

# **Glossa luridica**

IV. évfolyam, 1-2. szám

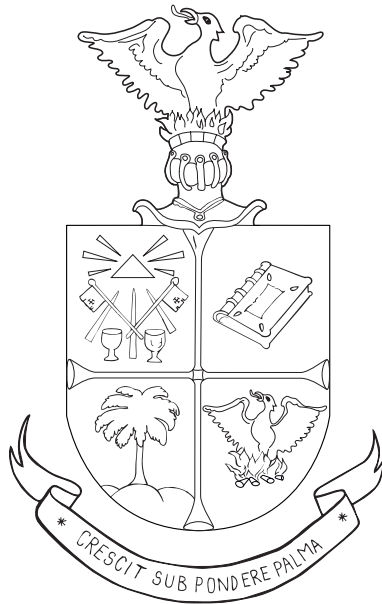
## **KÖZÉRDEK**



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# LEGISLATION AND CONSTITUTIONAL PROVISIONS CONCERNING THE SITUATION OF ROMANIAN ROMA NATIONAL MINORITY

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In the present study, an attempt will be made to outline the regulations, solutions and efforts of the Romanian constitutional legal system concerning the Roma problem, in such a complex social context and phenomenon as the situation of the Roma minority in Romania proves to be, multifaceted in its reasons, root causes and solutions, as well as in the approach and remedy to the problem.

Consequently, after the presentation of some observations and data regarding the Roma and their situation, I will attempt to draw up the related and applicable legislation, constitutional regulations as well as the most important governmental institutional background, action plans, measures and strategies concerning their life situation and problems.<sup>1</sup>

## **1. A few observations and data about the situation of the Roma in Romania**

The Roma community as national minority shows a quite diversified heterogeneity in Romania. This is due to the fact that there is no unitary Roma language cultural identity, but it is very diversified and multifaceted. In Romania, there exist Roma communities with different characteristics of tradition, language, religion and lifestyle, they live in disparate life situations in quite differentiated social relationships with people surrounding them.

In these considerably variant living conditions, there is no, or hardly any communication or contact between members of Roma communities from different geographical areas, surrounded by particularly varied cultural, lin-

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<sup>1</sup> In my present study I used mainly the following comprehensive treatise: GIURCA, Daniela (Ed.): *Incluziunea romilor din Romania: politici, institutii, experienta* [Roma Inclusion in Romania: Policies, Institutions and Examples], Bucharest, Fundatia Soros Romania, 2012; IONESCU, Mariaea – STANESCU, Simona Maria: *Raport de evaluare a programelor nationale finantate de Uniunea Europeana pentru incluziunea romilor*, Bucharest, Pro Universitaria, 2014; *Raportul societatii civile asure implementarii Strategiei Nationale de integrare a romilor si a Planului de Actiune al Deceniului in Romania in 2012*, Budapest, Decade of Roma Inclusion Secretariat Foundation, 2013.

guistic environment and passage between communities is rather improbable. One could say that compared to each other and to the rest of the society they live in a caste system, on the one hand voluntarily on the other hand by necessity and this circumstance is accepted and maintained as a form of diversity.

In the Roma communities or Roma society the nomadic, as well as sedentary lifestyle, can still be found, either in rural or in urban environment. The common characteristic is the extreme poverty, the unemployment and low education. Of course, there are exceptions, but they are minimal, not significant and not decisive for the community as a whole.

As a consequence to this, the most serious problem is the slow and often, despite all efforts, unsuccessful process of social integration. At the same time the integration, especially the social inclusion and alignment are without any doubt made more difficult, partly because of the existing but rather diffuse government policies, the ill-targeted programs that have not been thought through and often mop up the funds without any visible and tangible result. On the other hand, this process is made even more difficult by the „resistance” of the concerned and targeted community, their occasional indifference and lack or inadequate partnership.

The Roma problem is not exclusively a regulatory problem since it could not be solved only by regulations. However, the adequate legislation background should constitute a solid foundation and starting point for the implementation of, otherwise necessarily multifaceted and diversified solutions.

There is a fairly high degree of uncertainty with regards to the size of the Roma population and huge discrepancy between official figures and estimates that paradoxically seem to be more realistic.

