

# **THE SITUATION OF ROMA CHILDREN IN MOLDOVA**

**CHISINAU 2010**

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## **Abbreviations**

<b>CBO</b>	Community-based organisations
<b>CERD</b>	Convention on the Elimination of All Forms of Racial Discrimination
<b>CRC</b>	International Convention on the Rights of the Child
<b>DAP</b>	Decade Action Plans
<b>ECHR</b>	European Convention on Human Rights and Fundamental Freedoms
<b>ECRI</b>	European Commission against Racism and Intolerance
<b>ERRC</b>	European Roma Rights Centre (Budapest)
<b>EU</b>	European Union
<b>HDI</b>	Human Development Index
<b>ILO</b>	International Labour Organisation
<b>MDG</b>	Millennium Development Goals
<b>MDL</b>	Moldovan Lei
<b>MET</b>	Ministry of Economy and Trade
<b>MH</b>	Ministry of Health
<b>MI</b>	Ministry of Interior
<b>MID</b>	Ministry of Informational Development
<b>MSPFC</b>	Ministry of Social Protection, Family and Children
<b>NDS</b>	National Development Strategy 2008-2011
<b>NGO</b>	Non-governmental organisation
<b>NHRAP</b>	National Human Rights Action Plan for 2004-2008
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Programme
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization

## **Acknowledgements**

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The report was also enriched with the recently available findings from the Maternal and Child Health Equity Analysis conducted by the Center for Health Policies and Studies (PAS Center) and commissioned by UNICEF Moldova in 2009

The authors are solely responsible for the selection and provision of facts contained in this report and for the points of view expressed herein, which do not necessary reflect those of UNICEF or imply any responsibility of the organisation.

## Executive summary

On February 2005 in Sofia, Bulgaria, the Declaration of the Decade of Roma Inclusion was signed by the first eight participating governments. In September 2008, the eleven countries currently taking part in the Decade are Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Hungary, Macedonia, Montenegro, Romania, Serbia, and Slovakia.

The Decade of Roma Inclusion 2005–2015 is an unprecedented political commitment by governments in Central and South-Eastern Europe to improve the socio-economic status and social inclusion of Roma within a regional framework. The Decade is an international initiative that brings together governments, inter-governmental and non-governmental organizations, as well as Roma civil society, to accelerate progress toward improving the welfare of Roma and to review such progress in a transparent and quantifiable way. The Decade focuses on the priority areas of education, employment, health, and housing, and commits governments to take into account the other core issues of poverty, discrimination, and gender mainstreaming.

The founding international partner organizations of the Decade are the World Bank, the Open Society Institute, the United Nations Development Programme, the Council of Europe, Council of Europe Development Bank, the Contact Point for Roma and Sinti Issues of the Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe, the European Roma Information Office, the European Roma and Traveller Forum, and the European Roma Rights Centre. In 2008, the United Nations Children's Fund (UNICEF), UN-HABITAT and UNHCR also became partners in the Decade.

In March 2007, UNICEF presented a regional study on the situation of Roma children in South-Eastern European countries: Albania, Bosnia-Herzegovina, Bulgaria, Macedonia, Montenegro, Romania, Serbia, as well as Kosovo aimed at the following:

- to raise awareness of the extent children, especially Roma children, suffer from social exclusion;
- to identify the key critical causes of exclusion and the limitations in the capacity of individuals and institutions responsible for enabling children to enjoy their rights;
- to present available information and identify data gaps that need to be filled for the development and implementation of effective interventions.

During the Hungarian Presidency of the Decade (July 2007-June 2008), one of the priorities was to invite new interested governments to join the Decade: Bosnia and Herzegovina, Moldova, Portugal, Spain, and Slovenia.

As in other countries, the Roma population in Moldova and particularly Roma children face social exclusion and social problems. For identification of these causes it was necessary to carry out an investigation of the existing situation of Roma children.

In 2007-2008, UNICEF Moldova supported the survey carried out by the European Roma Rights Centre in close cooperation with the Union of Young Roma 'Tarna Rom', who provided support in conducting field research. The methodology of the study is based on the following components: legal and institutional framework analysis, secondary data analysis, and qualitative research.

- The main point of reference for the study of the situation of Roma children in Moldova are Moldova's obligations under international law to respect, protect, and fulfil the rights of the child without discrimination on the basis of, among others, racial or ethnic origin.

Respectively, the study analysed compliance of Moldova's legislation and policy relevant to the rights of the child with the state's obligations under international treaties.

- Secondary data analysis was carried out in order to provide a broader picture of the socio-economic conditions of the Roma population as well as, where this was possible, a comparison between the situation of the Roma and non-Roma population. The analysis includes data available on the situation of Roma families and children, provided by central and local authorities, non-governmental organizations as well as international institutions.
- The qualitative research was aimed at providing in-depth analysis of the problems based on first-hand information about the experiences of Roma individuals – children and their parents.

The data of the study show:

### **Statistics**

The estimation of Roma population in the Republic of Moldova is an open issue. The official data (e.g. the latest Population Census, October 2004) do not correspond to other data sources (e.g. sample surveys, studies, estimation done by NGOs, etc.).

The official statistics concerning demography and social-economic trends do not contain disaggregated information by ethnic groups, particularly gender and age groups. Lack of official statistics concerning the number and situation of Roma children in Moldova created obstacles in data analysis. This also creates obstacles and constraints in the development of related policies in the field of support to Roma children.

### **Legislation**

The major policy document on Roma in Moldova is the Government Action Plan for support of Roma in the Republic of Moldova for the Period 2007-2010 (hereafter 'Action Plan') adopted in December 2006<sup>1</sup>. The Government Action Plan needs some amendments concerning targets and indicators, deadlines and funding.

