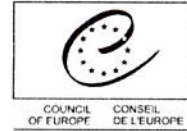




COMMISSIONER FOR HUMAN RIGHTS
COMMISSAIRE AUX DROITS DE L'HOMME



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Mr Emil BOC
Prime Minister of Romania

Strasbourg, 17 November 2010

Dear Prime Minister,

Further to my visit to Romania from 12 to 14 October 2010, I should like to take this opportunity to follow up on the constructive dialogue that I had with the Romanian authorities concerning the protection of the human rights of Roma in your country.

The specific items on which I should like to focus herein are national policy aimed at enhancing the human rights of Roma; the fight against anti-Gypsyism; anti-discrimination law and policy; adequate housing for Roma; the role of local authorities; access to employment and quality education by Roma; and the need to sensitise and raise public awareness.

National policy aimed at enhancing the human rights of Roma

I would like to commend your government for making the improvement of the situation of the Roma a priority and for undertaking various measures to this end. I appreciate in particular the adoption of the "Strategy for Improving the Situation of the Roma", the setting up of the National Agency for the Roma and the National Cultural Centre for Roma, the appointment of Roma school mediators, and the development and implementation of various programmes aimed at enhancing Roma access to employment, health care and education.

However, in spite of all the measures undertaken so far, Roma continue to face persistent poverty. Systematic work is urgently needed to tackle and eliminate pervasive discrimination against this part of the population. I have noted with deep regret that Roma remain marginalised and socially excluded, and face strong prejudices among the majority population.

Fight against anti-Gypsyism

Regrettably, anti-Roma rhetoric is present in domestic political discourse. Some politicians have made stigmatising statements, among others linking Roma with criminality, blaming this population for not trying to integrate, and referring to popular stereotypes.

Hostile views with regard to the Roma are at times echoed by the media, which continue to present profoundly negative and stereotypical images of Roma as a background to various discussions directly or indirectly linked to this minority. Discriminatory statements frequently appear on the Internet, particularly on discussion forums. I have noted that in the national press there are nowadays fewer articles stigmatising Roma and fewer advertisements that discriminate against them. However, certain local newspapers have continued to publish articles reflecting prejudices against Roma. In general, the media make references to Roma when reporting on criminality, poor neighbourhoods or the recent expulsions from France. Finally, the demeaning term "Gypsy" is as a rule used by the media to refer to the Roma population.

Anti-Roma hate speech should be condemned and punished. Moreover, I suggest that your government consider developing a high-priority action plan to raise public awareness of the problem of discrimination and to combat racism and intolerance. In this respect your authorities may usefully draw upon the guidelines contained in ECRI's General Policy Recommendations No. 1 and No. 3 on *combating racism, xenophobia, antisemitism and intolerance*, and on *combating racism and intolerance against Roma/Gypsies*, respectively.

In this context, I remain concerned at the pace of execution by Romania of the European Court of Human Rights' judgment in the case of *Moldovan and Others v. Romania (2)*, of 12 July 2005, in which the European Court found a series of violations of the European Convention on Human Rights in connection to the burning of Roma houses in the Hadareni village in 1993. I have noted that in implementing this judgment, as well as the judgments in the cases of *Gergely v. Romania* (26 April 2007) and *Kalanyos and Others v. Romania* (26 April 2007), your government has undertaken to adopt a series of measures to compensate the applicants, bring the perpetrators to justice, and prevent the reoccurrence of such events. I have noted that all these cases remain under supervision of the Committee of Ministers, and that on 15 January 2009 the Court communicated to Romania a new case, *Moldovan and 29 Others v. Romania*, where the applicants are mainly the children of the victims of the incidents in the Hadareni village. I take this opportunity to call on your government to give effect to its undertakings and to adopt swiftly all measures necessary to ensure the full execution of the above judgments.

Anti-discrimination law and policy

I have taken note of the anti-discrimination law that prohibits discrimination on the grounds of, among others: race, nationality, ethnicity, language, religion, social group, beliefs, gender, sexual orientation, age, disability and HIV/AIDS status. Romania has, moreover, ratified Protocol No. 12 to the European Convention on Human Rights, and has set up the National Council for Combating Discrimination (NCCD), which is an independent agency acting, among other things, as an equality body. The legislative and institutional framework for fighting discrimination is thus in place. However, the implementation of anti-discrimination legislation remains a problem, as Roma in particular are discriminated against in various areas, not least in employment, education, housing and health care. I thus urge your government to ensure effective enforcement of the comprehensive anti-discrimination legislation in order to guarantee the equal treatment of Roma in all social sectors.

I have noted with satisfaction in this context that the NCCD has imposed penalties on public figures and media for statements, articles and opinions that were deemed discriminatory towards Roma, as well as on private entities for restricting Roma access to, for instance, restaurants, bars and discotheques. The NCCD has also imposed fines in cases of school segregation and discrimination in access to housing in respect of Roma. This equality body plays a crucial role in the fight against discrimination in Romania, and contributes to the development of a body of domestic case-law on discrimination. I would like to commend the NCCD for its work, and encourage your government to undertake all possible measures to strengthen and assist this body in its valuable work.

Adequate housing for Roma

During my visit to Romania last October I visited the Barbulesti village near Bucharest, which is inhabited mainly by Roma. It is with regret that I noted the substandard conditions which prevail there, particularly the fact that the houses in the village do not have access to a sewage system or to running water. Water is drawn from wells, and there is no solid, asphalt road running through the village. The unemployment rate among the Roma inhabitants of Barbulesti runs high, with most families living primarily on child benefits.