Without any doubt, the official figures of population census shows the Roma national minority underrepresented, which means that recognizing their ethnicity constitutes a significant problem for the Roma. According to the estimates of the latest 2011 Census, the number of Roma who assumed this ethnic identity amounts to 621,600 representing 3.3% of the total population.<sup>2</sup>

Figures based on other methods of estimation drafted by the European Commission in 2010 this number was about 1,850,000, which is 8.32% of the total population.<sup>3</sup> According to the 2003 report of the European Commission, the size of the Roma population in Romania is about 1.8-2.5 million persons.<sup>4</sup>

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<sup>2</sup> It must be noted, that based on population Census after 1989, in 1992 a number of 403.723 persons while in 2002 a number of 535.140 persons recognized their Roma/ Gypsy ethnic identity, source: [www.recensamantromania.ro](http://www.recensamantromania.ro) (2015. 02. 11.)

<sup>3</sup> Source: <http://www.coe.int/t/dg3/romatravellers/defaulten.asp> (2015. 03. 9.)

<sup>4</sup> Source: 2003 Regular Report on Romania s progress towards <http://ec.europa.eu/>

When determining the amount of the European Union support, the number of 1.85 million is taken into consideration as reference.

At the same time, the leaders of the Romanian Roma organizations estimate the number of Roma people between 2.5-3 million, which does not seem to be an entirely unrealistic statement either.

There is obviously a problem with recognition of the identity, and the reason for that is the Roma/Gipsy identity being considered „stigmatized”, associated mainly not with advantages but a particular disadvantage, or even worse, discrimination.

Likewise, according to census data the Romani language is spoken by 1.3% of the population which is with 2% less than the number of persons recognizing the Roma identity.

This rather significant difference or discrepancy between the official census data and the more realistic estimated data indicates the Roma community’s specific situation, linguistic, cultural, social identity problems, diversified economic problems, or on many occasions, conflictual situation and stigmatized judgement.

The non-registration or denial of Roma/Gipsy identity has itself diversified reasons. Some are of historical nature and are related to pogroms, deportations, mass execution especially during the Second World War and the experience of forced assimilation and serious discrimination during the communist. In the meantime, even nowadays we experience an attitude of general mistrust from the part of the Roma community, especially towards the public authorities,<sup>5</sup> generated often by prejudicial behaviour which manifests itself through various types of discrimination or by other objective factors.

Nevertheless, the Roma community has to face not only problems deriving from their existential situation as minority, but also specific problems which the community itself, the members composing it, the wide variety of civil and political organizations, the state and the society must or should find solution for. These specific problems could be summarized as follows: unemployment, little chance and opportunities to get employed, low education level, reduced access to public healthcare services, therefore appearance of chronic health problems, poor health situation, housing issues, overcrowded housing, passive approach or indifference when it comes to personal problem solving.<sup>6</sup>

The cause and consequence is the extreme poverty and their set-up and long-lasting existence on the peripheries of the society.

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enlargement/archives/pdf/keydocuments/2003/rrrofinalen.pdf. The same data can be found in IONESCU – STANESCU, op. cit. 81.

<sup>5</sup> GIURCA, op. cit. 22.

<sup>6</sup> VOICU, M.: *Nevoi si resurse in comunitatile de romi*, Bucharest, Fundatia Soros, 2007.

## 2. Constitution and legal framework

It is generally accepted that the legal provisions regarding the Roma community fit all those constitutional and legal provisions that regulate the rights of persons belonging to minorities, furthermore they are completed by specialized laws, taking into account the Roma's specific life situation, as well as by laws applicable especially to Roma community and including elements of positive discrimination, mainly social assistance, medical care and others.

The Constitution of Romania,<sup>7</sup> even though it doesn't contain direct provisions and regulations for the Roma community, provides or could provide an appropriate basis for effective government action for the improvement of the situation of the Roma, improvement of their inclusion, remedy for grievance through several constitutional concepts and fundamental human rights, as well as rights for national minorities and institutional guarantees.

Without a detailed analysis, the regulations of the Constitution, that are the most important for the Roma community, will be presented.