Individual action plans of ministries for 2007 and 2008 in many cases only replicate the deficiencies of the Government Action Plan 2007-2010 and lack concreteness. The information on the implementation of the Government Action Plan provided by ministries reveal that there have not been coordinated and consistent actions on Roma inclusion in 2007. Ministries' actions for Roma support in 2007 listed a few haphazard actions, without a clear strategy and goals. Many of the activities were general, not specifically targeted on Roma.

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.

### **Field research and secondary data analysis**

- Social-economic situation. The findings of the quantitative UNDP survey suggest that every second Roma lives in extreme poverty, and 6 out of 10 live below the absolute poverty level. These findings show that the poverty risk for Roma is more than twice as high as for non-Roma.  
  
Roma families have more children than non-Roma families and there is a direct correlation between the level of poverty and the number of children in the family.

Lack of regular adequate income coupled with reduced access to land leads to increased food insecurity for Roma families.

- Access to health. The indices of infant mortality in the Roma population are twice as high as the non-Roma. Many Roma are affected by chronic diseases. The majority of Roma adults are not covered by the compulsory medical insurance system (and do not have insurance policies) and Roma children under 14 are less covered by the vaccination programme.

One of the serious barriers to access to health services and limited coverage by medical insurance is the lack of identification documents (identity cards, birth certificates) of some Roma. Another factor that explains the differences in access to health services is the distance to the medical institutions.

- Access to education. Enrolment rates for Roma children are lower than for non-Roma at all educational levels. Primary education does not cover a significant part of Roma children. Secondary education covers only half of Roma children. 43 per cent of Roma children at the age of 7-15 do not attend school, in comparison with only approximately 6 per cent of non-Roma. One of the explanations for these phenomena could be the lack of financial ability on the part of the household to support the child's education.

Many Roma children live in villages with no educational institutions and they must attend schools in the neighbouring villages, which means a long way to walk for them. It is necessary to mention that there is no education in the Romani language (even in communities densely populated by Roma people).

- Housing. Insecure living conditions represent a major problem for a significant part of Roma families. Many Roma households do not have access to a secure dwelling; they live in dwellings that are in very poor condition or even in ruins.

Housing deprivation for Roma households is much higher than for the majority of the population. One third of Roma households live in an insecure dwelling. The overwhelming majority (more than 80 per cent) of Roma households do not benefit from basic housing conditions such as potable water, bathrooms, and running water and sewage systems.

The report provides general recommendations concerning the availability of national representative data on Roma/Roma children, improving the access to social welfare, education, health care, etc. Separate recommendations foreseen are the amendment and improvement of implementation of the Government strategy on Roma integration.

## Context and the rationale of the present study

**The report on the Situation of Roma Children in Moldova aims** to call for action on social inclusion of Roma children in the Republic of Moldova.

The difficult social situation of Roma in Moldova is mentioned in different documents adopted by international organisations, Moldovan authorities, and non-governmental organisations. There are many causes for such a situation – economic, social, geographic, and cultural/ethnic. These failures have to be identified and eliminated. For identification of these causes it is necessary to carry out investigation of existing situations concerning Roma children and their rights to a decent life.

**The purpose of the study** is to analyse the situation of Roma children in the Republic of Moldova through the synthesis of available data and information on Roma children in Moldova as well as by checking data reliability in order to identify the gaps and provide recommendations for further development of surveys and studies in this domain. The specific objectives were to:

- Present available information and identify data gaps that need to be filled for the development and implementation of basic evidence-based policies;
- Identify areas for further development of surveys and studies related to Roma families and children;
- Identify key players, including NGOs and CBOs, and areas of intervention related to carrying out on-going and/or planned activities in this domain;
- Stimulate debates among relevant actors at the central and local levels in order to better address the issue;
- Provide an advocacy tool for setting children, particularly Roma ones, as the highest priority in combating poverty and exclusion.

**The methodology** is based on the following components:

Legal and institutional framework analysis. One of the main points of the report is the analysis of Moldova's obligations under international law to respect, protect, and fulfil the rights of the child without discrimination on the basis of, among others, racial or ethnic origin. Respectively, the study analysed compliance of Moldova's legislation and policy relevant to the rights of the child with the state's obligations under:

- UN treaties, especially the UN Convention on the Rights of the Child, the UN Convention on the Elimination of All Forms of Racial Discrimination, and the UNESCO Convention against Discrimination in Education;
- Council of Europe Treaties, especially the European Convention on Human Rights and Fundamental Freedoms, the Revised European Social Charter, and the Framework Convention for the Protection of National Minorities.

Secondary data analysis was carried out in order to provide a broader picture of the socio-economic conditions in Moldova as well as, where this was possible, a comparison between the situation of the Roma and that of the majority population. The analysis includes existing data or other relevant information about the socio-economic conditions of Roma families, produced by national or local authorities, non-governmental organizations as well as international institutions. The main sources for secondary data analysis was UNDP Report *Roma in the Republic of Moldova* (based on the quantitative survey results carried out in 2005 and published in 2007). The main findings of the



Maternal and child health equity analysis commissioned by UNICEF Moldova in 2009 related to Roma situation were reflected under Health conditions chapter. Also some official statistics data has been used, namely Population Census data (October, 2004).

ERRC field research was aimed at providing an in-depth analysis of the problems based on first-hand information about the experiences of Roma individuals – children and their parents (see Annex 1 for full details). The qualitative research sought to document:

- Access of Roma children and families to resources and skills the availability of which are necessary for the full development of the child. These include education, health care, adequate food, and shelter.
- Access of Roma children to protection rights, including protection against child abuse and protection against inhuman and degrading treatment;
- Access of Roma children to minority rights, including the right to study their mother language, develop their culture, etc.

### **Structure of the Report**

The report starts with an executive summary, which presents the argument of the study and provides main findings and conclusions.

The introduction contains information on the purpose of the study, methodology and structure of the report.

The main descriptive part of the study consists of four chapters: Situation of Roma and Roma children in Moldova; the rights of Roma children in Moldova: review of international and domestic legal framework; Government policies for the integration of Roma, and; Major initiatives for support of Roma and Roma children by international and non-governmental organisations.

