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**Extract from the IHF report**

***Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2006 (Events of 2005)***

## ROMANIA[1]

**IHF FOCUS: freedom of expression, free media and information; judicial system and independence of the judiciary; torture, ill-treatment and police misconduct; conditions in prisons; freedom of religion and religious tolerance; respect of private life; ethnic minorities (Roma).**

Following the December 2004 parliamentary elections, there was some improvement in the status of civil rights and liberties in Romania, especially in the fields of freedom of expression and association.

The year 2005 was marked by the process of Romania's accession to the European Union. In this context, special attention was given to anti-corruption measures, including both legislative changes and implementation of new legislation. Nevertheless, in a number of individual cases, the anti-corruption campaign resulted in infringements of civil rights. ***While much energy was invested in arresting corruption suspects in order to prove Romania's efforts to apply anti-corruption legislation, sufficient attention was not always paid to ensuring that European standards on the deprivation of liberty were respected. Such arrests or the release of those accused of corruption or other crimes were frequently turned into media shows.***

The intervention of the prime minister with the general prosecutor in a high-profile criminal case also gave rise to concern, revealing practices that could impair the impartiality of the judiciary. ***APADOR-CH (Romanian Helsinki Committee) issued strong public statements about both "spectacular" arrests and the prime minister's unacceptable intervention.***[2]

2005 was also characterized by new pieces of legislation and amendments to existing legislation passed as government ordinances, instead of laws. The criminal code, the criminal procedure code, and the civil procedure code were either again amended or amendments were being discussed, thereby creating confusion among legal practitioners. The three laws on the judiciary that were again amended in 2005 aimed at improving the independence of the

[1] As reported by the Association for the Defence of Human Rights in Romania–the Helsinki Committee (APADOR-CH, IHF member), with the exception of the section on the Roma minority, which was provided by the European Roma Rights Center (ERRC, IHF cooperating organization). The full APADOR-CH *Annual Report 2005* report will available at http://www.apador.org/en/index.htm (as of mid-May 2006).

[2] For details, see the full APADOR-CH *Annual Report 2005*.

judiciary but continued to contain problems e.g. concerning the appointment and dismissal of the general prosecutors and the operation of military courts and prosecutors.

***While freedom of expression and media freedoms generally improved, there were still cases of "crimes of opinion" for which courts imposed extremely high sums as moral damages.*** The Freedom of Information Act (FOIA) continued to contain problematic provisions and access was in practice guaranteed only to non-sensitive information. APADOR-CH won three cases it had filed to clarify whether some categories of information were classified or not, including the minutes of cabinet meetings.

The police force remained a conservative and closed institution and their operation barely displayed any effects of the formal demilitarization of the police force in 2002. **Police oversight mechanisms and accountability did not function while police misconduct continued to be reported, including the illegal deprivation of liberty, ill-treatment, the use of excessive force and the inadequate use of firearms. The disproportionate use of "masked" squads during police operations made the identification of abusive officers difficult.**

The prison system continued to be governed by a communist-era law because of the delayed entry into force of a new law on prisons. **The draft law also had many flaws: among other things, it failed to regulate juvenile re-education centers, provided for minor distinctions between "semi-open" and "open" regimes and continued to accept the use of questionable "means of restraint" such as chains.**

The APADOR-CH prison monitoring program revealed some improvement in prison conditions in Romanian penitentiaries, **but there were still a myriad of issues that raised concern, including overcrowding and poor medical care, insufficient social and educational activities and the extremely harsh regime for inmates classified as "dangerous."**

A new Law on Religious Denominations was drafted in the course of 2005 and adopted by the Senate in December, despite hefty criticism that it posed a serious threat to freedom of religion. **Among other things, the law fails to fully separate the state and the Romanian Orthodox Church and gives the latter a privileged status.**

***APADOR-CH's main concerns concerning interference with the right to privacy were related to wiretapping and the operation of a number of secret service agencies in Romania without adequate control.*** There was a clear – and possibly intentional – confusion between legal provisions regulating various forms of surveillance. What was more, there appeared to be plans to set up additional secret agencies, which would escape any civil control.

