

# BACKGROUND REPORT ABOUT THE ROMA IN ROMANIA

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## Introduction

As a European Union (EU) member state following the EU Framework for National Roma Integration Strategies<sup>1</sup>, Romania adopted its second Roma Inclusion Strategy for 2012–2020<sup>2</sup> (NRIS) in 2011. The Strategy includes directions for action in the fields of education, employment, health, housing and small infrastructure, culture, and prevention and fighting against discrimination, in line with the recent social inclusion policies of the European Union (EU). Romania is also a signatory of the Roma Decade, a regional initiative to increase social inclusion of the Roma, in addition to which Romania is committed to the Roma-related policies and recommendations of other intergovernmental organizations, such as the Council of Europe (CoE).

However, despite the political framework and government interventions, a large number of Romanian Roma is excluded from the mainstream society. Several studies and reports, such as the Romanian Country Report of the EU INCLUSIVE initiative<sup>3</sup>, the Împreună Agency study on Roma in Romania<sup>4</sup> and the recent World Bank (WB) report on Roma inclusion<sup>5</sup> estimate that the Romanian Roma are more disadvantaged in access to education, employment, health care and housing when compared to the general population in the country.

This report is intended as a basic information package of the Roma in Romania and the challenges in various areas the Roma are facing in integrating to the mainstream society. It also provides a description on the national and EU political framework for Roma inclusion, including a brief summary of the CoE and some other intergovernmental organizations' Roma interventions. The information used in this report is from qualitative and quantitative data obtained through a desk-review of the latest research, statistics and reports available, and on inputs received during meetings and field visits in the period of April–June 2014. The views expressed within the report do not necessarily reflect those of the Ministry for Foreign Affairs of Finland.

For readability purposes this report uses the term 'Roma' for various groups such as the *Căldărari*, *Fierari*, *Lăutari* and others, acknowledging the diversities and commonalities of these groupings and understanding that members of these groups do not necessarily affiliate themselves primarily with the term 'Roma'.

## 1. BACKGROUND INFORMATION ABOUT THE ROMA IN ROMANIA

### 1.1. Demographics

According to the 2011 census figures, around 620 000 people declared themselves to be of Roma ethnicity out of roughly 20 million people in total living in Romania. Thus, the Roma would comprise the third largest ethnic group in Romania after Romanians and Hungarians.<sup>6</sup> However, different organizations put the number up to 4–5 times much higher, according to which there would be around 2 million Roma in Romania, making the Roma possibly the largest ethnic minority in the country.<sup>7</sup>

According to the census, Roma are spread across the 41 counties and the Municipality of Bucharest. Both proportionally and absolutely the largest Roma minority lives in the Mureş County (8.5 %, close to 47 000 Roma), followed by Călăraşi, Sălaj and Bihor, each having 6 % or more Roma living in the county. Only around 1 % of the population are Roma in Botoşani, Constanţa and the Municipality of Bucharest.

Even though determining exact figures related to Roma is not feasible in Romania since there are reasons to believe the census data is distorted, other efforts have been made to ensure a clearer picture of the size and composition of the Roma population. For instance, the results of the regional Roma household survey conducted by the European Union Fundamental Rights Agency (FRA), United Nations Development Programme (UNDP) and the World Bank (WB) indicate that the Roma have higher birth rates and smaller proportion of elderly people in the population.<sup>8</sup> The large number of children among the Roma reflect the traditional family model, low level of education and insufficient reproductive health advice, resulting in a demographic profile that is in high contrast to the narrowing population pyramid of the general population. These demographic trends within the Roma minority and within Romania's general population put an even larger emphasis on the need to increase the social inclusion of the Roma. Getting accurate and up-to-date count is further complicated by the significant wave of movement of Romanians, including Roma, in and out of the country since Romania entered the EU in 2007.

### 1.2. Education

Increasing access of Roma to education is widely considered a key factor in bridging the equity gap between them and the majority population. Although the Ministry of National Education of Romania does not collect official figures on access to education based on ethnicity, surveys and other unofficial data suggest the education level of the Roma to be significantly below average at all levels from early childhood education to tertiary education. Challenges remain in low attendance rates, early school leaving, absenteeism, cultural aspects, language challenges, quality of education and discrimination. Furthermore, some families live in faraway settlements and do

not have the means to send their children to school, in addition to which lack of books and other learning material and even proper clothes can be an additional obstacle in access to school.

International experience recognizes the importance of early childhood education in a child's physical, intellectual, emotional and social development, in addition to which it is crucial for preparing minority groups for a positive school experience, including the linguistic benefits. Some Roma children have an insufficient command of Romanian, which is why getting prepared for the school teaching language is decisive for successful learning at later stages. Early childhood education programmes are not compulsory in Romania, although the Law on National Education (1/2011) supports early childhood education and states the generalization of preschool education as its objective. However, for the whole nation, children's participation to early childhood education programmes remained below the EU 27 average in Romania in the 2000s.<sup>9</sup> Although there are no comprehensive figures of the Roma participation to preschool education, different estimations put the figures significantly lower than those of the average population. For instance, according to the UNDP/WB/EC survey, the preschool enrolment rate of the surveyed Roma was at 37 %, compared to 63 % among the general population.<sup>10</sup>