The first and particularly important aspect is the constitutional recognition of the right to identity, the right to preservation, development and expression of ethnic, linguistic, cultural and religious identity.<sup>8</sup>

Of an almost equal importance is the constitutional recognition of the right to dignity, providing basis to many other fundamental rights, the recognition of the right to equal dignity, to free development of personality as fundamental constitutional value.<sup>9</sup>

Universality,<sup>10</sup> equality of rights, equality in front of the law and prohibition of any form of discrimination,<sup>11</sup> priority of International Treaties on human rights over national law<sup>12</sup> and the free access to justice, the right to bring cases before the courts, which right shall not be restricted by any law<sup>13</sup> are appointed as basic constitutional principles of rights and obligations, in the first title of the Constitution called „The fundamental rights, freedoms and duties”.

Among the fundamental rights included in the Constitution, the right to education<sup>14</sup> is of specific and emphasized importance for the Roma national

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<sup>7</sup> This was accepted in 1991 and came into force after the population Census on 8 December 1991, completed and modified by Law 429/2003.

<sup>8</sup> Article 6 paragraph (1) of the Constitution.

<sup>9</sup> Constitution, article 1 paragraph (3).

<sup>10</sup> Constitution, article 15.

<sup>11</sup> Constitution, article 16 paragraph (1).

<sup>12</sup> Constitution, article 20 paragraph (1).

<sup>13</sup> Constitution, article 21 paragraph (1) and (2).

<sup>14</sup> Constitution, article 32.

minority, the free access to the culture,<sup>15</sup> right to protection of health,<sup>16</sup> right to labour and social protection of labour<sup>17</sup> and protection of children and young people.<sup>18</sup>

The validation of fundamental rights apart from the most important institutions of the justice system, like the system of courts, is ensured by the *Ombudsman*, the *Constitutional Court* and the *Council for Combating Discrimination* created by the law, this validation being done through a wide variety of legislation, within general and special institutional systems.

The Civil Code, Criminal Code and Labour Law contain provisions which, even if not specifically addressed to members of the Roma national minority, can obviously be applied to them and could help these people make use of their rights based on their constitutional right to equality, or equality in front of the law.

Within this circle are being mentioned laws, however they might be more directly applicable to the Roma, like law number 202/2002 about „Equality in opportunities for women and men” as well as Government Decision number 137/2000 about „Prevention and punishment of any type of discrimination”.

This law is extremely important given the fact that the most serious problem of the Roma community is the wide variety of acts of discrimination committed against them, be it direct or indirect, active or passive, namely through action or omission.

The law defines rather widely the notion of discrimination. Accordingly, discrimination is any exclusion, restriction of rights or undue preference based on racial, national, ethnical, linguistic or religious criteria, on social groups, conviction, gender, age, disability, disease, disadvantageous position, the purpose or consequence of which being restriction of exercise of fundamental rights, refusal of recognition in any areas of political, economic, social, cultural or public life.

The Government Decree prescribes sanctions for acts of discrimination in different areas and of particular importance is the establishment of the Council for Combating Discrimination. The Council is autonomous independent state authority, under parliamentary control, its scope being to prevent, mediate, identify and punish discrimination, as well as monitoring discrimination cases and offering technical assistance to victims of discrimination. Presents annual report to the Parliament about its activity. The Council's president is the Secretary of State, elected for five years.<sup>19</sup>

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<sup>15</sup> Constitution, article 33.

<sup>16</sup> Constitution, article 34.

<sup>17</sup> Constitution, article 44.

<sup>18</sup> Constitution, article 48 and 49.

<sup>19</sup> For more information about the Council see the website: [www.cncd.org.ro](http://www.cncd.org.ro)



Government Decisions were taken with the purpose of implementing governmental policies, among which the most important are the several „Strategies”. The purpose of these decisions is the drafting of diverse sectoral policies, targeting the improvement of the Roma’s situation and creation of action plans we will details in a further section of this study.

All this leads to the conclusion that there is an appropriate regulatory background that can, of course, be improved and expanded, however its concrete application, especially by authorities, is not always satisfactory, the wording and spirit of the provisions being sometimes neglected.

Otherwise the laws, no matter how appropriate and generous they could be, might not be enough, leastwise not by themselves, to change the society’s often prejudiced mentality and attitude.

### **3. Governmental and public institutional background**

During the last 25 year there existed within the Romanian Government authorities, offices, institutions dealing with national minorities and integrally or separately with the Roma national minority.

A labyrinthine, complicated and often incoherent institutional system came to existence, which often proved to be inefficient due to continuous transformations as well as due to lack of appropriate and good concept.

