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Committee on Legal Affairs and Human Rights

The situation of Roma in Europe and relevant activities of the Council of Europe

Minutes

of the hearing on “The situation of Roma in Romania”¹
held in Târgu Mureş (Romania) on 18 May 2009

Rapporteur: Mr József Berényi, Slovak Republic, EPP/CD

The rapporteur explained that he had seized the opportunity of a Committee meeting in Romania, and his initial intention of going on a fact-finding visit there, with a view to organising a specific hearing on the situation of Roma in Romania. His report was in two parts: one outlined the relevant activities of the Council of Europe, and the other described the situation of the Roma in a number of countries in the form of case studies. He deplored acts of violence against Roma, which were on the increase in some member states such as Italy, Hungary, Slovakia, Serbia, the Czech Republic, etc. He also deplored the political resurgence of extremist parties which stirred up hatred by playing on people's prejudices and collective fears. Roma representation and involvement were every bit as important as official action if this intolerable situation was to be rectified.

Mr Gheorghe Răducanu, co-ordinator of the Romanian delegation to the European Roma and Travellers' Forum (ERTF), stressed at the outset that the Roma were more of a European than a national issue (because the Roma had no mother country). He gave a brief history of the Roma in Romania (mentioning a number of very serious incidents). The situation had become a lot better of late. For example, all Romania's ethnic minorities now had a voice in parliament. The Action Plan for the Roma was undoubtedly the best plan one could have, on paper. Mr Răducanu found it unfortunate that the National Agency for the Roma did so little, due to its shortage of funds and staff. He questioned estimates of the number of Roma living in Romania. He put it at between 3 and 5 million. It was not enough just to adopt laws and set up institutions to overcome the difficulties faced by the Roma.

Ms Smaranda Enache, Co-Chairperson of *Liga Pro Europa*, pointed to the importance of the work of the Council of Europe. Romania saw itself as a model of how to protect minorities, but she queried the extent to which the relevant laws were actually enforced. Despite some progress, there was still a lot of discrimination and even ghettoisation of the Roma minority. Integrating the Roma into the education system remained problematic, and the university places set aside for Roma were not taken up, because they dropped out of school long before that stage. Ms Enache thought the Roma ought to be able to be taught in Romani. Many Romanian Roma went to Italy because they felt they were second-class citizens in their own country.

* Document declassified by the Committee on 22 June 2009.

¹ See programme of the hearing in appendix.

Ms Maria Korek, Programme Director for the Project on Ethnic Relations, said that in recent years there had been far more open debate in Romania about the Roma, something unthinkable in the past. But there was still a lot of prejudice. The strategy adopted in 2001 had not resolved the problems because it did not take sufficient account of the needs of the Roma population (the non-Roma population were not sufficiently knowledgeable about the Roma). A review had been made in 2005 of the strategy's implementation. The National Agency for the Roma did not meet often enough and had proved ineffectual. But there had been some progress in education (thanks to school mediators who were themselves Roma).

A first discussion followed.

Mr Nastase commented how important this hearing was. He thought the solution was to be found at European level and he would like to see a European agency for the Roma. He saw employment as the chief problem facing the Roma population and wondered if it might be possible for local authorities to purchase agricultural land for the Roma.

The Chairperson said that the Roma encountered serious problems in many countries. She recalled the experience of Germany and its Nazi past. There was now an extremely active Roma committee in Germany and this was why the resistance to discrimination there was so effective. She would like to know the areas in which the most progress had been made in Romania, how the Council of Europe might help, and whether there were any links between Roma organisations in Romania and in other countries.

Mr Calian thought the problems were more or less the same in all countries. The Roma communities needed to organise themselves better in order to safeguard their interests. The relevant Romanian laws were not a problem, but legislation needed to be harmonised at European level.

Mr Popescu said that the Roma were represented in the Ukrainian parliament.

The rapporteur asked Mr Răducanu whether he thought the ERTF was effective. Member states should be encouraged to take positive measures to benefit the Roma, notably in education.