The last part of the study contains main findings and recommendations on the improvement of the situation of Roma children and implementation of respective policies in this field.

## Chapter 1: Situation of Roma and Roma children in the Republic of Moldova

### 1.1 Statistics and data sources

International monitoring bodies have noted the absence of disaggregated data, including data disaggregated by ethnic origin, and recommended that the government present such data.

In 2003, the United Nations monitoring body, the Committee on Economic, Social and Cultural Rights, called upon the government of Moldova to provide in its next periodic report disaggregated and comparative data on the number of people living below the poverty line, to provide detailed information on a disaggregated and comparative basis on progress made in ensuring access to health care, and to provide disaggregated data on a comparative basis on enrolment and dropout rates among boys and girls and vulnerable groups in the second periodic report<sup>2</sup>.

In 2004, the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities noted, “the authorities still do not have sufficient data on the situation of persons belonging to national minorities in a number of areas of economic and social life. It notes in this context that, according to different sources, a significant proportion of the Roma population still faces difficulties and discrimination in various sectors...”<sup>3</sup>

In their 2008 Concluding Observations on Moldova’s implementation of the International Convention on the Elimination of all Forms of Racial Discrimination, the Committee on the Elimination of Racial Discrimination (CERD) requested the State party “to provide detailed information in its next periodic report on the enjoyment by national minorities and non-citizens of the rights protected under the Convention, disaggregated by gender, age, ethnic group and nationality, and recommends that a coherent system of data collection be developed for that purpose.”<sup>4</sup>

In its third report on Moldova, published in 2008, the European Commission against Racism and Intolerance also urged Moldovan authorities to set up a system for data collection in order to assess the situation of minority groups, and especially to “determine the extent of manifestations of racism and racial discrimination”. ECRI recommended that the Moldovan authorities “collect relevant information broken down according to categories such as ethnic origin, language, religion and nationality in different areas of policy and to ensure that this is done in all cases with due respect for the principles of confidentiality, informed consent, and the voluntary self-identification of persons as belonging to a particular group”.<sup>5</sup>

Statistical data on Roma in Moldova is scarce and contradictory. Apart from the census information on the numbers of Roma in the country, there is no comprehensive and systematically collected data concerning Roma in education, employment, health care, or housing. Throughout the field research carried out by the ERRC, some institutions (schools, penitentiaries) reported that they registered Roma children on the basis of self-identification. This data however is not systematic and also tends to underestimate the number of Roma children in the respective institution. Lack of information about the status of Roma in various social fields is a serious obstacle for effective monitoring of the situation as well as for developing adequate interventions. The effect of existing actions targeting Roma cannot be evaluated either, because there is no data about the number of Roma who benefited from such actions and the impact of these actions on the situation of Roma is not measured.

As of 2008, a major study has provided data and analysis of the situation of Roma in Moldova - *Roma in the Republic of Moldova*<sup>6</sup> (published in 2007). The writing of the Report was coordinated by UNDP Moldova. Data collection and analysis for the study were carried out by the Centre of Sociological Investigations and Marketing CBS-AXA in 2005. The study covered 600 Roma and 600 non-Roma households in 81 communities and contains the most comprehensive data on Roma

with respect to poverty rate, educational status, unemployment rate, access to health care, housing conditions, migration, etc.

## **1.2 Roma population**

The population census conducted by the National Bureau of Statistics in October 2004 registered 12,271 persons<sup>7</sup> who declared themselves as Roma ethnicity (not including the Transnistrian region and the city of Bender)<sup>8</sup>.

Some communities are heavily populated by Roma – Otaci city (27.5 per cent of the total Roma population), Soroca city (12.4 per cent), Vulcanesti village, Nisporeni district (8.6 per cent), Riscani city (4.6 per cent), and Chisinau city (4.1 per cent).

The majority of Roma leaders do not agree with the official data concerning the Roma population<sup>9</sup>. There are different opinions regarding the total number of Roma in the Republic of Moldova and the variance of the data is quite large, from 20,000 to 200,000.

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 analysing the situation of Roma children. The 2004 census did not take into account the age structure of population correlated with ethnic origin. Moreover, the statistical control of the educational system in Moldova does not collect or foresee the accumulation of data on ethnic origin of pupils in the near future.

So data on Roma children can only be found in various sociological studies and public opinion polls.

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' (with Cordaid financial support) in 2001<sup>10</sup>. This poll was carried out in all Roma communities, with the exception of Taraclia district and Chisinau. According to the poll's data, the total number of Roma was 20,040 persons, among them 6,203 children (about 31 per cent). From the total number of Roma, the number of pupils in schools was 3,999 persons.

In 2002, the Bureau of Interethnic Relations monitored the social situation of the Roma population in Moldova and collected data from all districts. According to the data presented by local public authorities, the total number of Roma was approximately 19,000 persons.

According to the UNDP Report, regional experience shows that censuses tend to underestimate the real number of the Roma population. Negative stereotypes attributed to the Roma by the majority population; ethnic discrimination in the labour market, education, health care, and other social spheres; injustices and discrimination that the Roma have had to face in the past are among the key reasons for a person to deny Roma ethnicity. This survey estimates the Roma population in Moldova at 15,000 people. According to the Report, some alternative sources estimate the Roma population at 20,040, or even as much as 250,000 (7 per cent of the population) as quoted by some Roma leaders. However, there are no reliable sources that confirm that the number of Roma is much higher than the official figures. Taking into account the rate of self-identification of Roma ethnicity revealed by this study and census data, it is estimated that the number of Roma in Moldova is close to 15,000 people. This remains an open question without a definitive answer. According to the UNDP Report, youngsters under 16 years old represent 28 per cent of the Roma population.

The estimated number of Roma in the Republic of Moldova without Transnistrian region is between 12,000 and 27,000. The number of children (0-18 years) is about one third of the total Roma population.

