free of charge for two years.¹¹⁷ The MEDE evaluation noted that the prospects for a profitable business seem favourable.¹¹⁸

Explicitly discriminatory job vacancy notices in mainstream newspapers have long been identified as a problem.¹¹⁹ Two legal complaints against these advertisements filed by Romani CRISS in 2001 based on Law 148/2000 were rejected because it was considered that "these public ads are not under the provisions of the Law 148/2000 regarding publication."¹²⁰ In April 2002, however, the daily newspaper *România Liberă* was sanctioned for publishing discriminatory job vacancy advertisements based on ethnic grounds. This is the first such case in which sanctions have been applied by the Bucharest Municipality inspectors on the basis of Law 148/2000.¹²¹

3.2.3 Housing and other goods and services

The Government Strategy proposes a variety of measures to resolve problems related to the right of ownership, and to rehabilitate housing and the environment in areas inhabited by Roma.¹²² However, most provisions call for the elaboration of further strategies and do not set out concrete projects. The Strategy notes that financial support must be provided to ensure minimum living conditions including electricity,

¹¹⁶ MEDE Evaluation Fiche, "The Establishment of the Ecological Guardians Corps in rural area of upper Timiș, Caraș-Severin county" (PFRO 322), Cluj Napoca, 2002.

¹¹⁷ MEDE Evaluation Fiche, "A Better Life" (PFRO301), Cluj Napoca, 2002.

¹¹⁸ MEDE Evaluation Fiche, "A Better Life" (PFRO301), Cluj Napoca, 2002.

¹¹⁹ See, e.g. Advisory Committee on the FCNM, *2001 Opinion on Romania*, para. 38, *Minority Protection 2001*, p. 406.

¹²⁰ See Annual Report 2001 Romani CRISS, Human Rights Department Romani CRISS – official answer from Bucharest Municipality and Romanian Ombudsmen in *CRISS vs. Anuntul Telefonice* and *CRISS vs. Anuntul de la A la Z*.

¹²¹ See *România Liberă* case in Interim Report – Human Rights Department of Romani CRISS, 2002.

¹²² Government Strategy, Chapter VII, Section B.

drinking water, sewer systems, gas, and sanitation services. The Strategy calls for the direct involvement of Roma representatives in the implementation of programmes for building and restoring accommodations.

The Strategy objective to develop a national strategy to resolve Roma property rights issues within four years has not yet been realised.¹²³ The Report on the Status of Implementation indicates that the Ministry of Public Administration has elaborated proposals for projects to legalise housing and connect utilities in areas inhabited by Roma.¹²⁴ This general national programme is planned for ten years in total, with “urgent” measures to address the needs of Roma in particular in its first four years.¹²⁵ The protocol signed in June 2002 by the Social Democrat Party and the Roma Social Democrat Party also calls for a national housing strategy to be elaborated.

At the local level, the Strategy calls for Mayors’ Offices and Prefects to identify local needs for the rehabilitation of Roma housing, and for the development of a national plan addressing these needs.¹²⁶ Although the deadline specified in the Master Plan is 1 March 2002, little had been accomplished by Summer 2002; the Report on the Status of Implementation only mentions plans for a “National programme for rehabilitation of houses and environment, including areas inhabited by Roma.”¹²⁷ It is expected that the County Bureaux for Roma will assist in collecting the local data, while discussions for drafting the national plan are the responsibility of the Ministry of Public Works, Transportation, and Housing.¹²⁸ Several of the housing measures called for in the Government Strategy will be addressed in the “National Plan for Local Development of Roma Communities.”

Apart from Government initiatives, one relevant pilot project financed under the Partnership Fund for Roma for social housing demonstrates productive collaboration between civil society and local government. The project, implemented by the Roma County Association “O del Amentza” in partnership with the Mayor’s Office in Turdaş (Hunedoara county) took the initiative to repair the apartments of 176 Roma living in three buildings. The Roma association was responsible for coordination of the entire project, including the selection of the construction company, supervision of the work, and reporting. The Mayor’s Office was responsible for acquiring authorisations for water and gas installation, evaluation of the quality of the construction, and ensuring that these apartments would be sold to the Roma families at a minimum price

¹²³ Government Strategy, Chapter XI, Point 24.

¹²⁴ Ministry of Public Information, *Report on the Status of Implementation*, p. 9.

¹²⁵ Ministry of Public Information, *Report on the Status of Implementation*, p. 9.

¹²⁶ Government Strategy, Chapter XI, Point 25.

¹²⁷ Ministry of Public Information, *Report on the Status of Implementation*, p. 7.

¹²⁸ Government Strategy, Chapter XI, Point 25.

agreed on with the buildings' owner. Although resources were limited and more construction work was needed than had been expected, the project went well, with the participation of 80 Roma.

The evaluation completed as part of the Phare Partnership Fund for Roma concluded that, "The beneficiary families are very satisfied since they have seen a real improvement in terms of their quality of living; they have running water and gas for heating and cooking."¹²⁹ Previously, the residents had shared a single pump and had no sewage system. Moreover, the purchase price of the flats was relatively low.¹³⁰ However, the evaluation also noted that the majority community perceived the improvements as unjustified assistance for Roma.¹³¹ There is also concern that the beneficiaries do not have sufficient income to continue paying utility costs and risk having the services cut off.¹³²

Although discrimination in the housing sphere is not explicitly addressed in the Strategy, Roma representatives and civil society organisations identify housing discrimination as a serious issue affecting their community. For example, human rights organisations such Liga Pro Europa Tîrgu Mureş and Romani CRISS Bucharest have extensively documented the situation in Piatra Neamţ in which the Mayor's Office planned to construct a new neighbourhood near the city in 2001, and to move the Roma residents out of two existing buildings into that neighbourhood, ultimately creating a Roma ghetto outside the city.¹³³ The case was widely publicised both by the local and national media,¹³⁴ and, after intervention from the Government and Roma NGOs, the plans were not pursued further.