Lord Tomlinson asked the experts whether they were themselves Roma, and if they were not, what entitled them to speak on the Roma's behalf.

Ms Delia-Luiza Niță, Anti-discrimination Programme Manager, Centre for Legal Resources, did not think the position of the Roma had changed in recent years. They were still poorer than the rest of society, more vulnerable, the victims of stereotyping, and their life expectancy was far shorter than that of the rest of the population. In 2008 some mayors had built walls in their towns to divide the Roma communities from the non-Roma communities. The Centre for Legal Resources thought the National Agency for the Roma did not really function properly because the government was not genuinely committed to it. The Council of Europe could usefully do some "naming and shaming" here.

Mr Iulian Stoian, Executive Director, Civic Alliance of Roma, told members about a 10-year education, housing and employment plan for the Roma. Unfortunately this plan had been before parliament since 2007. And the implementation of existing decrees was hampered by the failure of labour inspectors to pass on data about segregation. There was little progress on good practice (Roma mediators in schools were one example, but there were few of them, and few in the health sector too). Housing was also a serious problem, and the procedure for allocating social housing was far from transparent. Mr Stoian also expressed concern at the length of time it took for judgments of the European Court of Human Rights to be acted on.

Mr Dezideriu Gergely, Romanian member and Chairman of the Committee of Experts on Roma and Travellers (MG-S-ROM) and member of the Steering Committee of the National Council against Discrimination, described the work of the MG-S-ROM. MG-S-ROM had asked the ECRI to adopt a new recommendation on the Roma, and this request was currently being considered. The Romanian strategy was consistent with the CM's recommendation (6 main target areas over 10 years and a coordinating body). He described the structure of this strategy and the funding earmarked for it. But it had not had much of an impact. Its budget was not big enough and it was hard to assess the progress achieved.

A new discussion followed.

Mr Gardetto wanted to know what made the Roma minority different from other minorities in Romania. Why were they poorer, more excluded? What measures were being taken to teach the younger generation tolerance? What measures were being taken to prevent the Roma from underachieving at school? If government policies were ineffective, were the reasons for that purely financial?

Ms Wohlwend asked if there were any statistics based on ethnic origin. She thought education was the greatest problem. Action was needed to convince Roma parents to send their children to school.

Mr Frunda agreed with Ms Wohlwend. There had to be more Roma intellectuals so that they were proportionately represented. A number of places were reserved for Roma at the Bucharest police academy. Initiatives needed to be decentralised, with far more being done at local level. The problem was a European one, yes, but each country had its own specific problems too. Mr Frunda named 3 essential issues: 1) identity, 2) education, and 3) proportional representation of the Roma. The cultural autonomy of minorities was important.

Lord Tomlinson wondered about how best to ensure that the minority was encouraged to take the initiative in defending its interests rather than letting other groups speak for it.

The Chairperson wondered if it might be a good idea to set up an agency to coordinate relations among similar agencies in the member states.

Mr Nastase repeated that the solution had to be sought at European level, through a European agency. Action at national level was not enough.

Mr Rachon said that notwithstanding considerable efforts at both national and European level there was little to show for them. He asked if Mr Stoian had any thoughts on how to get Roma children into school, to break the vicious circle of poverty due to lack of education.

Mr Kelemen asked if mother-tongue instruction was an accepted principle in Romania.

Mr Răducanu said in answer to Mr Berényi that the ERTF was a highly effective organisation.

Ms Enache thought that if the number of Roma students was so low, this was because existing positive action was insufficient. Whilst there were many splendid projects, public policies at local level were not yet framed with reference to current laws, which they often did not even know existed. As for the identity of minorities, the persons concerned had to be given space to decide this for themselves, not have it decided for them. Greater flexibility also had to be shown about mother-tongue instruction, so that children were not all of a sudden thrown into a school situation where they did not speak the language.