One of the particular features of the Roma population is early marriage.

**Table 1. Age characteristics of married persons (Roma and non-Roma)**

	Men		Women	
	roma	non-roma	roma	non-roma
Average age of married persons	41.9	46.3	40.0	42.8
Minimum age at marriage	15	20	15	17
Share of married persons among 15 - 25 years old	30%	19%	40%	30%

**Data source: UNDP Report, page 37**

According to the UNDP Report, the minimum age of married persons registered among surveyed Roma is 15 years old in comparison with 17 years old for non-Roma. No significant differences are observed in marriage ages of the two genders among Roma, with both women and men marrying at a minimum marriage age of 15 years old, for the non-Roma population the minimum marriage age for men is 20 and for women, 17.

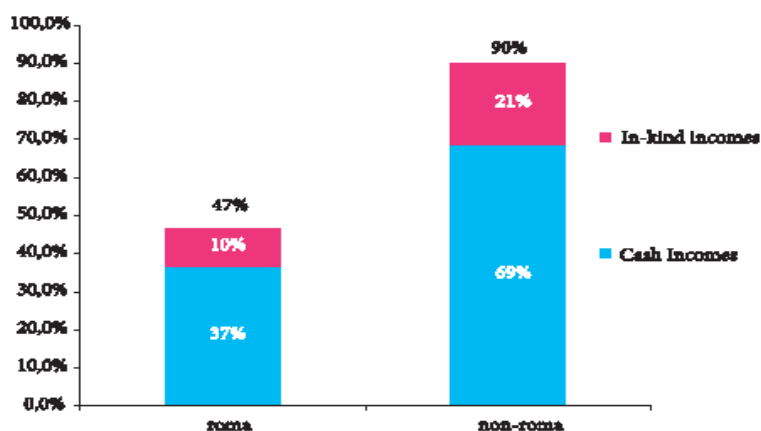
### **1.3 Poverty and social exclusion**

According to the UNDP Report, in October 2005, the average monthly cash income of a Roma household constituted 956 MDL, which is 40 per cent lower than the average 1,597 MDL received by a non-Roma household. The difference in the per capita cash income of these two groups is even greater, the average Roma per capita income being 46 per cent less than Moldovan per capita cash income. The average cash income per capita for the Roma households is 282 MDL, in comparison with 527 MDL for non-Roma households. One of the common coping strategies in many post-Soviet countries is supplementing reduced cash income with in-kind incomes in the form of one's own agricultural products. However, in the case of the Roma, the monetary equivalent of their own agricultural products (produced by the household for their own consumption) is only 76 MDL per capita, thus bringing the total income to 358 MDL per capita, while for non Roma families this figure is 690 MDL.

In comparison with the national subsistence minimum per capita, the income of Roma families constitutes less than half of this minimum, while for non-Roma the income reaches 90 per cent of the subsistence minimum.

Results of the survey showed that in October 2005, the average per capita consumption in Roma families totalled 415 MDL, in comparison with 648 MDL spent per member by non-Roma families. In other words, the consumption expenditures per person in the Roma population is one third lower than the consumption per person in non-Roma families.

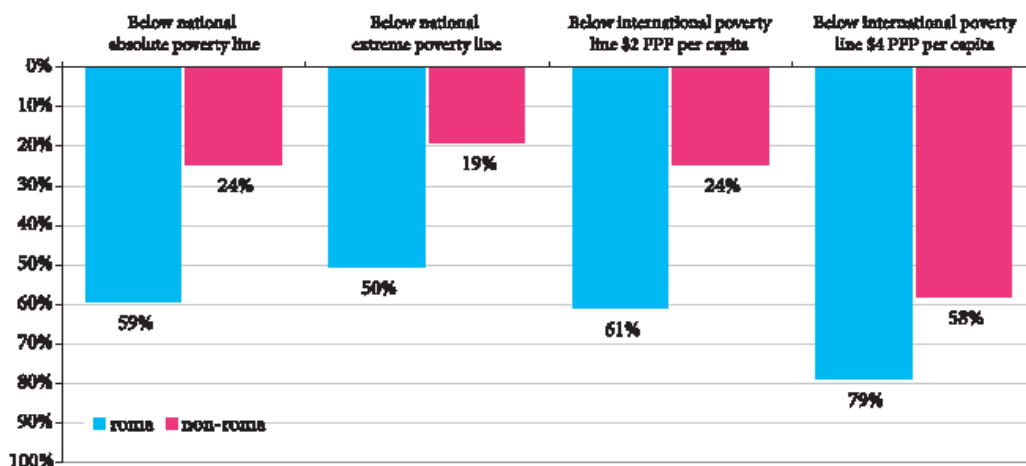
**Figure 1. Per capita incomes and subsistence minimum for Roma and non-Roma**



Data source: UNDP Report, page 44

In conformity with UNDP Report, income/consumption poverty is one of the important aspects of vulnerability. Poverty in the Republic of Moldova is widespread as a result of the crises and decline of the transition period. The findings of the survey suggest that 6 out of 10 live below the poverty level, and every second Roma lives in extreme poverty. These findings show that the poverty risk for Roma is more than two times higher than for non-Roma. Poverty rates for non-Roma households are generally in line with national data, with 25 per cent under the poverty line and 19 per cent falling under the extreme poverty line (in 2005, the national poverty rate was 29.1 per cent and the extreme poverty rate was 16.1 per cent).