In other areas as well, local authorities appear determined to evict Roma from city neighbourhoods to the margins of towns and cities. Daily newspapers have chronicled

¹²⁹ MEDE Evaluation Fiche, "Improvement of the Living Conditions of Roma Community from Turdaş through renovation of their Houses" (PFRD 240), Cluj Napoca, 2002, (hereafter, "MEDE Evaluation Fiche on Turdaş Renovation Project").

¹³⁰ MEDE Evaluation Fiche on Turdaş Renovation Project.

¹³¹ MEDE Evaluation Fiche on Turdaş Renovation Project.

¹³² MEDE Evaluation Fiche on Turdaş Renovation Project.

¹³³ See Romani CRISS Documentation Report on the Piatra Neamţ case, on file with Romani CRISS, Bucharest.

¹³⁴ See press articles published in the newspapers: *Cotidianul* (10 October 2001), *Monitorul de Bucureşti* (10 October 2001), *Adevărul* (11 October 2001), *Jurnalul Naţional* (11 October 2001), *Azi* (12 October 2001), *Curierul Naţional* (16 October 2001), *Ultima Oră* (16 October 2001)

this trend.¹³⁵ The Anti-Discrimination Law 48/2002 contains provisions against discrimination in housing, but these have never been tested before civil courts. Before the NCCD was formed in July 2002, no other body was empowered take action against such policies. With the NCCD in place, court actions can be expected.

In 2001, Roma university students reported frequent discrimination in access to public facilities such as bars, restaurants, or discotheques. Romani CRISS, together with ROMANITIN, the Iași Roma Students Association, has filed two legal complaints which are pending before the local court in Iași. Romani CRISS has two additional such cases on appeal.¹³⁶ NGOs continue to monitor cases of discrimination in 2002, and their petitions have prevailed in several instances.¹³⁷ Following a complaint lodged by CRISS, the Local Office for Customer Protection in Rădăuți issued a ruling against and imposed sanctions on the owner of a restaurant who had prohibited entry to Roma, although based on Law 12/1990, rather than 148/2000.¹³⁸

3.2.4 Healthcare and other forms of social protection

In the healthcare sector, the Government Strategy focuses on the need to improve access to public medical services for Roma,¹³⁹ and on training for Roma healthcare workers, nurses and physicians to work within Roma communities. Here, as elsewhere in the Strategy's Master Plan, provisions call for drafting concepts or programmes to address the problems identified, and therefore set out relatively few measures to resolve issues directly. The Strategy provides for identifying measures to prompt greater numbers of Roma to register with family doctors.¹⁴⁰ It also provides for the elaboration

¹³⁵ Newspapers have generally presented the situation of eviction in most of the cases around Bucharest and also the intention of several Mayors to remove Roma from the cities at the margins. In regard to municipalities from Barlad: see daily *Adevărul* 1 March 2001, Piatra Neamț, in all dailies from Romania around 9–12 October 2001, Deva and Baia Mare, dailies in articles from 11 October 2001.

¹³⁶ See Annual Report 2001 Romani CRISS: *CRISS vs ARTENIS SRL and CRISS vs. COMPACT IMPEX SRL*.

¹³⁷ See Interim Report 2002, Romani CRISS-Roma Center for Social Intervention and Studies.

¹³⁸ See *Rădăuți* case in Interim Report –Human Rights Department of Romani CRISS, 2002.

¹³⁹ Many Roma are excluded from the health insurance system, due to their inability to pay mandatory contributions, their lack of identity documents and other administrative barriers. See, e.g. I. Zoon, *On the Margins: Roma and Public Services in Romania, Bulgaria, and Macedonia*, New York, 2001, pp. 80–81.

¹⁴⁰ Government Strategy, Chapter VII, Section D.

of projects to improve healthcare information programmes and contraceptive education and family planning for Roma women.¹⁴¹

There are specific provisions to increase the number of healthcare workers active in Roma communities¹⁴² and the number of Romani medical staff by setting aside places for Roma students in State medical universities.¹⁴³

The Health and Family Ministry been exceptionally active in supporting Roma issues, both before and since the Strategy was adopted, due in part to the appointment of a Counsellor in the Ministry of Health in August 2000; the Counsellor has proven to be an effective focal point for Roma health issues. The Ministerial Commission for Roma in the Health Ministry was also among the first established.¹⁴⁴ Although implementation of the Strategy has been at its most efficient in the health field, its Ministerial Commission for Roma has met only twice since it was formed, suggesting that the Commission structure may not be the most effective means of focusing attention on Roma issues.¹⁴⁵

A particularly promising initiative under the Strategy involves the introduction of health mediators into local Roma communities. The mediator is to act as a representative of the community, facilitating communication with medical staff as a means of improving access to medical services for Roma. Mediators are also expected to provide information to the Roma community regarding their rights and responsibilities. The position of health mediator is now listed as an official profession in the Classification of Occupations in Romania,¹⁴⁶ and the Ministry of Health and Family, in partnership with Romani CRISS, is implementing a programme to train Roma health mediators. As of October 2002, 166 health mediator positions have been created in 34 counties; these mediators will receive training from Romani CRISS with funding previously allocated by the Ministry.

¹⁴¹ Government Strategy, Chapter VII, Section D.

¹⁴² Government Strategy, Chapter XI, Point 44.

