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

**Report on the situation on Roma Rights**

**Republic of Moldova**

**January, 2011**

*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.*

**Detailed description of the problem**

The 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.

The latest official numbers of the Roma community come from the census made in the Soviet era (1989), when 11,600 people were counted as Roma, representing 0.3% of the population of that time. The latest census was conducted in 2004 but it does not provide any data of the Roma population. The unofficial number of Roma in Moldova is 150,000 people. This estimation is supported by the Bureau of Interethnic Relations from Moldova. The Roma live dispersed around the whole country and can be found in larger numbers in cities such as Chisinau, Otaci, Soroca, Balti, Edinet, Drochia, Rîșcani, Orhei, Calarasi, Straseni, Nisporeni, Comrat, Ciadîr-Lunga and in Tiraspol situated in the Transnistrian region. The majority of persons regarded as Roma in Moldova (and therefore under threat of discrimination) do not tend self-identify as Roma, at least for the purposes of official data collection.

The problems faced by the Roma have become more visible after the collapse of the Soviet Union in the Central and Eastern Europe as issues like national identity and diversity in Europe have increasingly started to reflect a system of common values (for example the dissolution of USSR gave rise to new European states as they seek new identities and aim to build democratic societies). Moreover, this political transition brought economic hardship to Moldova and it is during insecure times that the most vulnerable groups are further disadvantaged - no infrastructure exists for the protection and inclusion of the Roma and they are prone to being targeted as scapegoats.

The Roma as a minority has specific characteristics defined historically and they sustain a particular culture and a way of life. Today the Roma continue to face persecution and exclusion in virtually all fields of public life and in exercising their rights. The recent OSCE report of the state of the Roma from 2006 highlights the historical context of persecution and rejection experienced by the Roma over many centuries. The Report issued by Roma National Center in 2009 “Respecting Human Rights towards Roma

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1 Various data estimate Roma population from 2-3% (40 000) to 7-8% (100 000) of total about 4 000 000 of Moldova.

in Moldova reveals the human rights infringements towards roma based on discrimination. Historically, they faced enslavement, extermination and forced assimilation and are still perceived today as a people from outside, aliens or nomads. The Roma face problems including 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 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 non-state actors. This is due to their under-representation in decision-making as well as low social conditions, high figures of illiteracy, high unemployment and the existence of social stigma and negative prejudices, in particular.

The main reason for the non-implementation of the Roma rights is the lack of governmental policies. Even if recently some initiatives have started to be developed in Moldova, this is not sufficiently supported. The Republic has poorly designed programs, there are no financial allocations, the development is slow and the implementations inefficient, without existing mechanisms.

**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 same legislation 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. There is a problem of lack of legislative provisions aimed at combating racial discrimination and a failure to ensure effective implementation of the few legislative prohibitions, which aim to address racial discrimination.

The rights that are most often violated are the social rights, the right to property, personal security, free access to justice and the right to fair trial. As evidence can be mentioned the number of the requests addressed to the European Court of Human Rights (ECHR) and the cases lost by Moldova. The reasons are the social-economic situation in the country and the lack of implementation of the judgments. The inadequate materialization of the reforms and adopted laws is worth mentioning as well.

Furthermore, Moldova lacks a legislation, which ensures prevention and protection in cases of discrimination. That is to say, there is a clear problem in adopting the antidiscrimination law and in this way the state fails to fulfill the international requirements especially addressed by ECHR, where it is a party. Also according to European directives Moldova does not assure the respect of human rights with a reference to the recommendations made by the Council of Europe related to Roma, etc.

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

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4 See the UNDP report from 2006.
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 even though they appear to play a role in the difficulties met by the Roma, in particular in the field of access to employment or education and it 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 a implementation mechanism.

Although Republic of Moldova is party at a series of international covenants in the domain of human rights and nondiscrimination its national legal framework is vague and does not foreseen specific legislation with concern on roma.