Whereas the country has almost achieved universal primary school enrolment (96 %)<sup>11</sup>, almost every fourth Roma child aged 6–16 was estimated to be outside school according to both the EU INCLUSIVE data<sup>12</sup> and the UNDP/WB/EC figures<sup>13</sup>, and one in five according to the Împreună Agency study.<sup>14</sup> A 2010 report by Împreună Agency evidences the structural inequalities of the Romanian schools in relation to Roma and links the low enrolment of the Roma children to the quality of education provided. According to the research results, the share of Roma children in a school correlates strongly with the lack of specialized labs, libraries, IT equipment and qualified teachers.<sup>15</sup> Also, the study showed "(p)ersistence of highly discriminatory perceptions and attitudes towards Roma children" both by their teachers and peers.<sup>16</sup> Respondents to another study by the same agency mentioned also poverty, need to work or take care of siblings, distance to school and unimportance of education as reasons for drop-outs or non-enrolment.<sup>17</sup>

Low school attendance rates are translated into low vocational or upper secondary school attainments, fewer academic achievements within the population and lower literacy rates. Only 10 % of the Roma respondents to the UNDP/WB/EC survey stated they had completed an upper secondary level of studies, compared to 52 % of their non-Roma neighbours. Almost no-one had a university degree among the surveyed Roma, although the share was also only 5 % among their non-Roma neighbours.<sup>18</sup> Furthermore, 25 % of the respondents to the EU ACCESS initiative who were over 16 years of age stated to be illiterate.<sup>19</sup> These figures are also consistently lower than the literacy rates of non-Roma in Romania, which are close to 100 %. However, it must be emphasized that the figures above have been quoted from studies targeting settlements with a large number of Roma, which may distort the picture; many educated people with a Roma background do not necessarily identify themselves as Roma, which is why they are absent from these studies and surveys.

The Government of Romania has taken some steps to increase the educational outcome of the Roma. There is more than a decade of experience in involving school assistants with a Roma background in schools with high number of Roma pupils. Professionally qualified school mediators support the children and youth at school and liaise with the Roma community and parents. This kind of support promotes Roma children in their studies and reduces absenteeism and drop-outs. The NRIS states that 660 Roma school mediators were trained in the past but only 376 were included in the educational system.<sup>20</sup> Other positive measures are, for instance, the quotas reserved for the Roma and the Second Chance programme, which enables school drop-outs to finalize their primary school later in life. These initiatives and others are important in preventing the exclusion from mainstream social, economic and political life but sufficient funding should be allocated for them in order to ensure sustainability of good practices.

### 1.3. Employment

Providing support to Roma children to join the mainstream education system will assist their social integration and will improve their employability later in life, though even those Roma who make it through primary and secondary school still face major obstacles in finding productive jobs. In consequence of the fall of communism, many state-owned enterprises and collective farms were closed and there was less work in the factories, fields and mines for the uneducated. For instance, UNDP estimates that in Hungary, two thirds of the work places that had employed the Roma, were closed, and many Roma have been since then without a permanent work place.<sup>21</sup> Furthermore, lack of employment is the main factor undermining the economic security of the Roma minority: according to the UNDP/WB/EC survey, Roma were three times poorer than their non-Roma neighbours. For instance, 74 % of the respondents lived in relative poverty (having 60 % or less of the median national income), compared to 26 % of the non-Roma.<sup>22</sup>

In Romania, there are no comprehensive official data on the situation of the Roma in the labour market, but the limited data available from surveys and studies indicate that Roma generally have a low level of (formal) employment, low wages and mainly non-permanent jobs. Roma women are in worse position than Roma men. According to the 2011 FRA survey, 30 % of the Romanian Roma respondents considered themselves unemployed, compared to 10 % among the non-Roma.<sup>23</sup> As the official unemployment rate on 30 April 2014 stood at 5.1 %<sup>24</sup>, these survey self-reported unemployment figures can be considered very high. However, many Roma are self-employed in agriculture or involved in informal economy. Some, including minors, earn their living by collecting and recycling scrap metal and other secondary materials, or begging in cities.

Low employment rates do not suggest Roma would not want to work: 75 % of the respondents to the UNDP/WB/EC survey indicated they would rather have a steady job with low pay than an insecure and irregular one with higher income, in line with the answers of the non-Roma.<sup>25</sup>

However, surveys also indicate that Roma face discrimination while applying for a job. For instance, a recent study by the National Council for Combatting Discrimination showed that 50 % think that Roma are discriminated at work and 48 % do not want Roma as colleagues at work.<sup>26</sup>

The NRIS has altogether 20 directions of action for increasing the employment of Roma, ranging from promoting entrepreneurship to raising awareness about discrimination at work. As indicators are mentioned "60,000 increase in the number of employees of Roma", out of which 25,000 should be women. However, since the Strategy does not include comprehensive baseline figures of Roma employment, potentially successful interventions will be difficult to measure. However, in recent years, there have been some promising initiatives to promote Roma employment, such as job fairs for Roma or employment targets for Roma for the National Employment Agencies but due to the recent budget cuts influenced by the financial crisis and unsustainability of these activities, their impact has been faint.<sup>27</sup>

#### 1.4. Health

Poverty caused by high levels of unemployment, lack of clean water, sanitation facilities and sewerage, insalubrious living conditions, and working in scrap metal collection and waste recycling are some factors leading to poor health conditions of the Roma. According to an analysis on the health situation of the Roma in seven EU member states, the main health challenges among the Romanian Roma are chronic conditions, unbalanced diet and insufficient health education.<sup>28</sup> The prevailing lack of appropriate documents and health insurance by many Roma further restricts their access to health services and health care providers and aggravates their poor health status. The consequences of the lack of adequate health care hinder also other aspects of life, affecting education outcome, employability and general quality of life.