The presentation of existence of government agencies with completely different functions and powers during the last decades, illustrates the above mentioned.

In 1993 the Council for National Minorities (*Consiliul pentru Minoritatile Nationale*) was established as advisory body within the framework of the General Secretary, with general power related to issues concerning national minorities.

In 1997, was established the Department for the Protection of National Minorities, led by a Minister without portfolio and delegated by the Prime-Minister, in the framework of which appears the National Office for the Social Integration of Roma (*Oficiul National pentru Integrarea Sociala a Romilor* ), as well as later on the National Office for Roma, which operated until 2003.

An advisory body was set-up during 1996-2000 Governing Program, called Inter-ministerial Sub-commission for the Roma, however it was not particularly effective. Ever since, quite a few occasionally created inter-ministerial committees came to existence. As a consequence of reorganizations, we can mention the creation, at some point, of the Department for Interethnic Relations (*Departamentul pentru Relatii Interetnice*).

Finally, in 2004 the National Agency for Roma (*Agentia Nationala pentru Romi*) (ANR), came to existence, which is still the governmental body with the most important competency in Roma issues and is detailed below.

In 2004 the National Agency for Roma (hereinafter: Agency)<sup>20</sup> replaced and took over the tasks of the National Office for the Roma (*Oficiul pentru Problemele Romilor*). This new government institution works out the Government strategy and policy in the area of the protection of the rights of Roma minority. It is led by a President with rank of Secretary of State (*Secretariatul General al Guvernului*), appointed by the Prime Minister.

The Agency initiates sectorial programs, projects and action plans for improvement in the situation of the Roma, attends to these and facilitates their realization. Its main activity is ensuring public policies related to the situation of the Roma.

Concerning its structure, we distinguish four main areas of activity: 1) international relations and civil society, 2) territorial communication and collaboration, 3) program and project work out, 4) economic, legal services, administrative, human resources.

Each of the seven development regions in Romania has a regional office under its subordination. It is to be mentioned here, that for the implementation of the Roma Strategy, further institutional structures were created:

- a) Joint Committee for Monitoring – its members are State Secretaries in the Ministries responsible for the implementation of the Strategy and the leaders of Roma organizations.
- b) Ministerial Commissions are subordinated to the above mentioned Joined Committee and are in charge of the organization, coordination, planning and control of implementation of the executional part of the Strategy.
- c) County Offices, which function within the prefect's offices and their responsibility is the planning, organization and coordination of activities on local and county levels.
- d) Local experts, which operate under the mayoralities. Their duty is improving the situation of the Roma on a local level. The local experts are in essence intermediaries, mediators between the public authorities and Roma communities.

It has to be noted that on every organizational level the representatives of the Roma communities or organizations have to be involved, depending on possibilities.

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<sup>20</sup> This institution was created through Government Decision no. 78/2004, accepted by the Parliament through Law no. 7/2005. The organization and functioning of the Agency is ruled in Government Decision no. 1703/2004.

These fundamentally governmental, inter-ministerial or mixed and local authorities' and structures' activities are being permanently analysed and the evaluation reports contain many observations, critics, and identified shortcomings. These could be summarized as follows:

- the Joint Committee did not monitor the diverse activities based on well-defined, precise criteria,
- there is no sufficient consistency between nominative orders of authorities on local and national level, the reason why there is low efficiency and effectiveness in the Strategy implementation,
- the duties and responsibilities of the local offices are not clear and the personnel recruitment was not always based on the strict, technical criteria,
- the capacity of Roma experts to draw up appropriate action plans and justify their utility is discussed,
- the reticence of the mayors to set up the office of local expert on Roma, explained mainly by the lack of funds for salaries and also by the impossibility to enlarge the scheme of the mayoralty personnel.

In 2013 the National Cultural Centre – Romano Kher (Centrul National de Cultura a Romilor-Romano Kher) was established with its activity under the subordination of the Agency.<sup>21</sup> Its main responsibility is the preservation and presentation of the traditional Roma culture and also to familiarize the modern Roma culture. However, Romano Kher – Roma House assumed significant role in the improvement of the economic situation of the Roma, with programs having objectives such as stimulating undertakings maintaining traditional crafts, granting land or giving the ownership to them with the purpose of cultivation. This program proved rather unsuccessful, namely because the Roma either sold the land or did not use it accordingly.<sup>22</sup>

#### **4. Government Strategies related to the Roma minority**

The experts distinguish three periods of the main governmental public policies related to the Roma. They are as follows:

1. between 1990-1995 – the period of searching for ways, with experimental character, within the framework of which research was conducted for coherent, possibly efficient but by all the means necessary potential social intervention or mechanisms,
2. between 1996-2000 – period of recognizing, understanding and becom-

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<sup>21</sup> Created through Law no. 318/2013.