**The main problems faced by Roma in Romania included violence, discrimination and segregation in housing, labor market and education, denial of access to goods and services, and lack of adequate medical care.**

***The laws on restitution of properties confiscated by the communist regime and the laws on the judiciary were modified, improving both the chances of the recuperation of property and of a growing independence of the judiciary. However, none of them offered clear solutions.***

After extensive advocacy by NGOs, including APADOR-CH, government ordinance no. 37/2003, which posed serious threats to freedom of association,[3] was finally rejected by the parliament.

**Freedom of Expression, Free Media and Information**

Freedom of expression and of the media was the area in which there was the most dramatic improvement in 2005. The number of aggressive attacks against journalists decreased considerably and critical opinions against the government were voiced through the media without impediment. The practice of silencing critical voices through economic means, such as state-funded advertisements in the media, was done away with through the public procurement legislation. Further, for the first time in recent history the issue of media ownership was addressed.

NGOs were able to address the general public via the media, especially through TV stations, much more frequently than before the 2004 elections when that kind of communication was close to nil. There were no high profile criminal convictions of journalists, but ***there were cases of "crimes of opinion" where the courts imposed on the defendants the payment of exorbitant amounts as moral damages.*** APADOR-CH strongly criticized two such court decisions and asked for a fair and reasonable evaluation of the moral damages caused.

No significant developments took place as regards the legal framework on freedom of expression. ***The entry into force of the new criminal code, which eliminates certain provisions that earlier endangered freedom of expression (such as insult, defamation of state or authorities etc.) was postponed to September 2006.*** However, at the beginning of 2005, the old criminal code was amended, eliminating prison terms for defamation.

A new draft bill on amending the current criminal code was again introduced in parliament in the fall. The draft eliminated all provisions related to criminal insult, calumny and defamation of the state or authorities, but did not address other provisions with a negative impact on freedom of expression, such as the spreading of false information. By the end of the year, only the Senate had adopted the bill, after heated debates regarding the provisions on freedom of expression.

***The legislative framework on access to information of public interest was not modified during 2005, although APADOR-CH launched a set of draft amendments to both the FOIA and other laws, which impacted on the matter, such as the Law on Classified Information.*** In APADOR-CH's opinion, the main flaws of the FOIA are: limited coverage of the law as regards public bodies accountable under the law, parallel and confusing appeal procedures, and the absence of a public interest test in applying exemptions from access. APADOR-CH also unsuccessfully addressed the government with a request to set a uniform price for photocopies released under the FOIA – due to previous experiences, which had shown that enormous fees for photocopies were used for deterring people from asking for information from public bodies.

During 2005, APADOR-CH submitted a number of requests for information, which were partially answered. The analysis of the answers showed that the FOIA was implemented at a very basic level, most public bodies appointing a person to deal with such requests and providing information that did not pose any problems.

[3] See IHF, *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2004 (Events of 2003),* at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3860.

The same could not be said about more complex or sensitive information. In 2005, APADOR-CH took to court four new cases of denial of access to information of public interest. The cases focused on clarifying the status of minutes of the cabinet's meetings, the effect of confidentiality clauses in public procurement contracts, the status of information released "ex officio," and the impact of defining information as "professional secrets." Access to the minutes of the cabinet's meetings had been denied on the grounds that they contained state secrets although only information endangering the national security was allowed to be included in that category. The clauses in public procurement contracts had been interpreted by the public authorities as being per se a reason for not disclosing information although the clauses were not indicated as exemptions in the FOIA. Similarly, the FOIA did not exempt information released "ex officio" and "professional secrets" from public access.

The first three cases were won by APADOR-CH by final court decisions, which ordered the release of the minutes of the cabinet's meetings unrelated to national security, of copies of public procurement contracts with confidentiality clauses and of "ex officio" information. In the fourth concerning "professional secrets" the proceedings were still pending at the end of 2005.