According to the UNDP/WB/EC survey, the share of Roma with good health assessment was in fact larger than among their non-Roma neighbours: 67 % of the subjects considered their health being good, compared to 62 % among the non-Roma.<sup>29</sup> However, international experience suggests there are cultural differences in what is considered as good health, and among Roma good health seems to be perceived as lack of symptomatic illnesses<sup>30</sup> whereas the World Health Organization (WHO) considers health more holistically and not merely the as the "absence of disease or infirmity."<sup>31</sup>

The EU-funded analysis of the Roma health status found that over half of the subjects of the study suffer from disabilities or chronic disease, many are over-weight or obese, almost half of the interviewed had never been to a dentist, and people often refuse to go to the doctor. Instead, self-administration of drugs such as antibiotics is widespread. One particularly alarming manifestation of exclusion from the general health-care system is the low level of immunization among the Roma children: less than half of the subjects to the study had received all the appropriate



vaccinations and one in four had received none, even though the immunization programme in Romania is free of charge.<sup>32</sup> Although there is a few years' discrepancy between the study results and the latest UNICEF estimates from 2012, the Roma immunization rates seem to lag significantly behind the national average, which is close to 100 % of the WHO-recommended vaccination package.<sup>33</sup>

In the field of access to health care the lack of health insurance scheme remains a problem among the Romanian Roma population. When asked "Do you have any form of medical insurance in your country?", only 53 % of the respondents to the FRA survey answered to have one, compared to 78 % of the non-Roma population.<sup>34</sup> Although the Romanian citizens enjoy universal health coverage and the individual contributions to medical costs are small and free of charge for instance for the unemployed, some fail to register for the insurance scheme and are thus left outside the system. The registration demands performance of formal economic activities (employment or registered business) or entitlement to use social benefits. Emergency care services are available for all.

Assistance in obtaining a health insurance is one of the tasks of the health mediators, whose responsibilities are to liaise between the Roma community and medical personnel, facilitate Roma to access health care services, give health education to the communities and gather health-related data.<sup>35</sup> Institutionalized in 2002, the programme involved in 2011 approximately 450 health mediators throughout the country and represents a positive initiative in the area of Roma health care in Romania, especially in terms of preventive health care.<sup>36</sup> However, since the responsibility over the programme was transferred from the Ministry of Health to local authorities, funding for health mediation has been cut and the number of mediators has been on the decrease.<sup>37</sup>

## 1.5. Housing

The housing situation of the Roma in Romania remains one of the most visible manifestations of the problems concerning their integration into wider society, and the housing situation for the majority of Roma can be characterised as insecure. The lack or inadequacy of infrastructure and access to public utilities, such as water network, electricity, sewerage and garbage collection, remain a critical issue and sometimes one which is also a factor predisposing to reduced health state and ability to work. Some other issues identified by the EU INCLUSIVE initiative include the usage of less resistant materials for building, confined living spaces, and lack of privacy and security.<sup>38</sup> Lack of property documents makes Roma settlements vulnerable to demolitions and evictions and can be an obstacle in accessing various public services, such as doctors and schools.

Majority of the Romanian Roma seem to live in rural areas: 60 % according to the Racism and Xenophobia European Network (RAXEN) report<sup>39</sup> and 53 % according to the respondents to the EU INCLUSIVE survey, many in dilapidated settlements with very basic or inadequate amenities. Main

challenges for the rural dwellers are related to poor sanitation facilities and lack of sewerage; a small number of Roma do not even have an access to a toilet altogether. Moreover, rural Roma live more often in segregated communities with little contact with other ethnics. The urban Roma often live in slum-like conditions on the fringe of the towns (31 % in the EU INCLUSIVE results), where there is better access to services but more severe social problems such as anti-social behaviour and substance abuse, Ferentari in Bucharest being the most notorious example.<sup>40</sup>

Since the collapse of the communist regime, the Romanian land reform process has focused on restitution of private rights to land. Because Roma seldom are the owners of the area or buildings they inhabit, in recent years they have been exposed to forceful evictions from their settlements. In many cases, such as in Eforie Sud or Caracal, evictions from state-owned land have been initiated by public authorities. Since the legislation regulating the eviction procedure is inadequate to properly address the situation, there have been cases from recent years that have been poorly planned, uninformed and led even to violence.<sup>41</sup> However, the Government is in the process of drafting a more comprehensive housing code, which will also clarify the eviction procedures. There have been, too, instances where evicted Roma have been resettled to shelters that lack even the basic amenities, are hazardous to health and downright uninhabitable, and allocation of proper social housing units has been discriminatory. Even though defining land ownership and obtaining legal documents can be costly and difficult at times, it is often the prerequisite for secure tenure before infrastructure development can take place. The World Bank continues to provide support for improving the land cadastre and assesses Romania has made great progress in land registration.<sup>42</sup>

## 1.6. Migration

In 25 years after the Romanian revolution, the number of Romanians has decreased by 3 million, greatly due to mass movement.<sup>43</sup> The EU enlargement has accelerated the emigration from Romania and the European discussion has increasingly focused around the issues related to free movement and migrants within the Union, of whom many are Roma from Romania. Leaving their country for the above-mentioned reasons, the Roma are primarily perceived in the destination countries as a security or public order issue, of which visible or claimed manifestations are begging, illegal encampment and petty criminality. Their migration, which is often temporary and recurrent, poses also issues for the destination societies regarding the provision of social welfare and health services for persons without a European Health Insurance Card. This affects most severely the accompanying children who cannot attend school and have to live in the often squalid camps or temporary shelters. In addition, it is estimated that Roma citizens are overrepresented as victims of human trafficking (begging, prostitution), as well as offenders.

