



**The Roma National Center** is a non-governmental organization that protects and promotes the Roma rights in the Republic of Moldova. The Roma National Center is concerned about the situation regarding the respect of human rights in Moldova and mistreatment of the minorities, especially the Roma community.

Roma National Center,  
Human Rights Resource Group supported by the  
Soros Foundation-Moldova

## **Report on the situation of Roma and Roma Children' Rights**

Republic of Moldova  
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### **Detailed description of the problem**

Roma represent one of the largest ethnic minorities in the Republic of Moldova. Roma comprise a number of different subgroups. These persons live in compact settlements on the edge of villages, often in substandard conditions, or are scattered as individuals in villages, towns and cities.

Historically, Roma encountered enslavement, extermination and forced assimilation and are still perceived today as a people from outside, aliens or nomads.

The Roma face widespread and systematic discrimination in education, housing, employment, and access to public housing. Legal protection against racial discrimination is inadequate and does not provide an effective remedy. Furthermore, Roma suffer discrimination in the judicial system, including as victims pursuing justice for violations perpetrated against them (their complaints are not adequately investigated and prosecuted). The Report issued by Roma National Center in 2009 "Respecting Human Rights towards Roma in Moldova"<sup>1</sup> reveals the human rights infringements towards Roma based on discrimination.

According to the last census conducted in 2004 there were registered 12.271 Roma in Moldova, representing c.a. 0.4% of population. The unofficial number of Roma in Moldova is 150,000 people. This estimation is supported by Roma NGOs and Roma leaders from Moldova. The majority of persons regarded as Roma in Moldova (and therefore under threat of discrimination) do not tend to self-identify as Roma.

There are no official statistical data concerning the age distribution of different ethnic groups in Moldova, including the Roma population. This creates significant obstacles in analyzing the situation of Roma children. One of the first public opinion polls that published the total number of the Roma population after the 1989 census was prepared by the Association of Roma Women 'Juvlia Romany' in 2001.<sup>2</sup> This poll was carried out in all Roma communities, with the exception of Taraclia district and Chisinau. The

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<sup>1</sup>Roma National Center report "Roma and Respect of Human Rights in Moldova, Chisinau 2008-2009 [http://roma.md/index.php?option=com\\_content&view=article&id=58&Itemid=32&lang=en](http://roma.md/index.php?option=com_content&view=article&id=58&Itemid=32&lang=en)

<sup>2</sup>Juvlia Romani NGO public opinion poll "Situation of the Roma in the Republic of Moldova", Chisinau 2001.

methodology used in the poll was self-identification. According to the poll's data, the total number of Roma was 20,040 persons, among them **6,203 children** (about 31 per cent).

The Roma in Moldova continue to be one of the most vulnerable groups and faces a higher risk of being marginalized by state authorities as well as by non-state actors<sup>3</sup>. This is due to their under-representation in decision-making as well as low social conditions, high figures of illiteracy, high unemployment<sup>4</sup> and the existence of social stigma and negative prejudices, in particular.

### **Legal framework**

Article 16 of the Constitution of Moldova establishes the principle of equality of citizens "before law and the public authorities, without distinction of race, nationality, ethnic origin, language, religion, sex, opinion, political allegiance, wealth or social origin." Article 4.1 of the National Minorities Act guarantees to persons belonging to national minorities the right to equality before the law and equal protection of the law. Article 4.2 of the Act prohibits all discrimination based on belonging to a national minority.

There are made some efforts in the legislation to foster equality and combat discrimination but difficulties are encountered in practice, as it was also mentioned by the Advisory Committee on the Framework Convention for the Protection of National Minorities of the Council of Europe.<sup>5</sup> Furthermore, Moldova lacks a detailed legislation, which ensures prevention and protection in cases of discrimination.

Roma children, as well as other ethnic groups, are not identified as a separate vulnerable group by the national strategies for the protection of children and families and other documents concerning social development.