¹⁴³ For the academic year 2002-2003, according to the Order of Ministry of Education and Research no. 3693/15.05.2002, seven seats are allocated to Roma candidates at the University of Medicine and Pharmacy in Cluj Napoca.

¹⁴⁴ Order of Minister of Health and Family No. 283/11.05.2001.

¹⁴⁵ Interview with Mariana Buceanu, Roma member of the Ministry of Health and Family Ministerial Commission, Iași, 29 August 2002. Mariana Buceanu is also coordinator of the Romani CRISS programme for development of the Health Mediators.

¹⁴⁶ In the Classification of Occupations in Romania, the health mediator is listed at the Base Group "Workers in service for the population," code 513902.

A similar project was initiated under the Partnership Fund for Roma. In Alexandria, 50 Roma health mediators took part in training to improve access to health services,¹⁴⁷ and a handbook was published in both Romanian and Romani.

The Strategy calls for additional research on the health situation of Roma. However, there has been no Government action on this point, although some research has been initiated by private organisations.¹⁴⁸

The Partnership Fund for Roma, has also funded a project to facilitate the access of Roma from Zabrauți and Ștefănești de Jos to quality family planning and reproductive healthcare.¹⁴⁹ Three Roma women were selected in each community to disseminate information, raise awareness, and assist other Roma with health issues in general, and more specifically on family planning and sex education. The project included training for sex education teachers. In these two locations, 55 identification documents and ten birth certificates were also issued. Although the first priority of the project was health education, many Roma participants valued it more for the fact that it offered them an employment opportunity.

In Cluj Napoca, the Association for the Emancipation of Roma Women, in partnership with the Director of the Public Health Service for Health Promotion and the Cluj branch of SECS, implemented a project to improve access to information about family planning for Roma women in Cluj county. SECS trained 23 women from six Roma communities as family planning counsellors. The counsellors advise women on available resources at family-planning consulting centres, and have assisted in the dissemination of Romani-language flyers containing information on contraceptives and family planning. Contraceptives were also distributed free-of-charge, together with instructions for usage.

Social benefits

Increasing welfare allowances for large families without any means of support who meet established criteria is a governmental priority outside the framework of the

¹⁴⁷ Training was organised by the Christiana Philanthropic Medical and Christian Association, in partnership with the “Voice of the Roma” Cultural Association, the Brinceni mayor’s office, and the Ministry of Health.

¹⁴⁸ Research carried out over the past four years by the Bucharest Research Institute for Quality of Life contains some information on the health situation of Roma. The Open Society Institute New York, in collaboration with Centre for Services and Health Policies also initiated a large-scale study on the health situation of Romanian Roma in April 2002.

¹⁴⁹ The project was implemented by the Society for Contraceptive and Sexual Education (SECS), in partnership with the RSDP from the Fifth District of Bucharest (Ștefănești de Jos branch), the Local Council of the Fifth District of Bucharest, and the Mayoralty of Ștefănești de Jos commune.

Strategy.¹⁵⁰ The Status of Implementation Report observes that Roma children and families are among the beneficiaries of social security through the monthly State allowance for children; the supplementary allowance for families with children;¹⁵¹ the minimum guaranteed income allowance, and the National Solidarity Fund.¹⁵² These allowances are universal, however, and not targeted specifically at Roma families. Moreover, as Roma families tend to be large, they are disproportionately affected by a four-child limit on benefits.¹⁵³

The Government Strategy sets out objectives of providing subsidies to non-governmental organisations providing social services programmes, measures already in place at the time of adoption of the Strategy.¹⁵⁴ One proposed Strategy initiative is to increase financial incentives for enterprises that hire persons from families with many children and without any means of support;¹⁵⁵ such affirmative action measures have proven difficult to put into practice, however.

In the past, Roma have reported discrimination in the distribution of social benefits, alleging that some social service employees discriminatorily apply restrictive conditions and procedures exclusively to Roma to disqualify them from receiving benefits.¹⁵⁶ The FCNM Advisory Committee's 2001 Opinion on Romania suggests that the Government should examine the possibility of issuing guidelines for local authorities to implement the Social Aid Act 67/1995, which would reduce concerns of arbitrary decision-making at the local level.¹⁵⁷ In response, the Government indicated that in addition to amending the Act to ensure the funds necessary to implement the

¹⁵⁰ Law no. 416/2001 on minimum guaranteed income. A large proportion of the beneficiaries are Roma.

¹⁵¹ The supplementary allocation, according to Law no. 119/1997, is ROL 50,000 for families with two children, ROL 100,000 for families with three children and ROL 125,000 for families with four or more children.

¹⁵² Ministry of Public Information, *Report on the Status of Implementation*, p. 5.

¹⁵³ See I. Zoon, *On the Margins*, p. 33.

¹⁵⁴ According to the Ordinance 26/2000, the NGOs can receive the status of a "public utility," which allows them to receive funding from the State for programmes related to social services. No NGO has received such funds so far. According to Law 34/1998 regarding State funds allocated for associations and foundations that are engaged in social work, Roma NGOs may also propose such initiatives.

¹⁵⁵ Government Strategy, Chapter IX, Point 38.

¹⁵⁶ I. Zoon, *On the Margins*, p. 33.

¹⁵⁷ Advisory Committee on the FCNM, *Opinion on Romania 2001*, para. 29.

guaranteed minimum income Act, Roma inspectors will be appointed to in county offices to assist in serving clients.¹⁵⁸ To date, no action on this point has been reported.