The Law on Decisional Transparency of the Administration started to be better implemented at central level although shortcomings could still be observed, in particular at local level. That law prescribes that administration, both central and local (except for the government) should post every draft bill or decision in places accessible to the public (including the Internet). The initiators would await 10-30 days for reactions and suggestions from the public, and would then be able to finalize the drafts and either submit them to parliament after endorsement by the government (the draft bills), or enforce them at the local level (mayors' offices and district or town councils). While the ministries complied with that legal obligation, the situation was less clear at district, municipality and village level.

**Judicial System and Independence of the Judiciary**

In 2005 the three laws on the judiciary were again amended. On a general note, the aim of the amendments was to improve the independence of the judiciary, ***but two matters of concern were identified by APADOR-CH:*** the general prosecutors and their deputies are to be appointed and revoked by the minister of justice (a system that was abolished in 2004) and the military courts and military prosecutors were still not disbanded, their role being only minimized. Some of the amendments were declared unconstitutional by the Constitutional Court, including the provision that allowed the judges to hold seat also after they reach retirement age.

During 2005, the Supreme Council of Magistrates started to function. Although the launch was difficult and marked by a tense relationship with the minister of justice, there were indications that the council was willing to take over its duties in ensuring the independence of the judiciary.

**Torture, Ill-Treatment and Police Misconduct**

***In 2005, the police was still the most conservative and least open law enforcement institution.*** The demilitarization of the police force that was carried out in 2002 did not have any practical effect on the relations between the police force and the public. Neither the establishment of the "proximity police" nor the numberless speeches on the "police in the service of the community" succeeded in improving this institution's image in the public's eye. One of the main reasons was that decentralization, an essential element for a real partnership with the population, still remained at the level of intention.

Police oversight and accountability did not function yet. ***Although the Law on Police provided for the establishment of territorial authorities for the enforcement of public order to monitor police operations, there was no indication as to whether such authorities did exist, there was no annual report of any institution of the kind, and there was no public information regarding the activities of the police.***
The police code of ethics (and of the gendarmes), adopted in 2005, closely follows European standards but fails to clarify certain aspects such as the obligation to inform individuals deprived of their freedom that they have the right not to make self-incriminatory statements or the obligation of police officers to wear identification.

**The impossibility to identify police officers committing abuses was a matter of great concern, especially in the context of extensive and disproportionate use of "masked" squads in police interventions and raids.**

Other outstanding issues regarding police conduct were ***the continued deprivation of liberty while "leading to police stations" as well as the use of excessive force and inadequate use of firearms. Detention after having been "led to the police station" could last up to 24 hours, a period during which the individual did not benefit from any legal guarantees provided for other forms of deprivation of liberty. Despite evidence, the police considered it an administrative measure and not a form of deprivation of liberty.***

Another cause for concern was the use of excessive force.

- The most notorious case in 2005 was that of Viorel Gionea, severely beaten by two police officers in Constanta, while two other police colleagues were watching. A few days later the victim died. The case became public knowledge only because of an amateur video, which was broadcast by several TV stations. Subsequently, the police claimed that the death was caused by a hit to the head that had occurred prior to the fight with the police. Nevertheless, the brutality of the police officers was beyond any doubt. According to information made available to APADOR-CH, one of the four police officers was fired and the other three were disciplined.

Similarly to previous years, several police officers physically abused individuals under their custody.

- At the end of July, a pit-bull dog was shot dead by a police officer and the owner of the dog was taken to a police section in Bucharest and beaten for presumably having sicked the dog on the officer.

- In September, two young men from Hunedoara, both suspected of theft, were taken to the police station in Bistrita where they were beaten. The victims in both cases were filmed and the tapes – where the marks of the hits could be easily seen – were aired by several TV stations.