Ms Korek commented that whilst Romania was certainly exemplary as far as minority rights were concerned, it would be rather unfair to compare the situation of Romania's Hungarian minority with that of the Roma minority. Laws had to filter down to the administrative level. She too wondered if resources might not be used more efficiently.

Ms Niță said that poverty and discrimination were two mutually reinforcing circles of exclusion: it was always hard to break out of poverty, and harder still when one suffered discrimination. And housing was another fundamental issue. The insanitary conditions in which Roma families were forced to live made it virtually impossible for their children to attend school.

Mr Stoian thought that schools, as well as other public services, should be better prepared to accept cultural differences. Only a tiny proportion of Roma in Romania were still nomadic and it was thought that only 40 to 45% still spoke Romani as their mother tongue. He did not agree that the matter should be referred to Europe, because that was an abrogation of national responsibility.

Mr Gergely noted that there had been progress in terms of institutional capacity. Efforts had been made to get strategies working better at local level. Work had been done to prepare communities so that they were ready to respond to strategies. There was an enormous gulf between the Roma minority and most other minorities. At this stage the results of positive measures were still unclear, because there were no indicators of their efficacy. But too much theory without practical evaluation tended to make one lose touch with reality. Roma representatives had to do more to defend their own interests and rights.

Mr Csaba Ferenc Asztalos, President of the National Council against Discrimination, saw no need to discuss the responsibility of the Romanian State as opposed to that of Europe. It was self-evident that this was a European problem and he agreed that there should be a European agency for the Roma. The Romanian State worked effectively to counter discrimination and had developed very good policies to prevent it. Romania's laws on the subject were also adequate and key institutions had been put in place. Most complaints of discrimination were brought by Roma and it was true that Romanian society took a very negative view of the Roma. But the authorities had persuaded the mass media of the need to change that view. The National Audiovisual Council had already imposed penalties for racism or discrimination. Mr Asztalos thought the Roma community had not managed to adjust to the changes brought about by the collapse of the communism (due to a lack of competitiveness). And he thought it unfortunate that the Council of Europe's information office in Bucharest was due to close shortly for financial reasons.

Ms Iulia Adriana Oana Badea, State Secretary for Education for National Minorities, Ministry of Education and Research, told the Committee that the figure for Roma children attending school had been 150 000 in 1990 and was now 300 000. This was a long-term process. At present there were 400 mediators from the Roma community working in schools. Places were set aside for Roma in the secondary schools and universities. Teaching staff had to be properly trained. Efforts had been made to introduce special classes for Roma. Three teacher training centres for the Romani language had been established. She also mentioned the "Nursery education for all" programme which would cover 8 000 children who did not currently attend nursery school, to prepare them for direct entry to primary school. This programme would operate from August 2009.

Mr Robert Laurențiu Iapornicu, President of the National Agency for the Roma, thought that all Roma had to take responsibility for improving their situation. Until they did, they had no right to criticise the State. At the time of the latest population census, many Roma did not declare themselves as Roma. Roma society was very fragmented and there was no real co-operation between civil society and the institutions of state. Despite everything, some progress was discernible. He too saw the Roma as a European issue. Much still had to be done to bridge the existing gap and the National Agency for the Roma would work to that end.

Ms Elisabeta David, of the Foreign Ministry, explained that because of freedom of movement a lot of things had to be re-thought, through European initiatives. Romania had both the laws and the money to find answers to the problems that existed. In her view the only answer to the problems of the Roma in Europe was to integrate them.

Ms Eva Sobotka, of the European Union Agency for Fundamental Rights (FRA), gave a brief account of her Agency's remit and then presented a general study of discrimination against minorities in the European Union, and specifically its chapter on the Roma. The FRA had devised a single tool that could be used in all member states, and she explained how it worked. She used graphics (on discrimination and victimisation) to demonstrate the data collected in the course of the study.

A debate followed.