<sup>22</sup> GIURCA, op. cit. 90.

ing aware of the responsibilities, when the first strategies and concrete actions were developed and realized by public authorities as well as by non-governmental organizations,

3. from 2001 until now – period of assuming responsibilities, conscious, pragmatic solving of the difficulties Roma population face with, on the level of governmental programs and policies.<sup>23</sup>

Within this framework several laws were made, among these „ *Romanian National Strategy for Improving Roma Condition*” is worth of being mentioned. (Government Decision no. 430/2001) and several modifications of this document and also the „*Strategy of the Romanian Government for the inclusion of the Romanian citizens belonging to Roma minority for the period of 2012-2020*” that is currently in force. (Government Decision no. 1221/2011). The latter was modified through a new Government Decision clarifying the tasks for the period between 2015-2020 (Government Decision no. 18/2015).

The objective of the Strategy adopted in 2011 and modified in 2015 (as well as of the previous one) is to ensure the social-economic inclusion of the Roma minority by the implementation of integrated policies in the education, employment, healthcare, housing, culture and social infrastructure areas.

These can be considered the six main action lines of the Strategy, which aims to make the central and local public authorities, the Roma minority members and civil society responsible for the increase of inclusion level of the Roma community.

The Strategy states that it is based on a proactive approach of the target and of the problem. The Strategy’s objectives:

1. Ensuring an equal, free and universal access of the Romanian citizens belonging to Roma minority at all levels in the public education system, in order to support the development of a knowledge-based society.
2. Promoting inclusive education within the education system, including by preventing and eliminating segregation, as well as by fighting against discrimination (ethnicity, social status, disability etc.)
3. Stimulating employment growth of persons belonging to Roma minority.
4. Stimulating better and easier access to public health services and so to increasing life expectancy.
5. Ensuring by central and local institutions decent living conditions in communities disadvantaged from economic and social point of view as well as access to public services.

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<sup>23</sup> IONESCU, M. - CACE, S.: *Politici publice pentru romi. Evolutii si perspective*, Bucharest, Expert, 2006.

6. Preserving, developing and affirming the cultural identity (language, customs, patrimony) of Roma minority.
7. Developing, by the public institutions, services that respond to the social needs of disadvantaged groups, including the members of the Roma minority.<sup>24</sup>

The Strategy for Roma inclusion is based on the following principles: a) the principle of cooperation, b) the principle of complementarity of funds, c) subsidiarity and decentralization, d) the principle of equal opportunities, gender awareness and intercultural-dialogue, e) the principle of non-discrimination and respect for human dignity, f) the principle of active participation, g) complementarity and transparency, h) the principle of sectorial distribution.

## **5. Problems of the Roma minority considered as the most serious**

The most serious questions of the Roma community, several government politics, strategies, institutions try to find answers for, show up in the following domains: discrimination, education system, employment, health and housing. All these are closely related to each other, forming an interlocking chain of worries for the Roma community, from which braking out seems almost unrealizable.

A few characteristic problems, cases, answers and solutions proposed, or shortcomings of these domains will be outlined in the followings.

### **5.1. *Discrimination, Non-Discrimination***

The most vulnerable social group exposed to the phenomenon of discrimination is the Roma community.

A comprehensive legal regulation about prohibition of discrimination is present on constitutional level, as well as in every other type of legal regulation. All this is obviously in close relation with the constitutional right to identity, factors ensuring its validation and government commitment to fight against racism.

The three most frequent discrimination areas or situations related to Roma is: in the private sector, health services as well as job search and at work. Surveys have shown that the attitude of the Roma in front of this phenomenon is that 79 % of these people does not react to discrimination in any way and the reason for this, according to the persons affected is one of the following:

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<sup>24</sup> GIURCA, op. cit. 37-38.

