

## **RE: Invitation to comment on the progress in 4 selected domains of the National Roma Integration Strategies**

**Country: Romania**

### **Topic 4. Fighting discrimination convincingly**

**Do the measures proposed and the analyses that back them up in the document constitute together a convincing strategy to combat the discrimination of Roma?**

At the time of writing, the Romanian government has not yet produced a report on the implementation of the Strategy for Roma Inclusion in 2012. As such, it is not possible to have a comprehensive view of the implementation of the strategy in 2012; available NGO or public institutions reports offer but an incomplete image of the progress registered.

#### **1. Progress in 2012**

The Centre for Independent Journalism reports for instance that the National Council for Combating Discrimination (NCCD) has reacted to several cases of discrimination, but while it issued decisions to reverse the discriminatory situations, these remained largely without effect. The example they give is that of the wall built by the Baia Mare City Hall, which separates social houses occupied mostly by Roma people from the main streets. NCCD found that the building of the wall was an act of discrimination, issued a fine of 6.000 lei (approx. EUR 1380), and recommended the demolition of the wall and the improvement of the housing conditions of the respective Roma families; according to the report, the decision was not implemented.<sup>1</sup>

According to the same report, 'serious progress' was registered in combating school segregation of Roma children, especially through several projects funded by the European Commission.<sup>2</sup> No indication is however given as to qualify this assertion.

The Romanian Institute for Human Rights has also issued a report outlining several activities aiming to raise awareness concerning non-discrimination and human rights that the institute developed. No performance indicators are however included, and therefore the scope and impact of these activities remains unknown.<sup>3</sup>

In the absence of a report issued by the government outlining the measures taken in 2012 to implement the Strategy, a full assessment of the progress in its implementation is for the time being not possible.

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<sup>1</sup> Centre for Independent Journalism, *Universal Periodic Review, National Report 2012, Romania, 15 October 2012.*

<sup>2</sup> Ibid.

<sup>3</sup> Romanian Institute for Human Rights, *Comments on the draft UPR national report 2012, Romania, 15 October 2012.*



## 2. Considerations concerning measures to combat discrimination provided by the Romanian Government's Strategy for Roma Inclusion (2012-2020)

Measures to combat discrimination are distributed across the main chapters of the strategy. While in keeping with EC recommendations to mainstream anti-Gypsyism and non-discrimination measures across policy priorities within National Strategies, it is regrettable that there is no specific section articulating a coherent strategy for combating discrimination. The following observations are structured along two categories – institutional optimisation and policy measures – which we feel would be deserving of special attention in the Romanian Strategy for Roma Inclusion.

### *Institutional optimisation*

Although Romania has established a specialised body responsible for the implementation of anti-discrimination legislation (the National Council for Combating Discrimination), the Strategy makes only one passing reference to this institution, in the section on Education.

Specifically, the Strategy does not provide for any measures that could be taken to optimise the performance of NCCD with regard to combating discrimination of the Roma, such as:

- Measures for building institutional capacity (e.g. hiring personnel of Roma origin, training of existing staff, or instituting a special department for Roma issues)
- Improvement of NCCD's regional reach, e.g. by establishing offices in areas inhabited by significant Roma populations
- Instituting mechanisms for ensuring the proper enforcement of NCCD decisions.

Also, while not directly concerned with combating discrimination, the institution of the Ombudsman could represent a valuable tool in ensuring adequate access to public services of persons of Roma background; however no reference is made to this institution in the strategy.

### *Policy design*

It is regrettable that the Strategy does not provide for specific measures ensuring that anti-discrimination legislation is known (by judges, teachers, but also by generally by citizens of Roma background) and duly applied. Such measures are essential for combating discrimination effectively and should be part of an ongoing process of training, raising awareness, and facilitating access to legal resources:

- Training of judges with regard to anti-discrimination legislation. While this has been done in the past, are there any indicators showing that this measure is no longer necessary?
- Awareness raising: no reference is made to dissemination of information within Roma communities about discrimination and the resources at hand in fighting it;
- Also, with poverty and low educational levels in the community, a very important part of access to services is legal aid for those in need. The Strategy is silent on this topic – although clearly improved access to legal services would be an excellent way to ensure the application of anti-discrimination measures.

In conclusion, while an evaluation of the progress in the implementation of the Strategy in 2012 is not possible in the absence of the relevant data, an assessment of the provisions concerning non-discrimination included in the Strategy does point towards a vague and non-specific approach to this issue, which might in turn lead to an unstructured approach in combating discrimination in the following years.

(Author: Dr Andreea Carstocea, Research Associate)