Infringement of the art. 5 of the ICERD:

Right to work:

Low levels of employment and employability are key features of the Roma labour market performance at a regional level as well. This is due to the low competitiveness of Roma workers and, sometimes due to discriminatory practices in the labour market. 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 unemployment. Long-term unemployment has profound, negative effects on the social fabric of Roma communities. Regional report suggests that public works employment for Roma (and other disadvantaged groups) should be promoted—especially if they can be tied to job training or retraining activities. Social economy entities could be extremely helpful in this regard.

- D.M. lives in Zirnesti, Cahul, and used to work as a seller in markets. In July, 2009 she wanted to get employed at a food market from Cahul. She went to an interview and the employer refused her from the outset, mentioning he does not employ gypsies because they can steal goods from the shop.

- E.S. was working as a kindergarten teacher at the kindergarten from Tohatin district. The parents of children who attend the mentioned kindergarten don’t like her because she is a Roma woman and have initiated a conflict with her. They filed a complaint to the kindergarten head, to the General Direction for Education, Youth and Sport and to the Mayoralty of Chisinau in order to ask the dismissal of E.S., adding that she addresses bad words to children, beats them and doesn’t take care of them. They also mentioned that she is a gypsy and can spell them. All this time they were putting pressure on her, offending her ethical origins and accusing her of non-professionalism. After such a psychological pressure E.S. decided to resign. Till now, she did not get employed in another institution.

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.

- P.M. had lived in the town of Vatra (Chisinau municipality) for over 40 years and has a domicile registration respectively in Vatra town. She has nine children out of which one is disabled, and with five nephews they live all together. She lives in squalid conditions and is mainly dependant of state’s
social assistance as she cannot work due to bad health condition. From 1990 on she has approached local authorities to improve her living conditions as her house was in a very bad condition and she was forced to find a new place to live in a 45 m² basement of a house block. P.M. informed the local authorities about her movement and they accepted to let her stay in the basement of the block house until her situation would be clarified. She improved her conditions thereby connecting herself to a water pipe, electricity and gas thus paying monthly for the utilities. In July 2007 after the local elections, the Communal-Housing Administration of Vatra sent a letter informing P.M. that she has to be evacuated by force. The Parliamentary Commission of the Human Rights, local and central authorities were informed about her situation. For the period of 2007-2008, the local mayor decided that during the cold period the family of P.M. can stay in the basement flat and they were offered even some financial support. However till today the eviction of P.M. is pending.

At 1.10 08 C.O. from Drochia, born required to local authorities from Drochia total rebuilding of the house she and her family lives in, the house was damaged after abundant rains. She presented an act that confirms that damaged state of the house and that living conditions don’t correspond to the standards for living of 6 persons in the certain house. There must be mentioned that 4 of the persons are invalids of 1-st grade and lie up in bed. All 6 persons live in a 3x4 m² room. C.O. addressed the problem to public local and national authorities but didn’t obtain any concrete answer. The local Mayoralty offered a house which also was in a damaged state, without any conditions for living and the other authorities just invoked that she must address the case to other competent bodies. Based on a government decision to offer C.O. financial resources for reconstruction of the house, ordering the local authorities to involve in the case, 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 any action was undertaken and the family is still 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. In general, the health situation depends mainly on living conditions, way of life, socio-economic factors and the level of education. 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.

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 infrastructure and facilities, high costs of medical services and medication.

Medical negligence:

One day in October 2009, Mr. Arapu Ianus, the husband of Arapu Maria, was working all day long with the father of Arapu Maria, near the house, building the wooden fence. After the work, Mr. Ianus Arapu took a shower and when he went out from the shower, after circa 5 minutes, he fell down. His wife, Maria, saw this and began to cry, took him in her arms and immediately called the ambulance, it was 19.15. Mrs. Maria told them that her husband is dying but the women from ambulance said Mrs. Maria that she can call the family doctor, in a reply Maria Arapu cried again that the man dies. At the place, came a lot of relatives, neighbours and also were calling the ambulance but it was always busy. Later, the cousin of Mr. Arapu called the ambulance and asked them again if they come because the man can’t breathe anymore and they said that a car is already coming. The ambulance came at 20.10, approximately an hour later. They made a medical examination and established that Mr. Ianus is dead for 5 minutes. His wife couldn’t control herself, was shocked and hit the medical assistant. The medical assistant wrote a complaint at the police station and these decided to fine Mrs. Arapu with 250 lei. People from roma community say it usually happens like that, the doctors from ambulance know that Ursari village is compact populated by roma and they avoid coming there or neglecting them, coming later.
I.B. from Ialoveni district, had been suffering of tuberculosis from 1983 on and in 2007 his sickness had progressed and was diagnosed as fibro-cavity lung tuberculosis as BAHR +, fourth category. He was categorized as a first-degree invalid. At the same time I.B. was dependant of the state’s social benefit which is equivalent of 70 MDL (5 Euro) per month. I.B. also lived with his old mother and was growing a daughter of 16 years who suffers from the same illness. In March 2007, I.B. was hospitalized. In the same hospital there were other patients who were treated of the same disease and were receiving medications as: 1) Ethionamidi 0,25 and 2) Paraminosalycilic 0,5 – 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 the was found out that he was offered other medication such as: 1) Izoniazid, 2) Cicloserin, 3) Pirazinamid, 4) Canamicin, 5) Ofloxacin that are considered to be insufficient to treat I.B’s disease. I.B. asked his doctor why he receives this medicine as it does not help him. The doctor replied that he is a gypsy and a poor person. It was 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.

**Social issues:**

Moldovan Government lacks clear management in implementing its social policies towards the Roma people as they are largely dependent of the state’s social policies. There were flagrant deficiencies in the way of treating the Roma as well with the access to social services.

The UNDP report⁶ highlights that the 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. Thus, the report does not offer a comprehensive analysis on social protection even if some cases 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 assistance support to other groups even when the Roma people would be qualified for them, refuses of local council to allocate necessary funds for the Roma and those tensions that exists between some civil servants and the Roma as beneficiaries as well as lack of information with the existing programs. The legal remedies that exist in order to appeal for justice in almost all cases are not used sufficiently by Roma.

**Right to education:**

Right to education is a fundamental right which must be assured equally to everyone, as it is stipulated by the Constitution of Republic of Moldova in art. 35. Also, art. 6 of the Law on Education nr. 547 from 21.07.95 mentions that education is guaranteed to everyone without any distinctions on race, nationality, religion, social status, etc.

Though, there have been monitored more cases when teachers have a discriminatory attitude towards roma pupils, and promoting this attitude among the rest of children in school.

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⁶ See the UNDP Report from 2007.
addressed a letter to the Ministry of Education regarding the case. Also we discussed with teacher and school director to stop children calling P. F. “gypsy” and insult him on this ground. We found out later that the teacher was disciplinary sanctioned and there have been held classes on intercultural education, nondiscrimination, human rights, etc. with pupils. Now P.F. is attending the school and is in good relations with everyone.

A Roma boy beaten in the school and scared by local policeman

• S.A. from Zirmestii, Cahul addressed Roma National Center to intervene in the following case:
On May, 10, 2009, around 15.00 his neighbor came to his home and told him to go to the Mayoralty to take his son, because he was beaten in the school. He immediately went to mayoralty and found the boy beaten and full of blood. The son told that during the classes, a man entered the classroom and began to beat him, calling him “dirty gypsy”. This incident took place in front of the teacher who is and the director of the school. She didn’t react, and even didn’t call the doctor. The child felt bad and fell down. The teacher gave him some toilet paper to clean the blood. After they went with the child at the police station, it was 11.30 and the child stayed there until 16.00 without any medical care and food or water. The policeman was addressing him questions and scaring him with the rubber stick in order to say the situation happened between him and the boy in school.

After some days the policeman called them again and said that if they will not forgive the man, they will have problems with the police further. And also threatened them they will be put in prison for 30 days. The child was fingerprinted at the police station.