Mr Calian said it would be wrong to say that the Roma community lived in isolation from the rest of society. His own business, for example, had 20% Roma on the payroll.

Mr Răducanu said he was proud of his gypsy heritage, of having lived in a caravan and having gone to school nonetheless. He had attended more than 200 meetings on the position of the Roma and he thanked Lord Tomlinson for making the point that it should be the Roma who spoke for the Roma. All too often, sadly, the Roma were not taken seriously.

Lord Tomlinson wondered what measures were needed to ensure that the Roma spoke for themselves. He feared that they might be "adopted" by NGOs which managed funds earmarked for activities in favour of the Roma.

Mr de Vries wondered what Mr Asztalos had meant when he said that the Roma had been ill-prepared for the collapse of communism. He would also like Ms Badea to say how programmes were co-ordinated. He also wondered about possible exchanges of experience by countries and about communication between communities and the majority within the country.

Ms de Pourbaix-Lundin thought that laws never did anything to change people's attitudes. She wanted to know if school mediators also worked with the parents of Roma children. And did the FRA conduct this kind of study regularly so that the results could be compared and any progress charted? She was afraid that too many NGOs might address the question of the Roma, creating too many supposed "experts". In these circumstances it was hard to avoid divergent opinions. She too thought that the Roma should have more involvement themselves.

The Chairperson agreed that it was hard to change people's attitudes. She would like to know more about the programme of nursery school education.

Ms Sobotka said that the FRA study was not conducted every year. The study method could be used by the national authorities, and the FRA would be happy to help them assess the results.

Mr Asztalos thought the collapse of communism had brought tumultuous changes to Romanian society. When properties were redistributed, many Roma had been dispossessed. The Roma community had felt deeply disadvantaged. Romania was one of the few countries to impose serious penalties for discrimination. But it was true that progress was a very slow business.

Ms Badea thought that the school mediator was the person best placed to persuade Roma children to attend school. The level of success depended very much on the personality and calibre of the mediator, and for that reason it was imperative to choose good people for these jobs. The nursery schools project was a very ambitious project requiring input from the whole of the ministry. Roma children dropped out of school very early, due to family poverty. Roma girls were even more vulnerable.

Ms David told the Committee that the Romanian Foreign Ministry had had exchanges of information with Italy.

Mr Răducanu insisted that in order to be a true Roma one had to speak the Romani language.

The rapporteur concluded by thanking all those present. He agreed that in Slovakia too the Roma had lost out as a result of the change of regime and that they had made little progress since the fall of communism. The fact that 2 seats in the Romanian parliament were reserved for Roma members was a helpful measure, though it should not necessarily be automatic. It was time to get rid of segregation once and for all. Positive measures were one part of the answer. There were positive instances where local authorities were taking a very active role. Local and regional authorities had a key role to play. This was not an exclusively European problem.

The Chairperson of the Committee expressed her thanks to all those attending.

APPENDIX**Programme of the hearing****A. THE SITUATION OF ROMA IN ROMANIA*****from 9 h 45 to 12 h 30: NGOs and minority representatives***

9 h 45 Introduction by **Mr József BERÉNYI**, Rapporteur (Slovak Republic, EPP/CD)

Statements by:

- **Mr Gheorghe RĂDUCANU**, coordinator of the Romanian delegation to the ERTF (European Roma and Travellers Forum)
- **Ms Nicoleta BITU**, programme coordinator, *Romani Criss*
- **Mr Ciprian Cătălin NECULA** journalist
- **Ms Smaranda ENACHE**, Co-Chairperson, *Liga Pro Europa*

10 h 30 *Questions and discussion*

10 h 50 Coffee break

11 h 00 *Statements by:*

- **Ms Maria KOREK**, Program Director, *Project on Ethnic Relations*
- **Ms Delia-Luiza NIȚĂ**, Anti-discrimination Programme Manager, *Center for Legal Resources*
- **Mr Iulian STOIAN**, Executive Director, *Roma Civic Alliance*
- **Mr Dezideriu GERGELY** Romanian member and President of the MG-S-ROM (Committee of Experts on Roma and Travellers) and Member of the Steering Board of the National Council for Combating Discrimination, Romania