As identified in the EU INCLUSION study, 15 % of the 1,100 Roma subjects interviewed had been abroad after Romania joined the EU, one fourth intend to leave. Roma migrate primarily

temporarily and for short periods of time: majority of those who had been abroad, had been there for less than three months. Main countries of destination were Spain and Italy, followed by France, Germany and Hungary.<sup>44</sup> It is also typical that the Roma from the same community end up migrating to the same country and location as other members of the community. Although the negative effects that such temporarily migration movements might have on children in school age are not yet statistically clear, teachers already indicate that the so-called “Euro orphans” tend to have a lower level of school attendance than the Roma children who live stably with their parents.

Even though the challenges the Roma face in Romania have simmered for decades, it has been the migration wave from the new EU countries that has made the issue visible in the whole of Europe. This has put pressure on both the Romanian Government and the European Union to find durable solutions for enhanced social inclusion of the Roma. The next chapter will look briefly at the government structures and the recent EU and other intergovernmental policies that aim at improving the living conditions of the Roma.

## 2. GOVERNMENT RESPONSE AND ROMA PARTICIPATION

### 2.1. Administrative Structures at the Government Level

#### National Roma Inclusion Strategy

The Government of Romania adopted the National Roma Inclusion Strategy for 2012–2020 (NRIS) in 2011. The NRIS replaced the previous one (the Strategy for Improving the Condition of the Roma, from 2001) and largely follows its logic and objectives. With over hundred provisions, the current NRIS aims at ensuring “(t)he social and economic inclusion of Romanian citizens belonging to Roma minority, by implementing integrated policies in the fields of education, employment, health, housing, culture and social infrastructure”. The objectives of the NRIS call for equal, free and universal access to quality education; promotion of inclusive education; employment growth stimulation; health promotion measures; decent living conditions; Roma cultural identity preservation, development and affirmation; and measures to develop community development, child protection, justice and public order.

As the accountable parties for increasing the social inclusion of the Roma are listed the central and local governments, together with the Roma minority and the civil society. Moreover, the NRIS emphasizes the principles of active participation of Roma, gender equality, powerful coordination and non-discrimination, among others. The NRIS lays down a budget of roughly 50 million euros for the period 2012–2015.<sup>45</sup>

However, there are concerns over the implementability of the strategy since the process of drafting the NRIS did not include proper evaluation of the successes and shortcomings of the previous strategy. Moreover, the baseline situation analysis is weak, which makes further

monitoring and evaluation equally difficult. The NRIS is also a soft political instrument without sanctions for underachievements in certain areas, and since coordination between different stakeholders is difficult, full implementation of the NRIS remains a challenge. In 2013, the European Council issued country-specific recommendations for five countries, including Romania, concerning the implementation of the national Roma strategies.<sup>46</sup> The NRIS is being revised by the National Agency for Roma at the time being to meet the recommendations, namely incorporating a monitoring mechanism and redrafting the action plans and budget lines for its detailed objectives.<sup>47</sup>

### National Agency for Roma

The National Agency for Roma (NAR) was established in 2004 to replace the previous National Office for Roma. The NAR is a government agency responsible for coordinating and monitoring the implementation of the NRIS and bringing together representatives from line ministries, other government agencies and Roma civil society for dialogue to improve the social and economic situation of Roma, promote their culture and employment, and monitor the development of their social participation and living conditions. The NAR has also been responsible for administering and implementing projects funded by various EU instruments. Currently, the NAR has seven regional offices. Apparently, the position is usually given to members of the Roma Party "Pro Europe", though, not necessarily to somebody close to the Prime Minister or the ruling parties.

The budget cuts and resulting layoffs caused by the recent financial crisis have impeded the functioning of the NAR, although many observers claim that the Agency has never managed to fully claim its role as the key representative body responsible for advancing the integration of the Roma. Moreover, even though the NAR mandate is to function as a consultative body on Roma affairs for the Government, the Agency is left in a marginal position and does not have enough leverage over the ministries responsible for providing adequate services for all citizens. Since the establishment of the Ministry of European Funds and appointing it as the focal point of social inclusion, the significance of the NAR has further diminished. Furthermore, as the Prime Minister has his own Counsellor on Roma, the roles and responsibilities between the NAR and other institutes should be clarified as to avoid duplications in their respective work.

### Inter-Ministerial Working Group on Roma

Established by the Prime Minister's Decision in 2011, the Inter-Ministerial Working Group is a high-level forum for line ministries and other agencies responsible for implementing the NRIS. Coordinated by the Deputy Prime Minister and chaired by the President of the NAR, the Working Group is scheduled to meet monthly and report its activities biannually for the Government, including policy advice on improving the social and economic situation of Roma.

### Ministerial Commissions for Roma

One of the outcomes of the current NRIS was the establishment of the Ministerial Commissions for Roma, chaired by relevant State Secretaries in line ministries tasked with leading the implementation of the NRIS in specific fields. The Commissions evaluate the state budget and allocate funds for measures aimed at improving the inclusion of Roma. The Commissions and the Working Groups in subordinate state institutions also assist local government representatives and the civil society in applying and managing the EU Funds and make recommendations for the NRIS revisions.

### The Prime Minister's Counsellor on Roma Affairs

The current Prime Minister, Mr. Victor Ponta, appointed a famous musician of Roma origin, Mr. Damian Drăghici, as his personal counsellor on Roma affairs in 2012. At the time of nomination, Mr. Drăghici served as a senator and he was later elected as a member of the European Parliament in 2014. Since spring 2014, the Roma Counsellor is a young Roma Alina Ciuciu who studies law in the University of Sorbonne in France. Ms. Ciuciu is originally from Romania but has lived in France most of her life and serves the Prime Minister from Paris.

The Roma Counsellor is an honorary title without remuneration. Tasked to advise the Prime minister in Roma-related matters, the Counsellor is especially Romania's Roma envoy both serving as a role model for the Roma and showcasing the government's response to challenges in Roma communities.