***At least five cases in which police officers resorted to the use of firearms against persons suspected to have stolen scrap iron or fish from a pond were reported in 2005. They resulted in one death (Gheorghe Cazauciuc from Galați, shot in the breast and in the abdomen at the beginning of August) and four injured. APADOR-CH considered that an attempted theft cannot be defined as a situation of "absolute necessity," which, according to the police code of ethics would justify the use of the firearms.***

**Conditions in Prisons**

*Draft Law on Prisons*

The penitentiary system in Romania was still governed by a law dating back to the communist regime (1969). In 2004, the parliament passed a new Law on Prisons that should have come into force in June 2005, alongside the 2004 version of the criminal code. ***However, the entry into force of both laws was postponed until September 2006.***

In August 2005, the Ministry of Justice noted that the 1969 law was obsolete and in violation of European standards, and prepared a new draft law. APADOR-CH criticized several aspects of the bill, including the fact that the bill maintains the current form of police custody, which does not sufficiently protect suspects from being put under undue pressure during investigations. APADOR-CH urged that once an arrest warrant is issued, suspects should be immediately transferred to penitentiaries. The bill also does not provide for sufficient regulations regarding alternatives to imprisonment, especially community work. Further, the bill does not include regulations regarding the regime of juvenile re-education centers (JRC) despite the fact that it amounts to a form of deprivation of freedom, albeit different from prisons. APADOR-CH noted that as JRCs were subordinated to the National Administration of Penitentiaries (just like prisons were), their regime should be governed by the same law.

Moreover, the bill provides for minor distinctions between "semi-open" and "open" regimes, the latter being far from what is meant by this term in traditional democracies. APADOR-CH also criticized the draft law for making prison uniforms compulsory. Uniforms single out detainees wherever they go and create a psychological discomfort both for the inmates and visitors. ***Finally, APADOR-CH criticized the continued use of chains as a "means of restraint".***

After several discussions between representatives of APADOR-CH and of the Ministry of Justice, the draft Law on Prisons was partially improved – the requirements to wear a uniform and chains and means of restrictions were removed. ***However, by the end of 2005 the bill had been rejected by the Senate with little chance to be approved by the Chamber of Deputies.***

*Conditions in Prisons*

In 2005, APADOR-CH visited 11 penitentiaries and prison hospitals[4] and focused especially on medical treatment provided to the detainees. APADOR-CH's findings showed that there was some improvement in prison conditions in Romanian penitentiaries, but there were still problems that raised concern.

**Overcrowding continued to decrease slowly but remained a serious problem.** The Romanian penitentiary standards prescribed 6 $m^3$ of air per inmate, however, the Council of Europe's Committee for the Prevention of Torture prescribed 4 $m^2$ of space and 8 $m^3$ of air for each inmate.[5] In 2005, **Romanian prison housed almost 40,000 people while their official capacity was about 32,000 places.**

**The lack of adequate medical care was another problem. The number of medical staff in prisons was insufficient; even so, the doctors acted also as family doctors for staff (active or retired) and their families, which led to even less time for them to treat detainees.** APADOR-CH criticized this system on several occasions, asking for the prison doctors to provide assistance to inmates only. In the fall this problem was enhanced with the crisis of the

[4] The report on each visit can be found on APADOR-CH's website, www.apador.org.
[5] The recommendation has been included in the CPT Report after the visit to Romania in 1999

health care system in general, which left many detainees with chronic diseases without medication for up to three months. According to APADOR-CH, the medical staff inside prisons showed little interest in solving the crisis in a timely manner.

While APADOR-CH noted that more social and educational activities were available to for prisoners than before, the number of inmates participating in such activities remained low (about 10-20 %), and the quality of the activities was sometimes unsatisfactory. In addition, prison staff and the space reserved for such activities were insufficient. ***For example, in some facilities one psychologist was in charge of 1,000 detainees.*** APADOR-CH underlined the importance of social and educational activities, not only to help prisoners re-integrate into society after release but also to support their mental health during imprisonment.