11 h 45 *Questions and discussion*

from 14 h 30 to 16 h: Romanian authorities

14 h 30 *Statements by:*

- **Mr Csaba Ferenc ASZTALOS**, President of the National Council for Combating Discrimination
- **Ms Iulia Adriana Oana BADEA**, Secretary of State for Education for National Minorities, Ministry of Education and Research
- **Mr Robert Laurențiu IAPORNICU**, President of the National Agency for the Roma
- **Mr Radu STANCU**, Secretary of State for European Affairs and Relations with the Parliament, Ministry of Internal Affairs (*to be confirmed*)

Questions and discussion

At 16 h:**B. PRESENTATION BY THE FUNDAMENTAL RIGHTS AGENCY: EU-WIDE MINORITIES DISCRIMINATION SURVEY – THE ROMA**

Statement by:

- **Ms Eva SOBOTKA**, Human Rights Officer, External Relations and Networking Department, European Union Agency for Fundamental Rights (FRA)

Questions and discussion

16 h 30 Closing of the hearing by **Mr József BERÉNYI**

List of participants / *Liste des participants*

Members of the Committee on Legal Affairs and Human Rights / *Membres de la Commission des questions juridiques et des droits de l'homme*

Mrs DÄUBLER-GMELIN Herta, <i>Chairperson</i>	Germany / <i>Allemagne</i>
Mr BERÉNYI József	Slovakia / <i>Slovaquie</i>
Mr CĂLIAN Petru	Romania / <i>Roumanie</i>
Mr CONDE BAJÉN Agustín	Spain / <i>Espagne</i>
Mrs FERİĆ-VAC Mirjana	Croatia / <i>Croatie</i>
Mr FRUNDA György	Romania / <i>Roumanie</i>
Mr GARDETTO Jean-Charles	Monaco
Mr GROSS Andreas	Switzerland / <i>Suisse</i>
Mr HOLOVATY Serhiy	Ukraine
Mr KELEMEN András	Hungary / <i>Hongrie</i>
Mr NĂSTASE Adrian	Romania / <i>Roumanie</i>
Mr POPESCU Ivan	Ukraine
Mrs de POURBAIX-LUNDIN Marietta	Sweden / <i>Suède</i>
Mr RACHOŃ Janusz	Poland / <i>Pologne</i>
Lord TOMLINSON John	United Kingdom / <i>Royaume-Uni</i>
Mr TÜRKEŞ Tuğrul	Turkey / <i>Turquie</i>
Mr DE VRIES Klaas	Netherlands / <i>Pays-Bas</i>
Mrs WOHLWEND Renate	Liechtenstein
Mr XUCLÀ i COSTA Jordi	Spain / <i>Espagne</i>

Secretariats of National Delegations / *Secrétariats des délégations nationales*

Ms DRAGHICI Mihaela	Romania / <i>Roumanie</i>
Mrs IONESCU Nadia	Romania / <i>Roumanie</i>
Mr MATYUSHA Pavlo	Ukraine

Also present / *Egalement présent:*

Mr BANKOV Alexandr, Embassy of Ukraine in Romania / *Ambassade d'Ukraine en Roumanie*

Secretariat of the Assembly / *Secrétariat de l'Assemblée:*

Ms DINSDALE Jane, Director to the Parliamentary Assembly / *Directrice à l'Assemblée parlementaire*
 Mr DRZEMCZEWSK Andrew, Head of the Secretariat of the Committee / *Chef du secrétariat de la Commission*
 Ms HEURTIN Isild, Deputy Secretary / *Secrétaire adjointe*
 Ms HONEYMAN Sally-Ann, Assistant / *Assistante*
 Ms TEFIFEHA Naouelle, Assistant / *Assistante*