### Central Department for Monitoring and Assessment

Another structure suggested by the NRIS was the establishment of the Central Department for Monitoring and Assessment under the State Counsellor, responsible for compiling information regarding the implementation of the NRIS and preparing an annual evaluation report, which the Inter-Ministerial Working Group then endorses.

### National Council for Combating Discrimination (NCCD)

The NCCD is another body open to Roma participation, which was established in 2002 to combat discrimination by monitoring the implementation of Romania's international human rights commitments and the national Anti-Discrimination Law (137/2000). While this institution was created for all citizens of Romania, large number of cases brought before it are related to Roma. The Council has the authority to issue warnings or fines in case of proven instances of discrimination.

### The Department for Interethnic Relations (DIR)

The Department for Interethnic Relations was established in 2005 with the aim to promote cultural and linguistic diversity, preventing racism and xenophobia, fostering intercultural dialogue and the overall protection of minorities. The DIR carries its activities by implementing the

Government's minority policies, elaborating and approving law proposals and supervising the situation of national minorities. Nevertheless, the DIR has no legal authority to impose sanctions. The Department functions under the Prime Minister's office and is coordinated by the Minister Delegate of the Government's General Secretariat.

## 2.2. Administrative Structures at the Local Level

### Regional Offices of the National Agency for Roma

The NRA has seven regional offices that cover all the counties in Romania. These offices are tasked to liaise with local partners, including the County Offices for Roma and monitor the implementation measures of the NRIS at the lower levels of governance. However, at the moment, the status and mandate of the Regional Offices are unclear and there have been discussions within the NRA to join the offices to the NRA and have one central structure responsible for the whole country.<sup>48</sup>

### County Offices for Roma

The County Offices for Roma are situated at the county level under the prefect offices and are administered by the Ministry of Internal Affairs with technical cooperation with the NAR. The County Offices are tasked to gather representatives from the Roma civil society and local governments for implementing local-level plans for increasing the social inclusion of vulnerable groups, and convey suggestions, good practices and lessons learnt to upper levels of administration.

### Local Roma Experts

Trained under an EU project, 210 local Roma experts were employed in 2009 in Mayors' offices at the level of communes to liaise with local Roma communities and government on matters related to Roma inclusion. The objective of the programme is to increase Roma participation in official structures so that Roma would contribute to making decisions that concern themselves. The local Roma experts are tasked to establish local initiative groups in Roma communities and local working groups within the local government structures to elaborate action plans and monitor their implementation. The shortcomings of the initiative have been the lack of qualified Roma in some communes and local governments' challenges in securing the funding for the local Roma experts – since the EU funding for the programme ended in 2011, only 35 Mayors' offices continued employing a local Roma expert.<sup>49</sup>

### Conclusions

Several people met during drafting this report claimed that some of the above structures, especially the Inter-Ministerial Working Group and the Ministerial Commissions are highly dysfunctional and exist mainly on paper only, in addition to which the local structures are neither

sufficiently institutionalized nor are their mandate clear. This is unfortunate since it would be vital that both the Government and Roma representation would work together to ensure institutional responses to achieve long-term change in the situation of Romanian Roma, particularly at the grass-root level; there should be a common understanding that if the Government sets up coordination and implementation structures to advance social inclusion, more efforts should be made to ensure their efficient functioning. Some of these issues arise also from the weak monitoring and evaluation measures. However, many observers mentioned the lack of political will as the main obstacle to truly seize the momentum for improving the situation of the Roma.

## 2.3. Political Participation of the Roma and Roma Civil Society

### Political Participation of the Roma

Even if compared to the official census figures, Roma are underrepresented in the national politics. Out of the 588 members of parliament (MP), there are currently only two self-declared Roma MPs. One of them, Mr. Nicolae Păun from the Roma Party "Pro Europe" holds the seat reserved for the representative of the Roma minority in the Chamber of Deputies, the lower in Romania's bicameral parliament. Roma are one of the 20 recognized minorities in Romania who, by constitution, have the right to one seat each (the Czech and Slovak minority share one seat). Mr. Mădălin Voicu is an MP in the Chamber of Deputies from the Social Democratic Party, the main government party. In addition, Mr. Damian Drăghici used to be a senator from the National Union for the Progress of Romania. However, he was elected in 2014 as one of the two self-declared Roma from the whole Europe to the European Parliament and hence is no longer a member of the Romanian Senate.

Even though after the 1989 revolution there have been several Roma parties present in Romanian politics, the Roma Party "Pro Europe" has exclusively held the Roma minority seat after 1992. To be able to run for legislative elections, the candidate parties or associations need to meet rather high conditions regarding number of members and representativeness in at least 15 counties, which excludes smaller or regional parties or associations. However, these requirements are lifted from the parties and associations already represented in the parliament, which places other Roma representation groups in a disadvantaged position compared to the Roma Party "Pro Europe". Furthermore, since the Roma Party "Pro Europe" is given the seat on the minority basis, it does not have to appeal to voters. In the 2012 parliamentary elections the Party received around 22 000 votes, or less than 0.3 % of all votes, which is far below the 5 % election threshold.<sup>50</sup>

The low number of votes indicates that few Roma vote for the Roma Party "Pro Europe", which raises concerns about the representativeness of the Party. This seems to be one of the reasons why the competing Roma Party "Roma Civic Democratic Alliance" intends to bring the guaranteed seat of the Roma Party "Pro Europe" before the European Court of Human Rights. Moreover, instead of voting the Roma representatives for office, there have been allegations of the major

parties trading Roma votes for money or consumer goods.<sup>51</sup> In light of getting their voice heard this is unfortunate – judging the significant size of the Roma population in Romania, their political influence could be manifold were the Roma able to unite their forces, especially considering that the Roma likely outnumber the Hungarians who have 18 MPs in the lower chamber and 9 senators from the Democratic Union of Hungarians in Romania.