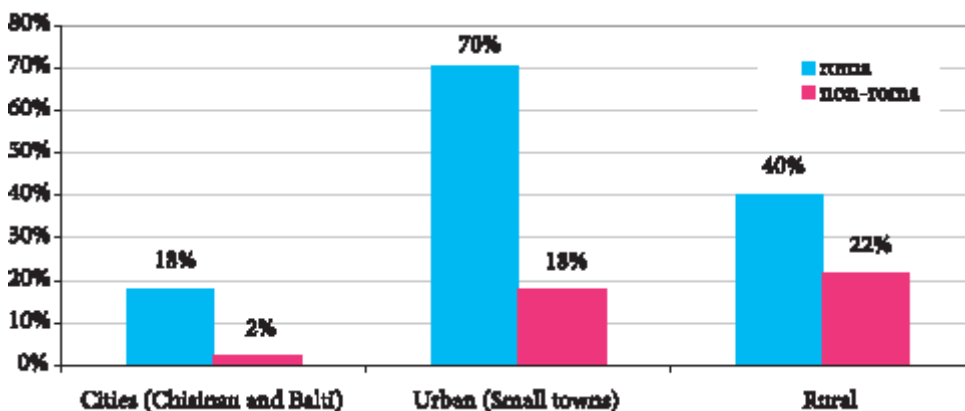
**Figure 2. Poverty headcounts for Roma and non-Roma**



Data source: UNDP Report, page 49

The highest extreme poverty rate for Roma is in urban areas (small town), soaring to 70 per cent. The poverty rate in large cities, however, is much lower, only– 18 per cent, reflecting better economic development, job opportunities, and probably, better integration of Roma in large cities. The Roma poverty rate in rural areas is lower than in small towns, but twice as high as in big cities, reaching 40 per cent. Poverty rates for non-Roma are similar for small towns and rural areas (18 per cent and 22 per cent respectively) and very low (2 per cent) for big cities. This outlines the fact that in the case of non-Roma population, the subsistence economy 'benefits' (own foodstuff products) which are characteristic of the rural areas, are compensated for in urban areas by other factors including better employment opportunities and departures abroad for work.

**Figure 3. Extreme poverty headcounts by types of locality (Roma and non-Roma)**

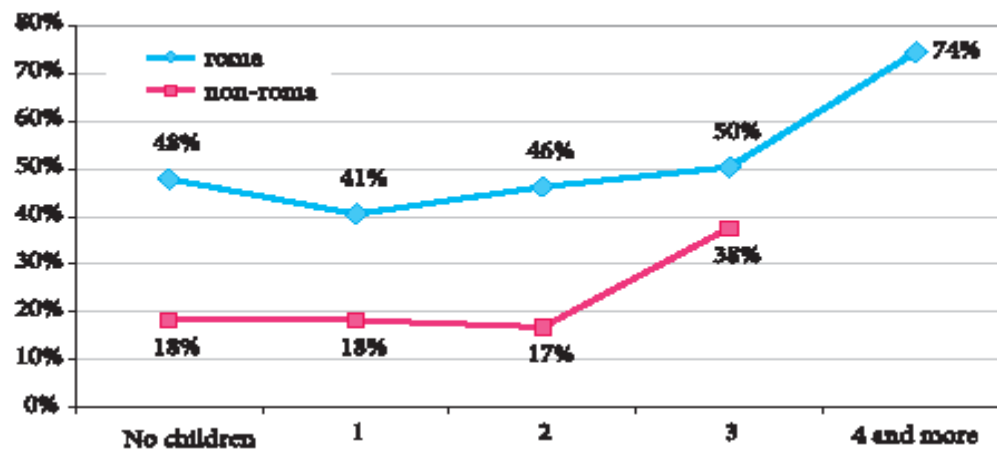


Data source: UNDP Report, page 52

According to the UNDP Report, the poverty status of Roma families is determined by many factors, such as:

- Education: the study clearly reveals that a higher education level of the head of household reduces significantly the poverty incidence;
- Size of the household (especially the number of children): household size has a direct correlation with the level of poverty. A high number of children increases the household chances to have expenses that fall under the extreme poverty rate;
- Residence area, more specific for Roma: Roma households in small towns are characterised by a high degree of vulnerability and poverty. This aspect is less characteristic for non-Roma;
- Low employment level.

**Figure 4. Extreme poverty headcounts by number of children in family (Roma and non-Roma)**



Data source: UNDP Report, page 52

According to the UNDP Report, lack of regular adequate income coupled with reduced access to land leads to increased food insecurity for Roma families. According to the survey results, over half of Roma household heads answered affirmatively to the question “During the previous month, did you or somebody from your family go to bed hungry due to a shortage of food?”. Generally, for the Roma population, this situation occurred quite often. In 28 per cent of cases, it happened 2-3 times

and in 17 per cent of cases it happened more than three times. On the contrary, for non-Roma this situation occurs far less frequently.

Based on the findings of field research carried out by the ERRC in Moldova during October 2007-March 2008<sup>11</sup>, a significant number of Roma in Moldova experience poverty.

While the levels of poverty among the majority population are also very high, in a number of places throughout the country conditions of life of Roma families are markedly inferior compared to that of the majority population. A number of public officials interviewed in the course of the research admitted that Roma comprise the majority of the most economically deprived persons in the country. One common situation in which Roma children live is the following: both parents do not have regular work and never had (especially persons in their 40s and 30s); the only regular income of a family, including on average 3-4 minor children, is the monthly allowance for children which is MDL 50 (approx. Euro 3) per month and is paid for children up to 16 years of age. One or both parents may get seasonal work for several days per month, for which they get around MDL 60 per day.

A 77-year-old Roma woman said that she owes MDL 1,700 which she will never be able to repay. She takes care of her 11-year old grandson, and the two of them live on her pension of MDL 400 per month (approx. Euro 25). The woman and the boy live in one room heated by a woodstove and were afraid they would not have enough money to buy wood for the winter. The woman told the ERRC that she had tried to get assistance from the local government, but was always rejected. The mayor also rejected her request for wood for heating and for blankets.

A forty seven-year-old Roma woman from Slobozia Mare told the ERRC, "I think the local authorities treat us differently because we are Roma. In the past, non-Roma got materials from the mayor to finish their houses, but we were told no; so were other Roma."