• Upper secondary school is refusing to accept Roma children

In July 2008, the Headmistress of a Upper Secondary School refused admission to S.R. and S.D. to continue their studies in the school, and asked I.C. (the father of the children) to find another school because the program was too challenging for his children. In August 2008, the Headmistress M.G., stated that S.R. and S.D. had poor marks, skipped the classes and did not attend the school. She added that also had some unpleasant disputes with their grandmother A.E. who came to the school and made a big scene, which reminded her of a “gypsy bazar”. She claimed that the school did not support her grandsons. During the interview, M.G.’s assistant, the mathematics teacher and psychologist supported the Headmistress for the refusal of the admission. However, there are regulations for the admission and they can compete but she suggested them to go to another school where are studying more Roma children. At the time being, the children are not enrolled in any school.

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.

Therefore, are presented few cases in regard to the law enforcement attitude.

• B.A. is a Roma student. On 25.10.2010 while he was sleeping in his room in the hostel he lives in, at 6 AM two policemen entered his room and asked him to join them to the police office accusing him that he didn’t returned an amount of money he borrowed from a woman. B.A. mentioned he didn’t take any money from anybody and he doesn’t go anywhere. The policemen took him by force to the police office from Buiucani district, addressing him bad word, insulting his ethnicity and applying physical force. B.A. fulfilled later a complaint at the prosecution office and the case is under criminal investigation at the moment.

• Money extortion from a Roma family from Floresti district

In May 2008, around noon, in the village Trifanesti, three men wearing civil clothes stopped their car, OPEL model, in front of the house of C.N. (52 years old). They presented themselves as police officers
and came into the house to search for drugs. C.N. was at home with his eldest son, C.M. (20 years old, disabled) and his wife M.C. In reply to the police officers C.N. requested the prosecutor decision that allows the search of the house and asked why they had not invited the police officer from their community in order to assist the search. The police officers replied that “such laws do not exist” and they do not need such a decision. C.N. replied that they do not have any drugs and they can search if they want but demanded to invite some other people to witness the search. The police offices ignored the request of C.N. During the search one police officer interviewed C.N. outside the house, writing down notes while the other two started to search the house. They searched the all four rooms but did not find anything and then a policeman asked M.C. to bring the ladder so that they could look at the roof. M.C. could not follow them but saw how an officer threw a small thing under the bed and asked her to pick it up. The police officers came out of the house with a tiny bag (having a size of a fist) and found drugs (cannabis) inside of it. M.C. replied that they did not have drugs in the house and the bag was thrown by the police officers. The police officers got very angry and asked C.N. to follow them to the Police Station. At the police station C.N. was brought to the office of a policeman. They kept him in the office next to the wall for a few hours and then started to interrogate him, asking C.N. where he had got the drugs from. C.N. replied that the drugs do not belong to him. The police officers left C.N. in the office with another local police officer, who was making bad jokes about him. Later when a police officer came, it was around 19.00 in the evening and hit him in the head saying “…do you want to go to the jail or you’ll give us USD 500 and we’ll forget everything?”

The police officers had pressured M.C. who also followed them to the Police Station in order to find out what was going on. She showed her willingness to pay only USD 300 and asked the officers to release her husband immediately.

On the second day, M.C. filled a complaint at the prosecution office against the police officers. On the next day, one of the police officers invited M.C. to district police station where he asked her to withdraw her complaint from the prosecutor. After one week M.C. was again asked to come to district Police Station, where she met the policeman. She was asked to sign some documents regarding the rights and obligations under the article 64 of the Criminal Code. Later the local police officer met C.N. and asked what problems he had with the police. He did not clarify the situation and replied that they had bothered him because he is a gypsy.

So, in this case the enforcement bodies instead of avoiding illegalities and discrimination they took advantage and committed the mentioned infringements based on discriminatory attitude towards Roma.