It is welcomed the Decision of the Moldovan Government adopting the Action Plan to support Roma of the Republic of Moldova for the period 2007-2010 (Decision No. 1453 of 21 December 2006). This Decision replaces Decree No. 131, adopted in February 2001, which aimed to "create the conditions necessary for the socio-cultural development of the Roma". The Action Plan contains measures aimed at improving the situation of the Roma in the fields of employment, health protection, culture and education. However, we note that the Action Plan does not foresee specific measures to combat racism and racial discrimination against Roma and Roma children, especially in education, even though racism appears to play a role in the difficulties met by the Roma, in particular in the field of access to employment or education. The Action Plan doesn't have a mechanism of implementation.

The Action Plan provides that funds will be allocated for its implementation depending on the financial means of the State. During 2007 - 2009 there were no funds allocated to the Plan by the State. It is difficult to see how the Action Plan can produce concrete results if the State does not provide the bodies that are responsible for its implementation with adequate financial means.

We expect that the new Action Plan for the support of Roma for 2011-2014 which will be elaborated, will be more specific, efficient, and will also comprehend measures on preventing and combating discrimination, as well as an implementation mechanism.

### ***Right to work:***

Low levels of employment and employability are key features of the Roma labour market performance. This is due to the low competitiveness of Roma workers and, sometimes, due to discriminatory practices in the labour market (according to some cases monitored by Roma National Center). Poor education opportunities for Roma today guarantee poor employment prospects for Roma in the future. Income generation projects based on traditional skills should not be viewed as likely to affect large reductions in

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<sup>3</sup> SOROS Foundation-Moldova Survey "Perceptions of population of Moldova on the phenomenon of discrimination", p.6, available at <http://soros.md/files/publications/documents/Studiu%20Sociologic.pdf> (accessed on 12 March 2011)

<sup>4</sup> UNDP report "Roma in the Republic of Moldova", 2007, p.9, available at <http://undp.md/publications/roma%20report/Roma%20in%20the%20Republic%20of%20Moldova.pdf> (accessed on 28 February 2011)

<sup>5</sup> Advisory Committee on the Framework Convention for the Protection of National Minorities Opinion on Moldova adopted on May, 2005, p.11-12

unemployment. Long-term unemployment has profound, negative effects on the social fabric of Roma communities.

Roma right to access labor market is infringed by employers who usually avoid or directly refuse to employ them because of the prejudices and stereotypes they have towards Roma. According to UNDP report from 2007 18, 29% of Roma are unemployed, comparing to 8-9% for non-Roma.<sup>6</sup>

### **Child Labor**

Deep impoverishment of Roma families forces many children to start working at the age of 9-10 years old. Apart from the deleterious effects on the health of the children, early-age working prevents them from attending school. Roma children who work, attend school irregularly and usually drop out before they reach ninth grade, or they do not attend it at all.<sup>7</sup>

### **Child exploitation-Child begging.**

Exploitation of Roma children for earning profits and for begging has long been an issue in Moldova. There are no official statistics on the number of children who work and beg in the streets. Most children, with no gender distinction, beg because their parents ask them to do so, or attend their parents while begging, becoming an instrument used by their parents to obtain money. Force or other coercive means, such as physical and psychological pressure, are used by their parents to ensure their compliance. A majority of these children do not attend school and lack access to public services such as healthcare. Begging children face a number of challenges with respect to their economic conditions and their ability to have their basic needs met. Some of the causes which lead children to beg are: poverty, discrimination, dysfunctional families, and a low level of education of parents, which consider children as an object for profit-making. We concern about the fact that authorities don't undertake any measure to stop this phenomenon, to sanction the exploitation of children involved in begging and to facilitate roma employment.