***Further, the detention regime for inmates classified as "dangerous" usually meant that they were held in small rooms which had additional grids on the windows and doors, they were handcuffed whenever they were taken out of the room (including when taken for outdoor exercise or medical treatment) and they had few chances of parole.*** The National Administration of Penitentiaries insisted that this regime was not a disciplinary sanction but only an administrative measure. ***The result of this questionable interpretation was that the cases of "dangerous" prisoners were not heard by any board, nor did they have the right to appeal for their treatment because review was provided only for disciplinary sanctions.*** Classification criteria for classifying inmates as "dangerous" included the nature of their crime, attempted escapes, attacks against the staff, suicide attempts, etc., as well as behavior during detention. APADOR-CH stated that only the prisoner's conduct during the current stay in prison should be taken into account.

The disciplinary sanctions used in Romanian prisons also garnered criticism from APADOR-CH. ***While the most severe disciplinary sanctions – up to one year of restrictive regime and up to ten days of confinement – were rarely used, the rules of disciplinary confinement were strict.*** Mattresses and bed linen were taken out at 5:00 a.m. and brought back to prisoners at 10 p.m. During the whole day (with the exception of a short exercise time) prisoners could only stand or sit on the extremely uncomfortable **iron beds – or even stone beds, as was the case at Baia Mare,** although at the beginning of 2005 **the National Administration of Penitentiaries claimed that such "beds" no longer existed** in any penitentiary. Both alternatives put the detainees physical and mental health at risk. **Toilets were not separated from the rest of the room, allowing no privacy.**

APADOR-CH expressed doubt about whether medical doctors fully observed their duty to carefully examine all prisoners before their confinement in order to decide whether they are expected to endure a tougher detention regime and whether the mandatory regular medical check-ups were actually carried out during confinement. It was particularly concerned about the treatment of inmates under restrictive regime (3 to 12 months) who had to wear handcuffs each time they left their room, were not allowed to have a radio or TV set, and whose rights were restricted also in terms of receiving parcels and visitors, among other things.

During its prison monitoring, APADOR-CH came across some incidents of particular concern.

- In the Giurgiu penitentiary, longstanding tensions between two groups of inmates – the "Bucharest group" and the "Giurgiu group" – had increased dangerously and generated violent incidents, especially in the high risk section. More seriously, the conflict seemed to have involved (according to some detainees) members of the staff. The staff had allegedly instigated some detainees to attack "unruly" inmates from the "Bucharest group." Such an incident occurred on 4 October when one detainee hit another and fractured his arm. In a similar conflict situation, another detainee, Bobi

Victor Garcea, died on 15 July after having been hit by another detainee. The other inmates who witnessed the incident claimed that Garcea's death was a result of prison staff's negligence as the guards failed to lock the doors of the exercise "cages" during the daily exercise and did not pay any attention to the fight taking place.

- The treatment of Ionel Garcea, who was serving a seven-year prison term at the Rahova penitentiary, continued to raise concern to APADOR-CH, which had been following up on his case for several years. Garcea had a history of numerous conflicts with policemen, penitentiary staff and even prosecutors, which resulted both from his impulsive temper and medical condition, including poorly treated epilepsy, personality disorder, thrombophlebitis on both legs, etc. He had been repeatedly beaten, handcuffed and/or chained and he had harmed himself on several occasions (e.g. by sticking nails into his forehead). On 26 July 2005, Garcea was taken to court to plea for a suspended term on medical grounds. After the court set the date for the next hearing, Garcea was "urged" by his escort to "move on faster," and lightly slapped. The prisoner protested verbally. Upon return to the prison he was taken aside, and, expecting to be ill-treated by guards, Garcea broke a window and took a piece of glass in his hand. The guards interpreted his gesture as an "intended attack against the staff." Garcea later insisted that he had wanted to cut his own throat. The guards summoned the "masked squad" who allegedly tied Garcea to a bed and beat him with chains until he passed out. The detainee came around in a van on his way to Jilava Penitentiary Hospital where he was kept for almost two days. According to Garcea, the Jilava doctor did not record the signs of beating in his medical file, nor did he seem interested in the prisoner's state. APADOR-CH representatives were able to see the marks of violence on Garcea's body, especially on his legs, still nine days after the incident. Garcea filed a complaint with the prosecutor's office but did not receive a reply by the end of 2005. APADOR-CH also noted that the lack of medical treatment, either for epilepsy or for thrombophlebitis, remained a serious problem.