I also paid a visit to the Ferentari neighbourhood in Bucharest, inhabited mainly by Roma. There I noted that certain houses are surrounded by heaps of garbage, as the system of waste disposal is not functioning properly. Moreover, while Roma houses in Ferentari in general have access to running water, electricity and a sewage system, overcrowding was a serious problem. As in Barbulesti, most of the Roma living in Ferentari are unemployed.

According to estimates, approximately 60 per cent of Roma in Romania live segregated from the majority population in communities with inadequate housing and without access to basic state services, such as electricity, running water, central heating, and waste disposal and it has happened that fire brigades could not reach Roma settlements. Overcrowding is a common problem in Roma houses. Due to lack of infrastructures, access to many Roma communities is difficult, especially in the winter, and as a result of this, ambulances and fire brigades frequently cannot reach Roma settlements.

Another issue that raises my concern are reports of forced evictions of Roma. Although some Roma live in permanent structures with legal tenancy, many other long-standing dwellings are torn down, sometimes during winter time, as their inhabitants do not have proof of tenancy. Alternative housing is not always offered by the authorities, and when this is the case, it is often built in very precarious conditions. Reportedly many evicted Roma families have been placed in metal cabins or shacks next to sewage treatment plants or industrial areas on the outskirts of cities. Evictions frequently take place without adequate consultation or prior notice.

I urge your government to safeguard the right to adequate housing, in line notably with the standards of the European Social Charter, and to refrain from evicting Roma families when proper alternative shelter cannot be provided, as well as to find durable solutions with respect to the problem of lack of tenancy or ownership documents that many Roma face.

The role of local authorities

I recall the useful guidelines contained in the Council of Europe Committee of Minister's Recommendation CM/Rec(2008)5 on *policies for Roma and/or Travellers in Europe* and urge your government to undertake all possible measures to liaise with and strengthen the capacity of local administrations to adopt and implement community projects aimed at improving the living conditions of Roma. Local administrations and NGOs have a key role to play in the inclusion of Roma. Currently, however, their actions in this field appear to be limited. At present certain pilot projects are being tested at local level, but they are rarely translated into countrywide practices and policies. Authorities and other stakeholders at local level frequently lack the human resources and expertise required for developing projects that could be financed from funds available at central, regional, and local levels, as well as from the structural funds of the European Union. Moreover, in many cases local administrations seem to lack a proactive approach in fighting against Roma exclusion, and there is unequal spending for non-Roma and Roma settlements.

When speaking to the Romanian authorities, I was informed about your government's plan to create mobile units that would assist municipalities in creating community projects aimed at fighting Roma marginalisation. I consider this to be a good initiative, and urge your government to implement it as quickly as possible. In this context, co-operation with Roma civil society in developing community projects is crucial, as it also would enhance their effectiveness.

Access to employment by Roma

Ensuring access to employment for Roma is crucial for alleviating poverty among this population group. However, unemployment rates remain particularly high among Roma. The 2010 Social Inclusion Barometer, which was developed among others by the European Union and the

Romanian government, indicated that discrimination in access to employment on grounds of Roma ethnic background is an obstacle for 41 per cent of Roma seeking employment. Common stereotypes make employers reluctant to hire Roma, while those persons who have been able to find employment are frequently discriminated against in their work environment. I believe that resolute action aimed at ensuring the long-term integration of Roma into the labour market should be a priority in your government's systematic work to enhance the protection of the human rights of Roma.

Access to quality education by Roma

As regards education, I am deeply concerned about reports indicating that about 50 per cent of Roma children do not attend schools, while many of those who do drop out before completing primary or secondary education.

I have noted the series of initiatives undertaken by the authorities in recent years to improve the educational system in general and to enhance Roma access to education, including teacher training, the creation of the post of school mediator and of Romani curricula, the involvement of Roma teachers, and the adoption of anti-discrimination and anti-segregation regulations. Nevertheless, reports indicate that in some communities Roma students are still in separate classrooms or in separate schools. There are also reports indicating unimpeded bullying of Roma students by their schoolmates. I invite your government to ensure the implementation of anti-discrimination and anti-segregation rules in the educational system, and to develop effective policies to this end, in line with the member states' undertakings contained in the *Strasbourg Declaration on Roma*, adopted in Strasbourg on 20 October 2010.

Necessity to sensitise and raise public awareness

Finally, teaching Roma history is of the utmost importance for increasing understanding and tolerance. The marginalisation and exclusion from which Roma suffer today are to a large extent the result of past repression. Knowledge about the persecution endured by the Roma populations throughout the centuries is crucial for better understanding this minority, and is a key element in fighting prejudices.

I noted with interest that your government established in 2003 a commission on the Holocaust, which later published an important report on the repression and killings in Romania during the fascist period. I commend the Romanian authorities for having made such an important step, and hope that this positive approach will continue to be followed through enhanced teaching of Roma history in schools. The *Fact Sheets on Roma History*, prepared by the Council of Europe, could serve as a useful tool for this purpose. I welcome the fact the *Fact Sheets* have already been translated into Romanian, and encourage their systematic use in schools.

Looking forward to receiving your reply and continuing a constructive dialogue, I remain,

Yours sincerely,



Thomas Hammarberg