The widespread lack of identity documents among the Roma community has also been an obstacle for accessing certain forms of social protection. The Government Strategy provides for urgent measures to draft an action plan for issuing identity cards and marital status documents to all entitled Roma.¹⁵⁹ In spite of a 15 November 2001 deadline, only small-scale initiatives have been undertaken.¹⁶⁰

However, civil society organisations have initiated projects in cooperation with the police, and as a result some 3,400 identity cards were issued between 2000 and 2001.¹⁶¹ In a project implemented under the Phare Partnership Fund for Roma, the Mayor's Office in Giarmata, Timiș county, in partnership with the Association of Gypsy Women "For Our Children" in Timișoara are helping Roma to acquire identity cards, property papers and jobs. Through this project, 280 household were recorded in the agricultural register of the commune, and 25 Roma obtained identity papers and birth certificates. The national census conducted in March 2002 is also expected to lead to further activities to assist Roma in obtaining official documents and registration.

3.2.5 The criminal justice system

This sphere is addressed in the Government Strategy's section on Justice and Public Order. Under this heading, the Strategy identifies as priorities the elimination of the discriminatory effects of regulations in force and improvements to the current legal system.¹⁶² However, there are few projects, if any, specifically addressing discrimination in the criminal justice system. (See also Section 3.3.).

3.3 Protection from Racially Motivated Violence

There is no mention of racially motivated violence in the Government Strategy; the issue is given cursory mention in Section F on Justice and Public Order, where the

¹⁵⁸ Comments of the Government of Romania on the Opinion of the Advisory Committee on the Implementation of the FCNM, 2001, comments on para. 29.

¹⁵⁹ Government Strategy, Chapter XI, Point 30.

¹⁶⁰ Ministry of Public Information, *Report on the Status of Implementation*, pp. 7, 8.

¹⁶¹ Interview with Adrian Vasile, Romani CRISS, 9 September 2002, Bucharest. Romani CRISS has also implemented a project called "Equal chances for Roma children without identity documents," funded by OSI Budapest.

¹⁶² Government Strategy, Chapter VII, Section F.

Ministry of the Interior is called upon to begin “identifying, preventing and solving conflicts likely to generate family, community or interethnic violence.”¹⁶³ This lack of specificity is a serious omission in a sphere where problems have been highlighted by both domestic and international observers for the past decade.¹⁶⁴ Clear objectives related to combating intolerance and particularly addressing police brutality would serve to meet the Strategy’s own goals of changing public opinion and eliminating discrimination.¹⁶⁵

The Strategy proposes to develop information programmes for Roma leaders, the executive boards of public institutions, and NGOs to facilitate efforts to address cases of discrimination, in line with Law 48/2002. Other objectives are connected to initiating programmes of legal education and delinquency prevention together with members of the Roma communities, and hiring citizens of Roma origin to work in law enforcement services and the police force.

However, very little has been done to implement these objectives. In March 2002, interviews were conducted with 50 Roma applicants for positions in the Bucharest police force. On the basis of an agreement signed between the Ministry of the Interior and the RSDP, ten Roma police officers are to be employed in each district of the capital. According to media reports, the Roma Party agreed to propose new candidates if those already identified happen to fail the examinations.¹⁶⁶

In Cluj Napoca, the Ethnocultural Diversity Resource Centre, in cooperation with the institute for Research and Prevention of Criminality and the National School for Police sub-officers “Vasile Lascar,” implemented a project for conflict prevention within multicultural communities. The project consists of 14 training sessions for police staff that are working in multicultural communities. Each session is designed for 25 participants; to date a total of 350 police officers from 26 counties have taken part. Meetings have also been organised in different areas, in which the participants – including police officers, civil servants, local authorities, and representatives of minorities – analysed problems and sought to build consensus around solutions. The project started in 2000; beginning in 2002 it will receive additional funding from the

¹⁶³ Government Strategy, Chapter VII, Section F.

¹⁶⁴ In many documented incidents of police violence against Roma, applicable legal provisions are not applied, basic investigations are not carried out, and cases seldom resolved. See European Roma Rights Center, *State of Impunity*, Budapest, 2001. The book was translated in Romanian and 2,000 copies distributed to relevant organisations, including police. Available at <<http://www.errc.org>>, (accessed 2 October 2002). See also, Romani CRISS Human Rights Department, Annual Report 2001.

¹⁶⁵ Government Strategy, Chapter III, Points 3 and 4.

¹⁶⁶ Network BlitzRoma News, March 4-8, 2002, available at <http://groups.yahoo.com/group/roma_news_en>, (accessed 3 October 2002).

Phare European Initiative for Democracy and Human Rights. As a result of collaboration between the Ethnocultural Diversity Resource Center and the Institute for Prevention of Criminality within the Ministry of the Interior more police with knowledge of a minority language have been hired to work in areas where minorities constitute more than 20 percent of the population.¹⁶⁷

In the absence of Government activity in this area, civil society organisations have taken steps to document violence against Roma and to develop conflict resolution mechanisms to discourage racially motivated violence. Romani CRISS has been especially active in this respect. Recently, following a violent confrontation between Roma and non-Roma in Scorteni (Bacău county), Romani CRISS with the support of the local authorities in Bacău and the NGO Rom Star Bacău, organised a roundtable to gather representatives of the local government, local and county police, representatives of RSDP from Bacău and Scorteni, the Scorteni mayor's office, and County counsellors to analyse the causes of community violence, as well as to identify concrete solutions to decrease tension in the area. Participants concluded an agreement, emphasising that partnership between the local authorities and Roma organisations is key to the prevention of future conflicts, as is the active involvement of the relevant local authorities in confronting and taking steps to diffuse inter-ethnic conflict. Implementation of this agreement should be monitored, as it could form a model for other conflict resolution projects. However, without the participation of experienced mediators, such partnerships are not likely to materialise.