In the 2012 local elections the Roma Party "Pro Europe" got one mayor and 125 local councillors but also other Roma parties or associations managed to secure their representation: Roma Party "Roma Civic Democratic Alliance" with 28 councillors and the National Union of Roma Communities with 8 councillors.<sup>52</sup>

### Roma Civil Society

In addition to the Roma political parties, the non-governmental organizations (NGO), civil society and traditional Roma leaders have a significant role to play in getting the Roma voice heard in the society, developing Roma-related policies and monitoring their implementation. Since many organizations promote Roma rights and culture and employ Roma staff, it is difficult to define which of them can be called "Roma organizations". However, the number of national and local NGOs with Roma-related projects is estimated to be over two hundred.<sup>53</sup> Nevertheless, considering the significant size of Romania's Roma population, the national influence of Roma civil society appears quite limited and narrow.

Some of the established NGOs focusing on Roma issues and working at the national level with capacity to carry out EU projects are: Romani CRISS, focusing on education, health and legal assistance; the Împreună Agency with an emphasis on research and Roma situation monitoring; Roma Center "AMARE Romentza", which fights against discrimination and promotes Roma culture and Romani language; and Roma Women Association, active operating in human rights protection and social inclusion. Recently, six Roma NGOs have organized themselves under the umbrella of the Roma Development Movement, which intends to increase Roma participation in planning, implementation, evaluation and monitoring of public measures that aim at improving their situation.<sup>54</sup> In addition to the Romanian organizations, several international and regional non-governmental organizations, such as the Open Society Institute, European Roma Rights Centre, Amnesty International, Save the Children and others monitor the situation of the Romanian Roma and implement projects for advancing their social inclusion.

## 3. INTERGOVERNMENTAL RESPONSE

### 3.1. European Union Roma Policies

#### Introduction



The entry of the new EU member states to the EU in 2004 and 2007 has brought pressure to the EU bodies to combat social exclusion of the Roma in the Central and Eastern European countries, Romania having most likely the largest Roma minority of these countries. This has entailed an emphasis to develop a common framework to address the social inequities present in Europe that the Roma encounter in particular. Several EU bodies have mentioned the Roma inclusion challenges in their conclusions but it is yet to be seen how the policy measures impact national or even local policies. In Romania, general EU affairs fall into the mandate of the Ministry of Foreign Affairs, yet the 2013 established Ministry for EU Funds has an important role in Roma-related EU policies since it is both the focal point for social inclusion and funnels the EU funds. Below is an introduction to some policy measures adopted by the EU organs.

### European Council

In the EU summits, Roma inclusion has been increasingly on the agenda in recent years, especially at the time of French expulsions of Roma in 2010. In June 2011, the European Council endorsed the EU Framework for National Roma Integration Strategies up to 2020, prepared during the Hungarian presidency.<sup>55</sup> Earlier, in December 2007, the European Council stated that “(t)he European Council, conscious of the very specific situation faced by the Roma across the Union, invites Member States and the Union to use all means to improve their inclusion.”<sup>56</sup> For Roma, important is also the Europe 2020 Strategy, which was approved by the European Council in June 2010. As one of the five targets for the EU was approved the target to reduce the number of people in or at risk of poverty and social exclusion – out of whom many are Roma – by at least 20 million by the year 2020.<sup>57</sup>

### European Commission

Increased emphasis on social inclusion and special measures adopted for Roma during the recent years indicate that the Commission has taken a stronger role in advancing Roma inclusion. Within the Commission, matters related to Roma inclusion are currently under the competence of the Directorate-General Justice (DG JUST).

A significant document acknowledging the need for a European-wide framework was the adoption of the EU Framework for National Roma Integration Strategies up to 2020 in the Commission Communication in 2011.<sup>58</sup> This Framework is a comprehensive policy document setting as an objective improved social inclusion of the 10-12 million Roma in Europe. It aims to define and coordinate the obligations and responsibilities of the EU member states and candidate countries towards their Roma populations. Within this Framework, the Commission proposes that member states develop their own national Roma strategies, based on four key national integration goals (housing, health, education and employment). The second Romanian National Roma Inclusion Strategy follows the logic of the EU Framework. In June 2013, the Commission issued the Communication on Steps Forward in Implementing National Roma Integration Strategies as a follow-up to the Framework, calling for more efficient implementation of the national strategies and closer cooperation between the EU and national authorities.<sup>59</sup>

Furthermore, the Commission has taken the command in organizing the Roma Summits that are high-level meetings involving representatives of EU institutions, national governments and parliaments, international organisations and civil society organisations. Romania's President Băsescu was the only head of state to attend the Third Roma Summit that was organized in April 2014 in Brussels and which focused on local policies on Roma inclusion. Unfortunately, the Summit did not generate any concrete results which could be a starting point for a follow-up in Romania, at least, such outcomes were not reflected by the media or by public statements by President Băsescu or other Romanian politicians. In his speech, Mr. Băsescu emphasized the importance of an emergence of a Roma middle class, in addition to which he called for the Roma communities to adapt their cultural traits to be compatible with society rules and laws.<sup>60</sup>

### European Parliament

The Commission Framework was preceded by many years of discussion and several resolutions around Roma rights in the European Parliament. First call for a European-wide framework was the adoption of the Resolution on a European strategy on the Roma.<sup>61</sup> In March 2010, the European Parliament reiterated this vision by adopting a resolution on the second European Roma summit. In the Resolution, the Parliament, inter alia, "(c)alls (...) on the Commission to develop a comprehensive European Strategy for Roma Inclusion as the instrument for combating social exclusion and discrimination of Roma in Europe."<sup>62</sup> Similarly to the Commission's follow-up communication, the Parliament adopted in December 2013 the Resolution on the Progress Made in the Implementation of the National Roma Integration Strategies. Among other things, the Resolution condemns hate speech and ethnic profiling, and calls for more efficient implementation of the national Roma strategies, closer involvement of local authorities and increased budget mobilization both from national and EU funds.<sup>63</sup>

### Council of the European Union

In the Council, the Roma affairs have been discussed mainly in the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO). During the last decade, there have been many conclusions on Roma inclusion. In recent years, also the Council has focused on endorsing the EU Framework and calling for better usage of EU funds.