A woman in the Parcani settlement, which is part of the Raciula village in the Sînga Nistrului district, stated that in 2007, some people in the community discovered by chance that the mayor's office of Raciula was distributing noodles. They inquired why the Roma in Parcani did not receive any and were told by the mayor that the help was only meant for Raciula. Several Roma women also testified that they do not receive child allowances.

A fiftysix-year-old woman in Colibași told researchers that her daughter, who is a trainee at Tricon, receives a scholarship of MDL 500 (approx. Euro 30). When she applied for child allowances with all the proper documentation, she was told by an official in the mayor's office that her scholarship is enough to live on.

*ERRC field research October 2007-March 2008*

There are many cases in which Roma children are raised in a single-parent family or by grandparents (or even a single grandparent) because one or both of their parents work outside Moldova. In such circumstances, Roma children start working as early as the age of 9-10 years old, and they usually leave school.

The highest levels of poverty were witnessed in the rural areas of the country, especially in dense Roma communities such as Schinoasa and Parcani, although very poor families were also met in urban areas such as Bălți, Drochia, Basarabasca. Few Roma families testified that they have the same standard of living as other Moldovans, though in certain instances, especially in the northern part of the country (Soroaca, Rîșcani), there are Roma families which have visibly higher living standards compared to the average for the country. While a lot of Roma are migrant workers in Russia, Turkey, or Ukraine, the poorest persons and families cannot afford to travel and rely only on seasonal work within Moldova, which is low-paid.

Families with low income cannot regularly pay for electricity costs and live without electricity for several months. Although health care services for children are free, most of the medicines are not free and the cost is unaffordable for Roma families. The costs for school, especially for children in

high school for whom there is not free provision of textbooks from the government, are not affordable either. A number of persons reported that they have debts to neighbours or friends which they would not be able to pay back. Instances of arbitrary exclusion of Roma individuals from social aid for the poor were reported by others as well.

Extreme poverty has a detrimental impact on the realisation of a range of rights for Roma children such as access to education, health care, and adequate living standards.

Child labour. 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 at all.

In one instance documented by the field research, according to the director of the general school in Tibirica village, Călărași district, in October, she had to release over twenty Roma students from the school to join their parents who migrated in the northern part of the country to collect potatoes because they are poor.

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Roma children raised by single parents, especially single mothers, suffer extreme deprivation and do not have access to social care. The field research documented instances of Roma children who leave state care institutions because they have to earn money for the survival of the family and, in some cases, they take care of their single sick parent. There was no alternative community social care for children in such conditions.

Social protection. In the course of the field research, researchers identified at least ten Roma children who lived with a single parent or grandparent in very vulnerable social situations. None of these children reportedly had access to any type of specialised social care provided by the authorities.

The Centre for Social Rehabilitation of Young People, established in March 2007 with support from USAID and UNDP in Călărași (the administrative centre of the Călărași district), serves around 40 young persons, between the ages 15-25 who are without parents or live in vulnerable social conditions. Young persons stay in the centre for a period of 3-6 months in which they receive professional assistance from social workers, psychologists, and lawyers. Since it started functioning, the Centre has had two Roma children, one of whom had already left. Given that the Călărași district includes several settlements with a dense Roma population (Schinoasa, Parcani, Ursari, Valcenec) and a high percentage of Roma children who live in very difficult circumstances, it can be assumed that Roma children do not have access to the services of the Centre. According to information from a social worker at the Centre, Roma families do not submit requests for admission of their children at the Centre. Parents and children receive information about the Centre's services in the schools.

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The numbers of Roma children in each of the five residential child care institutions visited in the course of research, was insignificant. Although the official government policy in Moldova is aimed at reducing the numbers of children in state institutions, placement of children in state care institutions remains the prevalent form of social care for children in vulnerable social conditions.<sup>12</sup> In the five residential institutions visited in the course of this research, according to staff of these institutions, there were significant numbers of non-Roma children who were not orphans but were living in difficult social situations – single parent households, poor living conditions. Authorities in these institutions explained the small number of Roma children with the stronger attachment of Roma parents to their children. It is a disturbing fact, however, that although many non-Roma children, on request of parents or relatives, are placed in residential institutions due to inadequate living conditions at home, this does not seem to be the case with Roma children. Many Roma



children who live in extremely substandard conditions are not placed by their parents in these institutions.

Social workers, whose numbers in each community are very restricted, primarily serve aged persons and persons with disabilities.

Adoption of Roma children without parents also seems to be problematic.

According to the Inspector on the Rights of the Child in Cantemir, the administrative centre of Cantemir district, there is no record of adoption of Roma children in the district. In the previous year, a family that wanted to adopt a child, reportedly gave up the adoption when they learned that the 5-month-old child who was proposed for adoption, was of Roma ethnic background. Similarly, the deputy director of the gymnasium boarding school in Cupcini told the ERRC that she couldn't remember any of the Roma children in the orphanage having been adopted. According to her, "Parents don't say that they do not want to adopt a Roma child, but they do not choose them; they always look at the non-Roma children."

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## 1.4 Health conditions

According to the UNDP Report, the life expectancy component of HDI for Roma is lower than for non-Roma, but not significantly so (6 per cent lower). This difference is the smallest among the HDI components, with income and education components showing much more significant differences.

Infant mortality is a commonly recognized indicator closely linked with living standards. Survey data show the high level of Roma population vulnerability. The indices of infant mortality in the Roma population, according to the UNDP Report, constitutes 29 deaths during the first twelve months of life (per 1,000 live births), which is almost twice as high as the indices obtained for the non-Roma sub-sample (17 per 1,000). Based on this estimated Roma child mortality rate, it is very unlikely that the relevant Moldovan government target on infant mortality for Moldova (6.3 per 1,000 live births by 2015) is attainable for the Roma population.