**Freedom of Religion and Religious Tolerance**

***A new Law on Religious Denominations was drafted in the course of 2005, posing serious threats to freedom of religion. The main concerns included: the lack of full separation between the canonic law of the Romanian Orthodox Church and the public law, with no supremacy guaranteed for the latter; the insufficient separation between the state and the Orthodox Church; the restrictive conditions for registration of religious associations (a higher number of members required as compared with other associations); and the inappropriate fiscal benefits for recognized religious associations. Despite criticism, the Senate adopted the draft in December 2005.***

Another problem was religious assistance offered in penitentiaries, which was monopolized by the Orthodox Church, as a result of a protocol between the Ministry of Justice and the Romanian Orthodox Church. During 2005, APADOR-CH filed a complaint with the National Council for Combating Discrimination, which found the protocol discriminatory. Following this decision, a new ministerial order on religious assistance was drafted as a result of APADOR-CH's intervention.[6]

**Respect of Private Life**

APADOR-CH's main concerns concerning interference with the right to privacy were related to wiretapping. In Romania, legal interference called "surveillance warrant" covered

[6] The order was issued in February 2006 and started to be implemented in Romanian prisons.

wiretapping, bugging, video/audio tapping, taking away/examining/bringing back "objects" from the suspect's dwelling etc.

There was confusion between provisions of an obsolete law on national security and the penal procedure code in force since 2003. While the old law provided warrants issued by prosecutors without any judicial control for a first six-month period of surveillance followed by an unspecified number of three-month extensions, the penal procedure code prescribes that warrants must be issued by judges, first for one month, and followed by a maximum of three one-month extensions, i.e., a total of 120 days. ***APADOR-CH suspected that the confusion was intentionally not solved in order to secure excessive powers for the many secret services operating in Romania.***[7]

***In addition, APADOR-CH strongly criticized as unacceptable legal provisions allowing the security services to run their own commercial trades.*** APADOR-CH insisted that security services should benefit exclusively from funds allocated from the state budget so as to ensure that they can also be adequately controlled. The organization also supported the idea of legally establishing the obligation of the authorities (secret services, prosecutor's office) and/or courts to inform those individuals who have been subject to surveillance but are not brought to trial that they have been under monitoring.

In 2003, the former government established a new "Integrated Information Service," in addition to the many secret services already active in Romania. The main task of the new service was to manage all information gathered from all secret services, which would be done without any external control. For this reason, APADOR-CH brought charges against the former government for endangering civil liberties. The case was still pending at the end of 2005, but, on a positive note, following many debates the court accepted that the APADOR-CH was entitled to contest the government decision.

**In 2005, the Supreme Council for National Defence (another controversial state body) decided that an "integrated information community" should be set up, which appears to indicate an additional, new agency. Simultaneously, a six-law package on national security was announced without any public debate, which caused tensions and criticism at the end of the year.**

## Ethnic Minorities

*Roma Minority*[8]

The main problems faced by Roma in Romania included violence – including by police officers – discrimination and segregation in housing, labor market and education, denial of access to goods and services, and lack of adequate medical care.

Violence against Roma continued to be reported with worrying frequency and intensity. Many such reports involved police brutality against Roma during raids targeting Romani communities, torture and ill-treatment of Roma in police custody, racist intimidation and harassment by police, and use of excessive force and firearms against Roma. As a rule, the incidents were only formally investigated and the perpetrators were not prosecuted. In addition, Roma victims who filed complaints faced retaliation.

[7] The number of secret services was believed to be six but this figure was under dispute.
[8] Provided by the European Roma Rights Centre (ERRC, IHF cooperating organization). See also ERRC, *State of Impunity: Human Rights Abuse of Roma in Romania,* September 2001.

Authorities pursued implementation of two decisions issued by the European Court of Human Rights in connection with the 1993 pogrom in Hadareni, causing a massive outbreak of anti-Romani speech in the media and among a number of prominent members of the public.