In December 2013 the EPSCO Council adopted the Council Recommendation on Effective Roma Integration Measures in the member states, which recommends that the member states take targeted action to bridge the gaps between the Roma and the rest of the population in education, employment, health care and housing, and secure more efficient and sustainable funding for Roma inclusion by utilizing better the EU funds and national money.<sup>64</sup> In May 2011, the EPSCO Council agreed on the Conclusions prepared during the Hungarian Presidency that endorse the EU Framework for coordinating national Roma strategies.<sup>65</sup> More specifically, in 2013 the Council approved the Country Specific Recommendation for Romania to step up efforts to implement the

envisaged measures to increase participation in education and the labour market, making a particular reference to the situation of the Roma.<sup>66</sup>

## 3.2. European Funding

### European Union Funding

Out of the five European Union Structural Funds, the European Regional Development Fund (ERDF) and the European Social Fund (ESF) in particular can be used for improving equal opportunities of vulnerable groups, such as the Roma. The ESF programmes promote various measures for advancing employment and knowledge-based economy. Also, the funding is designated to improve the situation of vulnerable and disadvantaged groups, and to advance equality between different population groups. The ERDF finances programmes and projects that promote entrepreneurship, innovations, regional competitiveness, knowledge-based economy and regional attainability. Since May 2010 the ERDF money has been available also for social housing projects for marginalized groups.

In the whole of Europe but particularly in Romania, a significant issue in the usage of the EU funds has been the low absorption rate: for the time being, the rate stands at around 36 % of the funds allocated for Romania<sup>67</sup> for the previous funding programming period 2007–2013 (circa EUR 20 billion).<sup>68</sup> The reasons for the low absorption rate and scant results in advancing Roma inclusion lie in weaknesses in implementation because of lack of know-how and administrative capacity of managing authorities on the ground; lack of involvement and capacity of civil society and Roma communities; problems in providing co-financing.

In order to tackle these issues, the Government of Romania established in 2013 a new ministry, the Ministry for EU Funds to clarify the coordination of the EU funds and raise the absorption rate. The Ministry is also responsible for drafting the Romanian Partnership Agreement for the 2014–2020 Programming Period (PA), based on more detailed sectorial strategies of the line ministries. The Romanian PA draft is currently being revised by the Ministry of EU Funds based on the comments received from the Commission. For advancing social inclusion, the Ministry has two primary methods: firstly, funds are funnelled through the Romanian Social Development Fund, which is a public independent fund for implementing grass-root level development projects. Secondly, the ministry gives guidance on the application and management procedures related to the EU funds.

The new programming period 2014–2020 has begun recently. Following the European Commission's advice, the new PA (yet to be approved by the Commission) explicitly mentions the Roma people as one of the vulnerable groups in Romania that can receive positive action and temporary special measures of support for ensuring that they have equal possibilities in access to education, employment and other services.<sup>69</sup>

## EEA Grants/Norway Grants and Swiss Contribution

Norway together with other members of the European Economic Area (EEA) and Switzerland are not member states of the EU but contribute actively to European enlargement and cohesion, and are significant donors in Romania. The added value of this funding window is the relatively less burdensome bureaucracy in applying and managing the funds compared to the EU funding opportunities.

Out of the total pool of nearly 1.8 billion euros of the EEA Grants and Norway Grants available for 16 EU countries in Central and Southern Europe, Romania's share is approximately 306 million euro for the funding period 2009–2014. The overall objectives are to reduce economic and social disparities and to strengthen bilateral relations. Approximately 20 % of the total funding for relevant programmes (13 in total) or 40 million euro targets the improvement of the situation for the Roma population. Relevant programmes include an NGO-fund, a programme for Poverty Alleviation as well as a programme for Children and Youth at Risk and Local and Regional Initiatives to Reduce National Inequalities and to Promote Social Inclusion.<sup>70</sup>

Switzerland supports Romania with a total amount of 181 million Swiss francs (approximately 150 million euro) for the funding period 2009 –2014. These funds are part of the Swiss contribution to states that joined the European Union on 1st May 2004 and 1st January 2007 respectively. The overall goal of the Swiss contribution is to reduce economic and social disparities within the enlarged European Union. The Swiss-Romanian Cooperation Programme addresses the situation of Roma primarily through its Thematic Fund for the Inclusion of Roma and other vulnerable groups (14 million Swiss francs; approximately 11.5 million euro), which finances on the one hand integrated health and education projects and on the other hand projects for economic empowerment through entrepreneurship.<sup>71</sup>

### 3.3. Council of Europe Roma Policies

#### Generally on Council of Europe Roma Policies

The Council of Europe (CoE), founded in 1949, is Europe's eldest intergovernmental regional organization that promotes and monitors human rights in the continent. Particularly since the CoE expanded into the former socialist countries in the 1990s, the organization has referred to the situation of the Roma in many recommendations and resolutions adopted by the Committee of Ministers, the Parliamentary Assembly and the Congress of Local and Regional Authorities. Furthermore, the human rights treaties, out of which the most important is the European Convention on Human Rights, and the European Court of Human Rights supervising the Convention, have had a key role in highlighting the human rights abuses against the Roma.