In some areas, the RSDP has also initiated a custom of signing protocols with local police stations, agreeing to work to prevent violent situations and to exchange information.¹⁶⁸ However, these agreements have been rather formal in nature; most Roma are unaware they exist, and the Party rarely acts as a mediator between the police and the Roma community in practice.

3.4 Promotion of Minority Rights

The Strategy states the Government's commitment to cultural diversity, and to the fight against forms of extremism that promote intolerance and ethnic hatred. The Government's efforts to promote minority rights have been most visible in the sphere of education, where the availability of Roma language education has expanded considerably in the past several years. Efforts to increase Roma representation in all

¹⁶⁷ Interview with Gábor Ádám, Program Coordinator, Ethnocultural Diversity Resource Center in Cluj Napoca, 9 September 2002.

¹⁶⁸ See Romanian Ethnic Minority Briefs, No. 25, 30 September 2002, "Partnership [sic] Between Roma Representatives – Romanian Gendarmerie."

levels of Government have not met expectations, as the offices created have not been adequately integrated into existing structures or assigned responsibilities that would make the appointments meaningful. Moreover, the Government's reliance on a single organisation to represent Roma, the Roma Social Democrat Party, has given rise to concerns that other organisations have been effectively excluded.

The Government Strategy provides for programmes to "reinvigorate and assert the Roma ethnic identity,"¹⁶⁹ especially in the spheres of culture, language, religion, education, training, and public life.¹⁷⁰ The responsible coordinating structure is the National Office for Roma.

3.4.1 Language

The Government Strategy makes no mention of measures to promote the use of Romani with public authorities. However, such measures are contained in other legislation. According to the Romanian Constitution, judicial procedure shall be conducted in Romanian, with an exception for national minorities, who have the right to an interpreter. In criminal cases, an interpreter must be provided free of charge.¹⁷¹ The Law on Public Administration permits the use of minority languages in public administration in areas where a minority makes up 20 percent of the population.¹⁷² A Government Decision¹⁷³ provides that bilingual signs shall be put up in areas where a minority population comprises 20 percent or more of the total population. However, there has been no initiative from local governments or Roma groups to put up signs in Romani, and indeed there has been little demand for such rights from the Roma community generally.

The recent census may help to build support for realising these rights among Roma, as it registered an increase in the Roma population. The initial data shows that 535,250 citizens identified themselves as Roma, approximately 135,000 more than in 1992

¹⁶⁹ Government Strategy, Chapter VII, Section I.

¹⁷⁰ Government Strategy, Chapter VII, Section I.

¹⁷¹ Romanian Constitution, Article 127.

¹⁷² Law 215/2001 on Public Administration, Official Gazette 204 of 23 April 2001, Articles 40 (7) and 51.

¹⁷³ Government Decision no. 1206/2001 on the approval of the right of citizens belonging to a national minority to use the mother tongue in local public administration under the Law of Public Administration no 215/2001.

census.¹⁷⁴ Moreover, interest in and knowledge of the Romani language has received a significant boost from Strategy initiatives in the education sphere.

3.4.2 Education

Point 95 in the Master Plan for applying the Strategy calls for the introduction of optional Roma history and language classes in educational institutions. The Ministry of Education had already established the option for Roma language and history classes in primary and secondary schools in 1999,¹⁷⁵ and this measure has been implemented in some schools, where pupils study Romani for three to four hours per week. Classes in Romani can be established upon parental request, and if the teacher of the class does not speak the language it is possible to hire someone who does; the required teaching qualifications may be waived if necessary.¹⁷⁶ In the sixth and seventh grades, parents may also request an hour per week of “history and traditions of the Roma.”¹⁷⁷

The Ministry of Education and Research has supported increasing the number of Romani-language teachers: with funding from a broad spectrum of donors,¹⁷⁸ between 1999-2001 the Ministry organised summer schools with approximately 50 participants per year for study of Romani. Most of the participants are now involved in teaching Romanes at the local level, or work as School Inspectors for Roma within the County Inspectorates. As a result of these efforts, the process of teaching Romani has greatly expanded. In 1992-1993 only 368 Roma children studied Romani, while at present it is being studied by 200 Roma and non-Roma teachers and approximately 11,000

¹⁷⁴ Efforts to encourage Roma to identify themselves as such were carried out. There was considerable controversy around accusations that Roma were identifying themselves as Hungarians to obtain rights in Hungary under the Status Law. See Network BlitzRoma News, 28 February, “Roma People Advised to Declare Their Ethnic Identity.” See also, RFE/RL *Newsline*, 22 March, “Cluj Mayor Claims Foul Play In Romanian Census.”

¹⁷⁵ Order of the Ministry of National Education (now Ministry of Education and Research) no. 3533/31.03.1999 regarding the study of mother tongue language by the students belonging to national minorities who attend Romanian language schools.

¹⁷⁶ Order of the Ministry of National Education no. 3533/31.03.1999, Article VII.2, “In case of limited number or non-existence of qualified teachers for Romani language, Roma having at least a high-school degree will teach the classes. In special situations, the classes may be held by Roma graduates of high-schools without a Bachelors degree or by graduates of a minimum of 10 classes...”

¹⁷⁷ Telephone interview with Gheorghe Sarau, 19 August, 2002.

¹⁷⁸ Summer-school funding is provided by the Department for Protection of National Minorities, Open Society Foundation Romania, Education 2000+ Centre, Resource Centre for Roma Communities, Embassy of Great Britain, Romani CRISS, and the Ministry of Education and Research.

children.¹⁷⁹ In 2001, Romani teachers formed a professional association, “Ketanés,” in order to support the professional training of teachers.