Local authorities in Romania announced plans to segregate Roma in several localities and regularly engaged in forced evictions of Roma, without providing adequate housing alternatives. ERRC/Romani CRISS research carried out during 2004 and 2005 on Romani women indicated that the conditions in which Roma lived were overcrowded, often in improvised houses without sanitation, infrastructure, electricity and/or water. Many Roma did not possess legal security of tenure, and were therefore vulnerable to forced eviction. Lack of formal title to housing also rendered Roma unable to access a number of services crucial for the realization of fundamental rights, and also precluded them from bank loans to improve housing.

In numerous places throughout Romania, Roma were banned from access to, or were refused service in, shops, restaurants, discotheques, and other similar places. Local authorities also engaged in discriminatory practices in granting the social benefits prescribed by law to Romani persons.

Under Romanian anti-discrimination law, access to justice in cases of discrimination was arbitrarily limited since a decision by the National Council Combating Discrimination (CNCD) – the body in charge with implementation of Romanian anti-discrimination law – was final and no appeal on the merits of the case was possible. Further, access to the CNCD was difficult as there was only one office in the capital city. Finally, the CNCD was not able to award damages to victims; victims had to take a finding from the body to a court in order to receive compensation.

As a result of not having valid identification papers or not having identity papers at all, many Roma were denied the right to vote. In a similar vein, as some Roma were unable to prove that they were Romanian citizens, they were excluded *a priori* from a whole range of rights and benefits.
The presence of Romani children living on the streets was visible, and figures available from NGOs indicated that Romani children were disproportionately represented in this group.

Roma in Romania frequently experienced exclusion from school and racial segregation in schools. Available data showed a significant lack of formal education in the Romani community – Romani women were in particular threatened in this area. Based on the answers of Romani women whose children attended school, the Roma Participation Project of the Open Society Institute (RPP) [9] found that 19.1% of Romani children were learning in a segregated environment. Romani girls were generally expected, by their parents as well as by school authorities, to achieve less at school than Romani boys, and to achieve less than non-Roma generally. These diminished expectations had a crippling effect on the ability of the vast majority of Romani girls to advance with dignity in the education system.

The RPP findings indicated that 39.5% of Romani women did not earn any money during 2005. Only 25.8% of Romani women were reportedly economically active and 54.4% of

[9] See Open Society Institute (Laura Surdu and Mihai Surdu), *Broadening the Agenda: The Status of Romani Women in Romania,* March 2006, at http://www.soros.org/initiatives/roma/articles_publications/publications/broadening_20060313.

those who had some form of income declared that they worked outside of the formal sector (i.e., without any form of contract) and therefore (among other things) did not benefit from social security. Romani women who were employed were often offered worse conditions and they were often found disproportionately among persons in least paid jobs.

A number of governmental measures, such as the provision of courses for Roma pursuing a traditional craft to be able to receive a "certificate of craftsman" were of very questionable value, given current labor market conditions in Romania, as well as given the retraining needs of Roma in light of labor market conditions.

The general situation of Roma with respect to the Romanian health care system was very worrying. There was strong empirical evidence to suggest that many Roma had contact with the health care system only in the context of emergency care and childbirth. Discrimination against Roma in the health care system was reportedly widespread. Discriminatory acts included refusals by general practitioners to include Roma on the rosters of family doctors, meaning effective exclusion from the health care system as a whole.

According to the RPP 2005 survey, 23% of Romani women believed they had suffered discrimination on gender grounds in access to health care, while 70.7% considered that Roma suffered discrimination based on race/ethnicity at the hands of health care professionals. Acts of discrimination, in the respondents' opinion, included substandard treatment resulting from a lack of interest in Romani patients on the part of healthcare providers, the prescription of the least expensive – and often ineffective – available medication and the denial of free medication. Romani CRISS noted the growing segregation of Romani patients, and particularly Romani women, in some hospitals. This was especially true in maternity wards.