Other independent human rights observers working under the CoE framework are the Commissioner for Human Rights and the European Commission against Racism and Intolerance (ECRI) that have referred to the situation of the Roma in Romania in their statements and reports. For instance, in the recently adopted fourth ECRI report on Romania, one of the three primary recommendations for the Government of Romania was to allocate sufficient funds for implementing the NRIS.<sup>72</sup>

Since 1995, the Committee of Experts on Roma and Travellers, composed of the representatives of the member state governments and international organizations (since 2011 known as CAHROM; Ad hoc Committee of Experts on Roma issues), has operated within the Council of Europe. The Committee is responsible for reviewing the situation of the Roma in Europe on a regular basis, in addition to which it offers technical expertise to the Committee of Ministers.

Furthermore, discussion on the situation of Roma, focusing on the importance of the local level authorities, is held in the Congress of Local and Regional Authorities (CLRAE). The CLRAE is an advisory body that represents local and regional authorities in the Council of Europe and has adopted several recommendations and resolutions related to Roma.

### Committee of Ministers

Since the mid-1990s, the Committee of Ministers, composed of the Ministers of Foreign Affairs of its member states, has issued numerous recommendations, inter alia, concerning the education of Roma children, and for improving the economic, employment and housing situation of the Roma and Travellers.<sup>73</sup> The most recent recommendation by the Committee of Ministers is from 2012, on "mediation as an effective tool for promoting respect for human rights and social inclusion of Roma", which, inter alia, endorses the CoE and EU joint programme ROMED for training Roma mediators.<sup>74</sup> In Romania, there are 273 ROMED-trained Roma mediators.<sup>75</sup> Another joint CoE and EU programme implemented in Romania is ROMACT, which aims at enhancing political will and administrative capacity for Roma inclusion at local and regional level.<sup>76</sup>

In October 2010, the CoE organized a high-level meeting on Roma, where the Strasbourg Declaration of Roma was adopted. The Declaration calls upon the member states, inter alia, to adopt and effectively implement anti-discrimination legislation, to strengthen efforts for combating hate speech, and to make use of mediators between the Roma and the majority population in various areas.<sup>77</sup>

In 2008, the Committee of Ministers compiled together a general recommendation consisting of the Committee of Minister recommendations issued during two decades. This document recommends the member states to adopt comprehensive strategies with short- and long-term plans for advancing the equality of the Roma, and to monitor the implementation of these strategies regularly.<sup>78</sup> Romania's NRIS can be considered to comply with this recommendation.

## Parliamentary Assembly

The Council of Europe Parliamentary Assembly is an advisory organ composed of the members of parliament of the member states. Its function is to prepare recommendations for the Committee of Ministers. The volume of discussion on Roma in the Parliamentary Assembly has increased since the former socialist countries in Central and Eastern Europe joined the CoE. For instance, in a recommendation approved by the Parliamentary Assembly in 1993, it is stated that the Roma are a European minority, and their right to live free from discrimination is recognized.<sup>79</sup> Since then, the Parliamentary Assembly has adopted several recommendations and resolutions related to the Roma, the last one focusing on Roma migrants from 2012.

### 3.4. Other Intergovernmental Organizations

#### United Nations (UN)

Among the UN organs, Roma affairs have been predominantly handled by the Commissions, Funds and Programmes operating under the Economic and Social Council (ECOSOC), and in the Universal Periodic Review process coordinated by the Human Right Council (HRC). A recent and significant step has also been the first HRC Roma-related resolution, adopted in June 2014.<sup>80</sup> In addition to these bodies, almost all of the ten human rights treaty bodies that monitor the implementation of the core international human rights treaties have highlighted the problems in realization of the human rights of the Roma.

The United Nations Children's Fund, or UNICEF, is a special fund, which operates for children's rights. After the collapse of the socialist regimes, UNICEF has often referred to the particularly vulnerable situation of Roma children in its comments and reports. UNICEF has an office in Romania, and it pays special attention to Roma children's rights through its social inclusion component. During recent years, also the United Nations Development Programme (UNDP) Country Office in Romania has significantly contributed to advancing the status of the Roma by implementing projects at the grass root level.

#### Organization on Security and Co-operation in Europe (OSCE)

In the OSCE, human rights and minority issues are discussed particularly in the human dimension pillar of the OSCE structure. The specialized agency that assists the member states in implementing their human dimension commitments is the Office for Democratic Institutions and Human Rights (ODIHR). The Roma-related activities of the OSCE are coordinated by the Contact Point for Roma and Sinti Issues (CPRSI), operating under the ODIHR. Also, more widely on minority questions operates the OSCE High Commissioner on National Minorities, currently Ms. Astrid Thors from Finland.

#### World Bank (WB)

During the last decade, the World Bank has become a significant actor in promoting economic independence of the Roma and reducing poverty in Romania. It is one the main donors for the Decade of Roma Inclusion 2005–2015, implemented together with other international organizations, private foundations and single states. The Roma Decade attempts to improve the situation of the Roma especially in fields of education, health, employment and housing, particularly in Central and Eastern European countries, including Romania. The Roma Education Fund (REF) was created in the framework of the Roma Decade in 2005 with the vision of closing the educational gap between the Roma and the majority populations. The World Bank also implements projects related to social and economic empowerment of the Roma in Romania, in addition to which it launched an extensive study "Achieving Roma Inclusion in Romania: What does it take?" in 2014.

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