The Strategy also includes a commitment to support NGOs offering extracurricular correspondence courses for teachers of Romani.¹⁸⁰ To date, 50 Roma teachers have received long-distance training, at a personal cost of approximately €300 per year, as no State funding has been made available. For students enrolled in 2001, independent scholarships were available from various sources.¹⁸¹ Even with these efforts, the demand for studying Romani continues to exceed the number of qualified teachers.¹⁸²

The introduction of teaching modules for specialists in the public administration, social work, health, police, and education are also foreseen in the Strategy, in order to ensure a better understanding of the Roma social, economic, and cultural situation.¹⁸³ However, no specific activity related to this point was included in the Master Plan, and no activities have been funded.

3.4.3 Participation in public life

The Strategy explicitly aims to improve levels of Roma participation in political and administrative structures, particularly at the local level. The “Communication and civil participation” component of the Government Strategy aims to promote Roma leaders’ participation in the political decision-making process, and includes specific provisions to enhance Roma participation in public life. It also aims to support the development of Roma civil society groups. The Master Plan outlines plans to organise monthly meetings between mayors and Roma leaders,¹⁸⁴ and to specify the conditions for recruitment and promotion of civil servants as a form of affirmative action.¹⁸⁵ Roma are represented in the

¹⁷⁹ See Ministry of Education and Research web site, <<http://www.edu.ro/scurt.htm>>, (accessed 2 October 2002), “A Short History of Romani Language Teaching.”

¹⁸⁰ Government Strategy, Chapter IX, Point 88.

¹⁸¹ Scholarships are available through the Roma Memorial University Scholarship Program of the Open Society Institute Budapest, the Centre for Education 2000+, and Resource Centre for Roma Communities.

¹⁸² Roma News, March 18-22 2002, “Not enough Romani speaking teachers”.

¹⁸³ Government Strategy, Chapter VII, Section H.

¹⁸⁴ Government Strategy, Chapter XI, Point 17.

¹⁸⁵ Government Strategy, Chapter XI, Point 23.

National Minorities Council and in the Chamber of Deputies by the RSDP.¹⁸⁶ It is estimated that ROL 130 billion (approximately €4 million) is allocated annually for ethnic minority organisations.¹⁸⁷ Of this, the Roma Social Democratic Party received approximately ROL 18 billion (approximately €500,000) in 2002.¹⁸⁸

An uneasy collaboration has developed between the representatives of Roma NGOs active in the field and many County Bureaux for Roma, exacerbating existing weaknesses in cooperation among local institutions. A lack of clear responsibilities and chain of command for local Roma experts has constituted an impediment to Strategy implementation. While the main implementing agency is the National Office for Roma, the Ministry of Public Administration hires the local Roma experts to work under the Prefect's office. Thus, it is not always clear into which organisational structure the local experts fit.

As part of the Strategy's structural framework, special positions for Roma have been created at the local level in the mayors' offices (See Section 2.4.). The appointment process has come under particular criticism for exacerbating existing political tensions within the Roma community. For example, five local Roma NGOs in Aninoasa submitted a complaint to the local mayor's office regarding the nomination of the local Roma expert by the RSDP.¹⁸⁹ The letter cites the Strategy's consensus principle, which calls for Strategy initiatives to be a joint effort of the Government and representative organisations of the Roma community – meaning all organisations and not only the RSDP.

According to administrative procedure, when a civil servant is to be hired, a competition should be organised and specific professional criteria fulfilled by the candidates. However, a letter to the mayor's office signed by the County Prefect, stated the following:

In order to achieve and implement the measures stated in the Strategy for Improvement of the Condition of Roma, [...] according to the Law of the State Budget for year 2002, you will nominate one person as local expert on Roma issues.

¹⁸⁶ The National Minorities Council was established by Government Decision No. 589, 21 June, 2001, published in the Official Gazette No. 365 on 6 July, 2001. The Council includes representatives of all ethnic minorities living in Romania. The RSDP holds a seat in Parliament through a provision that sets aside one seat for each ethnic minority group that fails to reach the 5% electoral threshold. See *Minority Protection 2001*, pp. 415–416.

¹⁸⁷ Ministry of Public Information, see <<http://www.publicinfo.ro>>, (accessed 3 October 2002).

¹⁸⁸ Interview with Mariea Ionescu, National Office for Roma, 15 March 2002, Bucharest.

¹⁸⁹ Complaint registered with the Aninoasa mayor's office, no. 274/07.02.2002, on a disagreement over the nomination of a local expert for Roma after consultation with the RSDP only; the letter's authors propose that the job should be filled only after a competition.

The nomination of the person will be made by the mayor of the locality [...] with the consultation of the County Bureau for Roma and the local branch of the RSDP.

It is recommended that the person who will be nominated as local expert for Roma to belong to the Roma community and be member of the RSDP. The RSDP – Hunedoara County Branch – recommends that Mr. A.I.A be nominated for this position...¹⁹⁰

The letter illustrates the common failure to respect relevant hiring procedures in appointing Roma representatives, and to the widespread perception that the RSDP leaders prioritise party loyalty over professional qualifications, resulting in the politicisation of Strategy implementation. In this context, communication between the RSDP and other local NGOs, already strained, has almost ceased. Meanwhile, there is no shortage of qualified candidates: there are approximately 600 Roma university students and graduates, as well as many potential candidates with extensive experience working within civil society organisations.

3.4.4 Media

Media are addressed in the “culture and denominations” and “communication and civic involvement” sections of the Government Strategy. The Strategy proposes supporting the development of national cultural and information channels for Roma, including television programmes, radio broadcasts, and publications. The Strategy also provides for the elaboration of programmes for fighting discrimination in the media, and elaborating information campaigns on health and employment issues.