**Table 2. Infant mortality data for Roma and non-Roma**

	roma	non-roma
Number of new-born deaths reported by households covered in the survey	40	19
Number of births reported by households covered in the survey	1386	1123
Number of deaths per 1000 newborn	29	17

**Data source:** UNDP Report data, page 82

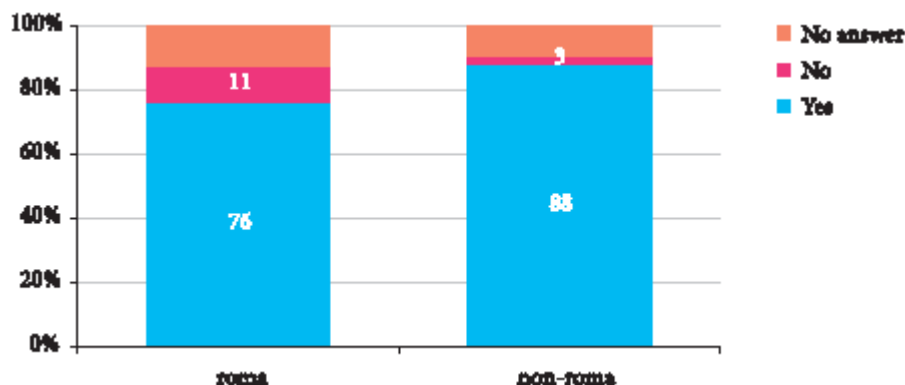
The survey's results show that the most frequent diseases claimed by both surveyed Roma and non-Roma during the year preceding the survey were the flu and colds. Respiratory diseases were predominant, affecting 35 per cent of Roma and 34 per cent of non-Roma. However, during the 12 months preceding the survey, a significant ratio of both populations – 40 per cent of Roma and 44 per cent of non-Roma – did not suffer from any disease.

One fifth (20 per cent) of the Roma population claimed that they are affected by chronic diseases in comparison with 16 per cent of non-Roma. This figure could be higher as most surveyed Roma did not completely understand what 'chronic disease' means. The most frequent diseases the Roma claim to suffer from are diseases of the cardio-vascular system (22 per cent), followed by the respiratory system (17 per cent), reproduction and urinary system (14 per cent), psycho-neurological diseases

(13 per cent), and gastrointestinal system (11 per cent). For non-Roma, the most frequent diseases and their incidence have the same characteristics with marginal differences. Also, Roma receive less regular observation by doctors.

According to the report, Roma are less covered by a vaccination programme, with 11 per cent of Roma children under 14 years not vaccinated in comparison with only 3 per cent of non-Roma children. In 13 per cent of cases of Roma respondents and 10 per cent of non-Roma the situation is unclear because the respondent did not have an answer to this question. As a reason for non-vaccination, 17 per cent of Roma respondents mentioned the lack of an insurance policy (among non-Roma this reason constituted 58 per cent). Another reason is lack of information, “I did not know it was necessary to be vaccinated”, as claimed by 22 per cent of Roma parents.

**Figure 5. Vaccination of Roma and non-Roma children under 14 year**



Data source: UNDP Report, page 83

Access to health care services remains highly unequal in Moldova. According to the results of the survey, out of all Roma who got sick during the preceding 12 months, only 47 per cent contacted a doctor, compared with 57 per cent of non-Roma. The survey also revealed that Roma request specialised health services less often.

Only 23 per cent of surveyed Roma are covered by the compulsory medical insurance system (and have insurance policies), while for non-Roma the coverage is nearly twice as high at 59 per cent. However, a significant part of Roma children and elderly people are covered and do not have medical insurance policies (and consequently are not insured), even though this insurance is provided free of charge, a fact that contributes to Roma exclusion. The two main reasons for the limited coverage of Roma by medical insurance are the high costs of the policy and the fact that people believe that they do not need it. For Roma, the first is the primary reason for uninsurance for 75 per cent of uninsured Roma, compared with 60 per cent for non-Roma. This difference is understandable taking into account the significant differences in income for Roma and non-Roma. The second reason, the perception that it is not necessary, has a lower ratio among Roma, only 12 per cent compared with 24 per cent for non-Roma.

One of the serious barriers of access to health services and the limited coverage by medical insurance mentioned by Roma NGOs is the lack of identification documents (identity cards, birth certificates) of some Roma. Another factor that explains the differences in access to health services between the two groups is the distance to the medical institutions. For example, only 38 per cent of surveyed Roma are within a one kilometer range of the doctor’s office compared to 47 per cent for non-Roma. However, this factor is of limited importance as in the majority of cases for Roma households (81.1 per cent), the doctor’s office is only situated up to three kilometers away, a

distance considered ‘normal’ for access to public services (schools, city hall, etc.) in Moldovan village life.

Most Roma respondents affirmed that during the last 12 months they had cases when they could not afford to buy the necessary medicines (75 per cent compared with 41 per cent of non-Roma). The problem is not necessarily the unavailability of medical services, but not being able to cover the expenses for the needed medical assistance claim 75 per cent of Roma.

**Table 3. Reasons of non-coverage by compulsory medical insurance (through insurance policies) for Roma and non-Roma**

	roma	non-roma
High costs	75%	60%
Do not need it	12%	24%
Do not know it must be purchased	5%	4%
Do not know where to purchase it	2%	2%
Other reasons	4%	5%
No answer	3%	6%

Data source: UNDP Report, page 85

The most recent Maternal and Child Health Equity Analysis commissioned by UNICEF Moldova described in 2009 was aimed at assessing the extent of inequalities in maternal and child indicators in the Republic of Moldova. The quantitative and qualitative analysis were complimented with information coming from focus groups with mothers covering also Roma population. According to the analysis, **Roma women are less satisfied with their children’s health** in comparison with women from the Moldovan localities. Thus, half of the focus group participants, with Roma ethnicity, mentioned that their children’s health is unsatisfactory; they often suffer of anaemia, bronchitis, pneumonia, helminthosis, etc. More than a quarter of participants of the focus groups were not able to estimate their children’s health as they have not been medically examined during the last two years because of a reduced access to medical care services. Generally, these are the women with a low welfare level. The major barriers to access the medical care services are the lack of this kind of services in their locality, the expenditures for travelling to the district Center, the price of health care services, the long queue to the family doctor, and finally the lack of an insurance package. At the same time some of the participants to the focus group are not well informed about the fact that children are fully covered by health insurance system.