As a conclusion, hereby it can be mentioned the fact that there are grievous infringements committed in the domain of human rights in the Republic of Moldova. First of all, there is a big lack of law-implementation and of respecting the human rights by public authorities. Furthermore, there are often reported violations committed by police, such as: abuse of their status, apply non-proportional force and discrimination. Disrespect of human rights can unfortunately be seen in the work of other public institutions and authorities, as well. The enforcement bodies are not undertaking initiatives to investigate cases if it’s involved a roma as a victim but try to intimidate roma, abuse them and take advantage of their lack of knowledge or information about their rights, thus, applying violence, torture, ill-treatment towards roma based on discriminatory attitude.

Authorities’ abuse:
A group of roma people sell industrial goods (clothes and shoes) in the open market of the Municipal Enterprise for Purchase, Trade and Markets from Orhei city. Until 2008 they were selling these goods in the food market until the market administration prohibited them to sell there because the Center for Preventive Medicine doesn’t allow the selling of industrial goods in the food market. So, the group of roma addresses the market administration on this issue, but they said again that their goods represent a danger for consumers. Then, the roma sellers left that place of selling and moved in the secondhand area, where the market administration directed them. But there are really bad conditions for their commercial activity, as the area is placed at the end of the market and few consumers get there. After moving roma sellers there, the market administration placed instead their places other sellers who also were selling industrial goods. The roma sellers consider they have been discriminated in this situation. They also
addresses this issue to the Orhei Prosecution Office, the Orhei Mayoralty, the Presidency of Republic of Moldova, the Parliament of Republic of Moldova, the General Prosecution Office, the Government of Republic of Moldova, who directed the petition to the local authorities for examination. Later, the Orhei Police commissioner answered that the market administration took the right decision and it’s forbidden to sell industrial goods in the food market. Till today these groups of roma sell in the second-hand area.

As recommendations to Moldovan Government and other relevant institutions/authorities can be listed:

1) Moldova Government should swiftly adopt an anti-discrimination law in conformity with international and European standards; to adopt and implement national strategies and programs and express determined political will and moral leadership, with a view to improving the situation of Roma and their protection against discrimination by State bodies, as well as by any person or organization.

2) State should review and enact or amend legislation, as appropriate, in order to eliminate all forms of racial discrimination against Roma as against other persons or groups, in accordance with the International Convention on Elimination of all Forms of Discrimination.

3) To 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.

4) Moldova Government may join the Decade of Roma Inclusion as international instrument to access funds for Roma such as Roma Education Fund.

5) To endeavour, by encouraging a genuine dialogue, consultations or other appropriate means, to improve the relations between Roma communities and non-Roma communities and Roma NGOs, in particular at local levels, with a view to promoting tolerance and overcoming prejudices and negative stereotypes on both sides, to promoting efforts for adjustment and adaptation and to avoiding discrimination ensuring that all persons fully enjoy their human rights and freedoms.

6) Forming of professional functionaries by organizing of 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.

7) To ensure protection of the security and integrity of Roma, without any discrimination, by adopting measures for preventing racially motivated acts of violence against them; to ensure prompt action by the police, in particular in connection with arrest and detention; by the prosecutors and the judiciary for investigating and punishing such acts; and to ensure that perpetrators, be they public officials or other persons, do not enjoy any degree of impunity. Assuring a fully and promptly justice in cases concerning violations of their fundamental rights and freedoms.

8) To 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.

9) To act with determination to eliminate any discrimination or racial harassment of Roma students by organizing workshops on diversity, antidiscrimination, human rights where will take part Roma and non-Roma students.

10) To 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.
11) To initiate and implement program and projects in the field of health and social security services and to eliminate any discriminatory practices against them in this field for Roma, mainly women and children, having in mind their disadvantaged situation due to extreme poverty and low level of education, as well as to cultural differences; to involve Roma associations and communities and their representatives, mainly women, in designing and implementing health program and projects concerning Roma groups.

12) To develop and encourage appropriate modalities of communication and dialogue between Roma communities and central and local authorities by improving participation of Roma in public life and/or by creating a specialized unit in the frame of Government to address Issues of Roma such as education, health, employment and social security.

13) To involve Roma communities and associations and their representatives at the earliest stages in the development and implementation of policies and program affecting them and to ensure sufficient transparency about such policies and program.

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