- 78% of these persons think that if they react and report it, nothing would happen anyway,
- 52% of them would not even know where to report it,
- 44% say it is too trivial and it is not worth reporting it, and the same number thinks that this is „natural”, this is different from discrimination and happens all the time to them,
- 39% rather worry about the negative consequences, about possible effects on personal interests. (EU-MIDIS, 2009a:6).<sup>25</sup>

Discrimination in its concrete forms can turn up in different areas such as education, employment, health services etc. to which reference will be made in the followings and by their nature are considered institutional discrimination and are particularly serious concern. Reference has already been made to the Council for Combating Discrimination which vigorously stepped out, applying the penalties provided by the law in its decisions taken in several cases.

### 5.2. Education

Education is one of the priorities of the Roma inclusion policies, especially because problems in this domain are not isolated ones but generate other issues primarily in the Roma employment, which creates and encloses the vicious circle.

One basic social problem is the low attendance of the Roma community members at the organized national education system.

In the meantime, affirmative measures are being adopted, for example allocation of supplementary places for the Roma children or youth in educational institutions or teaching the Romani language in the primary and middle cycles and accordingly the training of Roma teachers in a wide variety of specialized schools. A similarly important component of this educational strategy is the creation of the institution of school mediator for Roma. In this context between 2001-2011 following the first Strategy, approximately 852 Roma school mediators were trained and employed in the education system.

For a long period, the statute of the mediators was uncertain and only the new education law (Law of National Education 1/2001) regulates their statutes, including them in the list of the auxiliary professorial staff.

Two main deficiencies of the Romanian education system regarding Roma inclusion are: *a)* ethnic segregation in education, *b)* lack of access to quality

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<sup>25</sup> For more information about the given subject see: IONESCU – STANESCU, op. cit. 84.

education for Roma children.

One of the most serious issues about ethnic segregation of Roma children manifests itself in the existence of classrooms and schools differentiated based on ethnicity criterion. These are characterized by low quality of the education, the consequence being (an otherwise typical phenomenon in their case) the school dropout among Roma pupils at the beginning, followed by the abandonment of school and education.

This practice became so serious that in 2007 the Ministry of Education issued an order in which it prohibited the segregation of children in primary education and high school cycle (grades 1-5). One year after the order adoption the report of a research on monitoring the results shows that in 63% of the cases the Government Order was not implemented. Therefore, segregation still existed either at school level or at classroom levels.

These schools are characterized by precarious financial situation and dispose of low facilities. The conclusion is that 57% of the monitored segregated schools do not have central heating system, 56% does not dispose of laboratories, in 87% of these schools there are no medical assistance cabinets, in 37% there are no libraries and 67% of the professional staff is unqualified and commuter personnel.<sup>26</sup>

All the above mentioned leads to the abandonment of the school and very high, namely 25% illiteracy among the Roma population.

The other alarming problem, which is closely related to the poverty characterizing the Roma population is that their access to education in general and especially to a quality education is limited. This creates a disadvantageous position from the very beginning, leading to the lack of equal opportunities between Roma and non-Roma.

### **5.3. Roma employment**

This series of problems is closely related to insufficiencies in education. The employment problems persist despite the various government measures and they are the following:

- a) The above mentioned high level of illiteracy, namely 25% of the adult Roma population is illiterate.
- b) The low qualification level including the frequent complete absence of any school education makes for them almost impossible to get employed. There is also a typical disinterest with respect to the achievement of

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<sup>26</sup> SURDU, L.: *Monitorizarea aplicarii masurilor impotriva segregarii scolare din Romania*, Bucharest, MarLink, 2008.

necessary skills for qualification.

- c) A Roma employment level much lower than the national employment level.
- d) Accentuated under-employment level among Roma women. According to statistics in 2011, women employment rate among the Roma population is only 27% compared to 44% in men employment.
- e) Widely non-contracted employment of mostly unqualified occupations.
- f) Salary-based employment at low rates and in decrease during the last 20 years.
- g) Significant discrimination during employment procedure and gap between Roma earnings and non-Roma earnings.
- h) Continuity at the same workplace is halved (only half of the Roma employees keep the same workplace).
- i) The entrance on labour market of children under age of 15 years old, especially after 10 years old. This phenomenon decreased after year 2000.

The obvious consequence therefore is that the low qualification level and the resulting low employment rate lead to low income level of Roma families and so to poverty.