At present, one Roma-oriented television programme airs on a weekly basis on national television, together with the other programmes designed for national minorities. Under the Strategy, the Ministry of Public Information is responsible for initiating a programme to fight discrimination in the media, but no action has been taken to implement this measure, although the deadline was set for November 2001.¹⁹¹

Through monitoring projects, NGOs have identified the need to improve the perception and representation of Roma in the mainstream media and have disseminated news

¹⁹⁰ Official letter from the Hunedoara County Prefect, registration no. 310/16.01.2002.

¹⁹¹ Government Strategy, Chapter IX, Point 110.

related to Roma issues.¹⁹² A report issued by the Academia Cațavencu Media Monitoring Agency lists the stereotypes of Roma extracted from five national newspapers: out of 14 stereotypes identified in an analysis of 335 articles, 10 are considered negative.¹⁹³

A number of media initiatives have been implemented with Phare or other EU funding. While these are not connected directly to Strategy implementation, they nonetheless support general Strategy objectives. Under the Partnership Fund for Roma, a Roma News Agency was established as the result of a partnership between the Media Monitoring Agency Department within the Academia Cațavencu, Romani Criss, the National Press Agency *Rompres* and the Centre for Independent Journalism.¹⁹⁴ The Roma News Agency functions as part of the Romani CRISS office and has been extremely active since its launch in September 2001; approximately 800 news items have been produced and disseminated.¹⁹⁵ The Roma News Agency will ultimately become an independent organisation, according to its statute.

The News Agency also organised training for journalists: 11 Roma trainees were selected for three months of training in media, news agency, State institutions, English, computer skills, and television production. The team took the initiative to produce and distribute a video clip regarding the issue of Roma self-identification for the 2002 Census.

The Centre for Independent Journalism published a guide for best practices in journalism, focusing on anti-discrimination, funded by the Phare programme for Improvement of the Situation of Roma.¹⁹⁶

¹⁹² The Aven Amentza Public Policies Roma Centre in Bucharest monitors the presentation of Roma issues in media, and produces the *Inforrom* bulletin, which is widely distributed through its daily e-mail. In Cluj Napoca, "Amari Emisiunea," a monthly television programme designed for Roma communities in ten counties in Transylvania, is broadcast with support from the Resource Center for Roma Communities.

¹⁹³ Media Monitoring Agency – Academia Cațavencu, "Roma population reflected in the Romanian media," Media Monitoring Report, January–August 2001.

¹⁹⁴ The Center for Independent Journalism is an international NGO founded by the Independent Journalism Foundation based in New York. It has branches in four regional capitals: Budapest, Bucharest, Bratislava and Prague, working with local journalists to encourage independent, impartial, diverse, and ethical reporting.

¹⁹⁵ Of these 800 articles, 30 percent were disseminated by the Romanian State Press Agency Rompres, and ten percent were published in newspapers.

¹⁹⁶ Phare RO 9803.01, Improvement of the Situation of Roma.

3.4.5 Culture

Section I of the Government Strategy addresses “Culture and Denominations,” calling for measures in the artistic, economic, and media spheres to enable Roma to develop and express their cultural identity. Again, many of the measures provided in the Master Plan of Action are preliminary: preparing plans for cultural festivals, feasibility studies for a Roma theatre, and other research.¹⁹⁷ While some of these studies may have been carried out, the effect on Roma communities has so far been limited.

The Phare-funded analysis of projects for Roma communities implemented during 1990–2000 mentions that “the fields of activity of Roma NGOs are reflecting the main areas of interest for the Roma community,” and that almost 50 percent of NGO projects have a cultural component;¹⁹⁸ this may also reflect the priorities of the funding and donor agencies on which local NGOs depend. However, some Roma activists perceive activities to promote Romani culture and identity as an important tool for the integration of Roma into the larger community, while preserving their distinctive traditions and language.¹⁹⁹ Phare funding has also provided support for the efforts of some Roma NGOs to raise awareness of Roma identity by organising education in local history for young Roma.²⁰⁰

The Ministry of Culture and Denomination, in collaboration with the Aven Amentza Roma Center for Public Policies, organised a “Caravan for intercultural education and revitalisation of cultural heritage” in Winter 2002.²⁰¹ The caravan visited all 41 counties in an effort to establish the basis for harmonising local minority policies, encouraging dialogue and exchange between local Roma communities and local authorities, and attracting funding for cultural and other initiatives.²⁰²

¹⁹⁷ Government Strategy, Chapter IX, points 100–108.

¹⁹⁸ Projects for Roma in Romania, 1990–2000, published by Ethnocultural Diversity Resource Center Cluj Napoca, under the Phare project for Improvement of the Situation of Roma (RO 9803.01), “A quantitative analysis of the projects for Roma” chapter, page 65.

¹⁹⁹ Interview with Ötvös Géza, President of Wassdas Foundation, Cluj Napoca, April 2002.

²⁰⁰ Projects for Roma in Romania, 1990–2000, published by Ethnocultural Diversity Resource Center Cluj Napoca, under the Phare project for Improvement of the Situation of Roma (RO 9803.01), page 184.

²⁰¹ Ministry of Public Information, *Report on the Status of Implementation*, pp. 22–23.

²⁰² Round-tables were organised in all counties except three in which the collaboration of the local authorities was minimal, between 20 February – 16 March 2002.

4. EVALUATION

The Government Strategy represents an important step towards achieving greater inclusion of Roma in all spheres of Romanian society. The Government consulted with Roma organisations throughout the process of drafting the Strategy and during its implementation, and it reflects many of the needs and concerns they have articulated. However, it does not address serious concerns relating to racially motivated violence by private and public actors, which has been widely documented by domestic and international human rights observers. Still, the Roma community generally approves of the content of the Strategy.