### ***Right to housing:***

There are some cases that say much about vulnerability and instability and are connected to other rights such as health, private life, property and, in some cases, even to the right to life. Mostly poor living conditions are imposed by the fact that Roma families are big in number and live narrowly in a few square meter dwellings, do not have utilities or are even cut out from them. The housing is also related to the issues of residence registration. Mostly the Roma who do not have registered residence have difficulties in accessing/requesting the housing rights. The responsible authorities fail to ensure with dwellings even the registered Roma. Here can be mentioned the case of a Roma family who requested in 2008 the authorities to allocate funds to repair their house which was in a damaged condition. The case was brought into the attention of local authorities, as well to Prime- Minister and relevant ministries, who decided to offer financial means to rebuild the house or buy another one, ordering the local authorities to allocate financial means in this regard. Subsequently, the district counsel mentioned they will offer 50 % from the total costs of reconstruction of the house and the rest must be covered by the government but still now no action was undertaken and the family is living in the damaged house even during winter period.

### ***The right to public health, medical care, social security and social services:***

Health and medical assistance are basic rights that are protected by the Moldovan Constitution and international conventions. The UNDP report "Roma in the Republic of Moldova" from 2006 refers to health indicators (life expectancy, infantile mortality, maternal mortality, etc.) that are the most important indicators on human development in every society and these indicators referred to the Roma population are lower than those of the general population of Moldova. For instance, the indices of infant mortality<sup>8</sup> in case of the Roma population constitutes 29 deaths during the first twelve months of live

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<sup>6</sup> UNDP report "Roma in the Republic of Moldova", 2007, p. 69

<sup>7</sup> UNICEF Moldova "The Report on the Situation of Roma Children in Moldova", Chisinau 2010, available at [http://www.unicef.org/moldova/2008\\_001\\_Eng\\_Roma\\_Children.pdf](http://www.unicef.org/moldova/2008_001_Eng_Roma_Children.pdf) (accessed on 14 March 2011)

<sup>8</sup> The indices present the number of death cases in ratio to total number of children delivered by women, on which data were collected.

(per 1000 live births), and it is almost twice higher than the indices obtained for the non Roma sub sample (17 per 1000).

On the other hand, the poor health of the Roma people is also indirectly a consequence of unequal treatment on behalf of the doctors, medical negligence, lack of housing infrastructure and facilities (Access to sanitation, electricity, etc.), high costs of medical services and medication.

Also there are registered cases of discrimination towards Roma in the field of health when doctors or medical assistants refuse to consult Roma or work in a Roma community. An example is the case of Roma man from a Roma village who in 2009 didn't receive health assistance and died as the ambulance came one hour later after the call was made. However, according to the time schedule the ambulance had to arrive in 20 minutes. Delays in responding to emergency calls is an usual practice for the ambulance from that region, due to the fact that they know that a compact Roma population is residing in the village.

Another case of discrimination in medical service is referring to a Roma man (I.B.) who was suffering of tuberculosis from 1983 on and in 2007 his sickness had progressed and was diagnosed as fibro-cavity lung tuberculosis as BHR +, fourth category. The doctor decided to offer him medicines but different from the medicines administered to other patients who were treated of the same disease and were receiving special medication for the gravity of this sickness offered according to the DOTS program, which is financed by Global Fund of Combating HIV/AIDS, Tuberculosis and Malaria, under the supervision of the Ministry of Health. In the investigation done by the legal monitors of Roma National Center, it was found out that the Roma man was offered other medication that is considered to be insufficient to treat his disease. He asked his doctor why he received this medicine as it did not help him. The doctor replied that he was a Gypsy and a poor person. Roma National Center sent a letter to the Ministry of Health and I.B. was included later in the special program DOTS, but it was too late. In June 2008, I.B. died. No any other investigation was performed by authorities.