With the purpose of increasing the Roma employment level, several government Strategies see solution through the following main action lines:

- a) increasing the Roma inclusion in the education system, including the school dropout prevention programs,
- b) combat against discrimination on the labour market,
- c) achieving equality between men and women in access to workplace,
- d) increase in Roma youngsters' employment rate,
- e) by increasing the employment rate of Roma in the rural environment, including by granting land to them,
- f) incentives to maintain traditional crafts,
- g) encouraging activities generating incomes,
- h) strengthening the institutional capacity of communication between public administration, public authorities and Roma communities.

The recently adopted Roma Strategy widens the range of measures with the ones like adapting the occupational training programs to the labour market needs, building flexible occupational training programs, ensuring enhanced, diversified job offers, supporting entrepreneurial initiatives, subsidizing the hiring of Roma employees, developing the partnerships.



#### **5.4. Health**

The Roma community, population's health condition is considerably worse than the anyway low general health condition in Romania. They are more exposed to health problems, diseases and as such are more vulnerable than the rest of the Romanian population. This is caused basically by specific living conditions such as inadequate, overcrowded housing conditions, the limited access to clean water sources and to sewerage and so rudimentary, deficient hygiene conditions increase considerably the spread of transmissible diseases. This is coupled with lack of access to information on health topics, the low education level, the poor nutrition, the absence of identity documents, the poor communication between the medical personnel and the patients, lack of access to the health insurance system and not least the disinterest among the Roma with regards to compliance with minimal health standards.

It is worth to be mentioned in this respect that there is an alarmingly high rate of 45.7% of Roma children who do not benefit of the mandatory (otherwise free of charge) vaccines. The Roma sanitary mediator project's experimental introduction in 2003 proved to be successful and was than institutionalized in the system. In 2005 the number of mediators amounted to 176 and in 2009 this number increased to up to almost 600. Similarly successful proved to be the Program started in 2008 by governmental, non-governmental and international organizations in cooperation, offering scholarship support to Roma students pursuing academic medical education.

#### **5.5. Housing**

The housing of the Roma population is fairly disparate, since there are still, essentially nomad Roma communities while the other extreme is the existence of palaces ostentatiously expressing the richness. However most of the Roma community live in extreme poverty in villages or in peripheral areas of cities. A central aspect of social integration, apart from the above mentioned education is actually the housing conditions, since this marks the most the extent to which they can, are able or want to get integrated in the majority of society. To put it simply the majority of the persons who would like to get integrated cannot do so and who could get integrated does not want to. However, the formers are in overwhelming majority.

The majority of them do not enjoy decent housing conditions providing civilized living conditions and are in the „vicious circle” of exclusion and poverty what manifests itself in residential segregation.

In the policies in Roma social inclusion area, housing is at present the most neglected, which could be partially explained by the fact that this would generate huge costs, mainly from the part of local governments. For decades now there is in one hand chronic social housing stock absence, on the other hand the low income and extreme poverty of Roma families do not allow them the purchase or rental of a house. Due to the State-owned housing stock privatization and beginning of internal migration in the 90's a significant number of Roma families lived in houses they occupied without any rights or could not prove this right in the absence of a formal ownership document. They often became victims of real estate speculators or started dealing themselves with such speculations. The authorities not having better and more human solution had to evacuate these families, often with many children. The number of homeless people is very high in Romania and the majority of them are Roma, but this is not only a Roma problem. As a stop-gap measure or makeshifts, „ghettos” were formed in peripheral areas of cities and villages.

Main problems concerning the housing are the absence of identity documents, the overcrowding of houses, the absence of public facilities, the big difference up to public authorities, schools and hospitals while they settle close to pollution sources like landfills, water treatment stations, and radioactive lands, industrial or floodable zones.

There are few initiatives of the Government to build houses for Roma people. In this respect positive examples are rare, where in specific cases local authorities in cooperation with local or national, non-governmental organizations, especially through funds obtained from European Union proposals build houses with the purpose to solve or at least alleviate this problems.

This study presents a narrow and brief summary about the situation of the Romanian Roma national minority, problems that are obviously beyond the community itself, this being a problem of the whole Romanian population and at the same time its common responsibility with the Roma community to find significant, perceivable and irreversible solutions in the actual situation.