Though the Strategy is comprehensive in scope and sets out more than 120 actions or projects to be undertaken, it does not provide detailed plans and fails to specify concrete activities. Implementation of the Strategy remains at a very low level more than a year after its adoption. Even where the Master Plan for applying the Strategy calls for assessment or preparation of more detailed plans, in many cases nothing had been achieved by the specified deadline. The Government has allocated little or no resources for Strategy implementation; those projects that have been undertaken have been funded almost exclusively through the Phare Partnership Fund for Roma, which is not administered by the Government directly. Initiatives taken by civil society organisations greatly outpace Government-sponsored projects, and although many NGO programmes do receive some State or local government support, there is no existing mechanism to incorporate experiences and lessons learned into Government policy.

One of the most important strengths of the Strategy is the degree to which it provides for Roma participation at all levels of Government. In particular, it calls for the establishment of local structures, with Roma representation, to implement the Strategy and ensure it meets the needs of individual Roma communities. To this end, County Bureaux for Roma have been established, and Roma experts have been appointed in Mayors' Offices at the local level. These measures have the potential to institutionalise Roma representation in local governance, and to create a powerful network of Roma civil servants.

In practice, several problems have emerged during the process of establishing this network. First, a single political organisation (the Roma Social Democrat Party) has been accorded the right to appoint Roma experts, without regard to standard practice for the recruitment and hiring of civil servants. This practice fails to tap into the extreme diversity of the Roma political and non-governmental spheres. It has also tended to result in politicised appointments based on party loyalty, rather than the recruitment of qualified university graduates and professionals.

Second, the failure to appoint qualified and committed civil servants, in the County Bureaux for Roma as elsewhere, can quickly lead to the de-legitimisation of the

Strategy as a whole. There is no shortage of well-educated Roma professionals: affirmative action measures taken in the past few years by the Ministry of Education have resulted in approximately 800 young Roma studying in different universities and faculties, who could bring important skills and training to local government.

Finally, according to some Romani activists, the Government's reliance on a single political organisation to represent the Roma community has had the effect of fragmenting the Roma NGO community. According to one representative, the Federation Framework Convention of Roma has ceased virtually all its activities due to the "politicisation of the Strategy and of the fact that the Government treated the partnership with the Roma civil society differently" and "associated unilaterally and preferentially, without taking into consideration the degree of expertise, with a sole [representative] of civil society... violating the principles of the Strategy..."²⁰³

5. RECOMMENDATIONS

In the interest of achieving full and effective implementation of the Strategic Framework for the Improvement of the Situation of Roma, the Romanian Government should:

- Re-analyse the text and make the adjustments to the Strategy and the Master Plan so as to reflect the latest developments and applicable regulations as well as new input, especially from NGOs implementing projects complementing Strategy objectives.
- Consider adoption of the text as a law, to make its provisions enforceable.
- Re-estimate the cost of implementation and allocate Strategy funds under the State budget for 2003–2004. Collaborate with European Union institutions and other donors to ensure international funding for Roma is directed towards Strategy implementation.
- Task the State Secretary responsible for the Department for Inter-ethnic Relations with leading the Joint Committee for Monitoring and Implementation. Increase the frequency of meetings of the Joint Committee and ensure the participation of its members.

²⁰³ "Implementation of GD 430/2001 Strategy for Improvement of the Situation of Roma, Alternative Report," *Aven Amentza* magazine No. 19–20, April–May 2002.

- Strengthen the capacity of the National Office for Roma by enlarging the number of trained and committed Roma professionals, university students or graduates on its staff.
- Mobilise the Ministerial Commissions on Roma in each ministry; establish and enforce specific deadlines and targets including those for reporting on whether and how commitments have been met.
- State clear-cut responsibilities for project implementation at the local level for Prefects, County Councils and Local Councils and allocate necessary resources.
- Re-analyse the anti-discrimination legislation to bring it into compliance with the European Union Race Directive.
- Ensure the independence of the National Council for Combating Discrimination; ensure that the selection of staff members is transparent and make available resources for its operation.
- Provide training for lawyers, attorneys and judges regarding the new anti-discrimination legislation, including professionals from the Roma community.
- Continue to carry out measures to raise public awareness, particularly among minority communities of discrimination and possibilities for recourse.
- Undertake measures to hire Roma professionals as civil servants, while ensuring that selection is based on fair competition and professional merits, not political affiliation.
- Work with a broad range of Roma civil society representatives to foster constructive dialogue and reduce frictions that hinder effective cooperation within the Roma community as well as between the Roma and non-Roma population.
- Ensure the participation of Roma civil society representatives in the decision-making processes of institutions responsible for implementing various strategy objectives and programmes.

Recommendations for Roma organisations

- Actively seek the implementation of Strategy measures: re-activate the consultation structures of the Roma associations. Wherever possible, issue common opinions, press releases, and articles for the media and the general public.
- Ensure open communications between Roma communities and those responsible for Strategy implementation at the local and national level.
- Offer support to the local Experts for Roma within the County Bureaux for Roma through local working groups.

- Increase participation in public debates and develop clear and consistent reporting and reactions to negative events regarding the situation of Roma.
- Make use of the NCCD, once it is functioning, to file complaints of discrimination.
- Help identify and train future Roma civil society activists and politicians.
- Make use of the human resources existing at the local level, including Roma university students, young NGO activists, local community leaders.

Recommendations to international organisations and international donors

- Increasingly make funding contingent on proportional contributions by the Government.
- Promote assessment and evaluation of Strategy implementation by supporting the preparation of domestic monitoring reports and critiques, and organise seminars and conferences at which such reports can be discussed.
- Facilitate the incorporation of projects implemented with international support into Government-administered programmes.