### **Social issues:**

Moldovan Government lacks clear management in implementing its social policies towards the Roma people who are largely dependent of the state's social policies. Roma are two times more dependant of the state's social assistance than the majority of the population due to their low level of education, high rate of unemployment, etc. In general, the state allowance and social assistance is barely enough to cover the minimum needs. Lack of target oriented programs and special measures that could improve the Roma situation leads to social stigmatization and classification of the Roma as second class citizens. Some cases monitored by Roma National Center reveal that gaps exist in the sphere of obtaining diversified services and benefits, difficult access to the administrative authorities and their buildings, the allocation of social allowance even in cases when Roma are qualified for them. There are also refusals of local council to allocate necessary funds for the Roma, as well as lack of information regarding the existing programs. The legal remedies that exist in order to seek justice in almost all cases are not used sufficiently by Roma, because they don't trust justice.

Because poverty and unemployment are systemic challenges in Roma communities and the cost of health insurances is too high, Roma lack them and cannot access primary health services. Also due to the unemployment of Roma, they cannot obtain the health insurance for free when they reach the age of retirement.

### ***Right to education:***

The overall rejection of the Roma by the majority society also influences the treatment of Roma at school by both peers and teachers. Unequal treatment by teachers who tend to give less attention to Roma children in the classroom, even placing Roma children in back rows, and the discriminatory attitude towards Roma pupils, discourages them from attending school, being one of the reasons for school drop-outs among Roma, thus becoming later an obstacle to access the labor market, as a lack of qualified Roma

The problem of early marriages, which is encountered in Roma traditional communities, is one of the reasons that also negatively affects education of Roma children, which usually leads to school drop-out and have afterwards consequences on mental and physical development, especially of Roma girls.

Also Roma face difficulties in accessing superior education, because according to the Rule on organizing the admittance to universities, there is provided a 15% quota for disadvantaged groups, among which Roma are the last one on the list, diminishing their capacity to access superior education-just 4% of Roma graduated from university (see the UNDP report from 2007. p. 59).

***Misconduct of law enforcement officers:***

Law-enforcement bodies, the police in particular, manifest a discriminatory attitude, hostility, abusive behaviour and even violence towards the Roma and display lack of understanding towards these people, many of whom live in highly difficult conditions. Roma National Center registered cases when Roma are harassed by police officers, beaten and asked for money, blackmailed just on the ground of their ethnicity.

Therefore, the Moldovan Government and other relevant institutions/ authorities should take into consideration the following **recommendations**:

1. The Moldovan Government should swiftly adopt an anti-discrimination law in conformity with international and European standards.
2. The Moldovan Government should adopt a new Action Plan for support of Roma 2011-2014, to allocate financial resources for its implementation and develop a clear mechanism for monitoring and evaluation of implantation of the Plan of Actions in improving Roma situation, jointly with the civil society.
3. Moldova's Government should join the Decade of Roma Inclusion as international instrument to access funds for Roma such as the Roma Education Fund.
4. The state should ensure participation of Roma in decision making process by appointing them in decision-making positions and including on the lists of political parties during the electorate, because there are no any Roma in decision making, thus Roma being underrepresented;
5. The Government should ensure forming of professional civil servants by organizing specialized trainings for representatives of public authorities, police in order to assure a more efficient activity without infringements of human rights and respect of minority diversity.
6. The Ministry of Education should support the inclusion in the school system of all children of Roma origin and to act to reduce drop-out rates, in particular among Roma girls, and, for these purposes, to cooperate actively with Roma parents, associations and local communities.
7. The Ministry of Labor, Social Protection and Family in collaboration with the local Mayoralties should develop and implement policies and projects aimed to improve the Roma housing conditions; to involve Roma communities and associations as partners together with other persons in housing project construction, rehabilitation and maintenance.
8. The state should provide budgetary places for Roma distinct from the 15% quota, increasing their capacity to access superior education, this being as an effective affirmative measure.
9. The Moldovan Government needs to implement a specific plan, such as free legal assistance for the registration of children, in order to facilitate the procedure of registration of Roma children. It should inform/raise public awareness for child registration and the importance of being a legal person within and outside the country.
10. The authorities should design methods of facilitating access to health insurances for Roma that are in a vulnerable position and don't fulfill the requirements to obtain free medical insurance.