*“How could we know whether our child is healthy if at the village medical care office there are no investigation machines and you can not undergo any medical tests? We are sent to Nisporeni, but the queue to the doctor is long and we need money to pay for the travelling. We do not have an insurance policy, so we cannot run any tests for our children. Maybe something hurts him, poor child, but as he cannot say it.” I., Vulcanesti.*

When being asked about their children’s health dynamics in comparison with the first year of life, women stated that the situation slightly improved, that was determined by the child’s natural growth, body consolidation and immune system formation, as well as due to the administrated vitamins which have been prescribed by doctors.

Referring to the discrepancies regarding children’s health condition based on the residential areas, about 2/3 of the focus groups participants noticed that, generally, **the countryside children are perceived as healthier than the urban** because they spend much more time outdoors playing, are more exposed to sun, their food is more natural and the air is not polluted. Conversely, Roma

women consider that urban children are healthier as they have better living conditions, a wider range of goods and services and better access to medical care services, etc.

Speaking about the factors which have a negative impact on the children's health, the majority of focus groups participants agreed upon the **children's nutrition and the water quality**. The research revealed the fact that the issues regarding nutrition are quite different in case of women having a lower welfare level versus those with a higher welfare level. Thus, women having a **lower welfare level stated that the biggest problem is insufficient financial resources to buy food**, and lack of knowledge how to feed their children. *"I give to my child less food than it is required for his age, as I have many children, but I don't have money even if I know I should feed him more,"* V. from *Bilicenii Noi Village*. Nutrition of children from this group depends a lot on the season. One of the mothers mentioned that *"during the summer it is easier, food is healthier, whereas during the winter there are neither fruits nor vegetables, what shall we do if we are run out of money, how could we buy the food they need?"* **In the case of Roma women, the participants confessed that there are cases when they are hardly able to provide their children with a slice of bread and a cup of tea.** In such cases, they ask other families for help and borrow flour, bread, beans, and oil. Many Roma women have little land surrounding their house and, practically, do not have place for farming. *"It's difficult to get food, together with the house we have only eight Ares of land, we do not have place to plant some potatoes or beans. There are many of us living here; we share the household with our daughter and her children."*

**Women having a higher welfare level stated the problem to be the poor quality of food products, little time to cook** (they are employed) or poor diets at kindergartens.

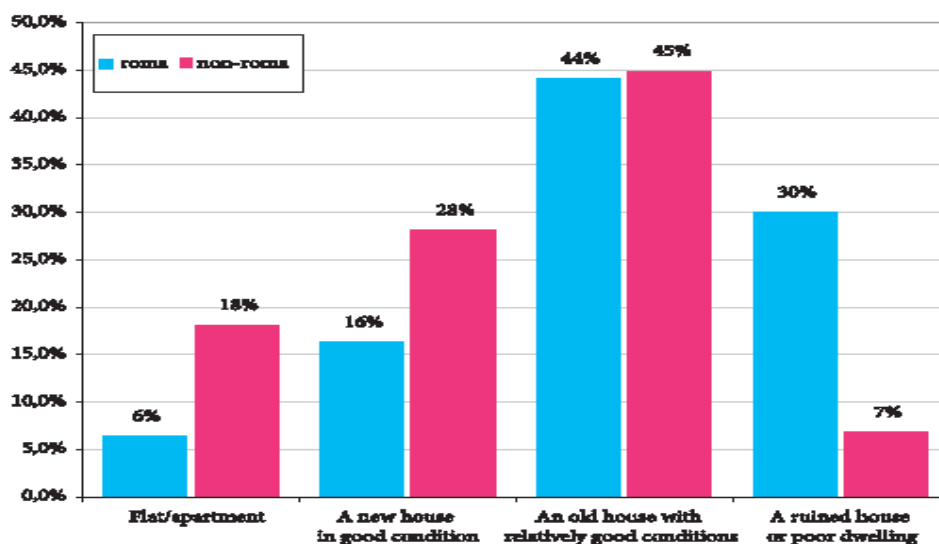
When discussing the water quality, all the focus groups participants were worried about the water they use for cooking, because in all three localities wells are the only water source and the water quality has been not investigated for a long time. Women from the south and Roma group are unsatisfied with the limited access to water in their villages. Thus, in the village of Cirpesti many households have to carry water by carts from several kilometers distance, storing it in aluminium containers. *"We know it is dangerous to keep water in aluminum containers, it even tastes differently. We have nothing to do; the water from our wells is not good for cooking or drinking,"* said V. from the village of Cirpesti. In the Roma locality the situation is even worse, as there is very few wells.: *"We all take water from one well, everyone with his own bucket. And what is someone suffers from TB or something else contagious. Whole village takes water from the same well, caring it home in tanks."* (I. from Vulcanesti).

The majority of mothers consider that parents are responsible for their children's health. *"If we do not do our best for our child, nobody will, he is the most important thing in our life."* (I. from Vulcanesti). Grandparents are considered second to parents, followed by medical doctors.

## 1.5 Housing

According to the UNDP Report, housing quality, both in terms of dwelling status and available infrastructure, is an important determinant of vulnerability. Insecure living conditions are a major problem for a significant part of the Roma population. Survey results suggest that a third of surveyed Roma households does not have access to a secure dwelling; they live in dwellings which are in very poor condition or even in ruins (30 per cent), compared to only 7 per cent of non-Roma households.

**Figure 6. Quality of dwelling of Roma and non-Roma households**

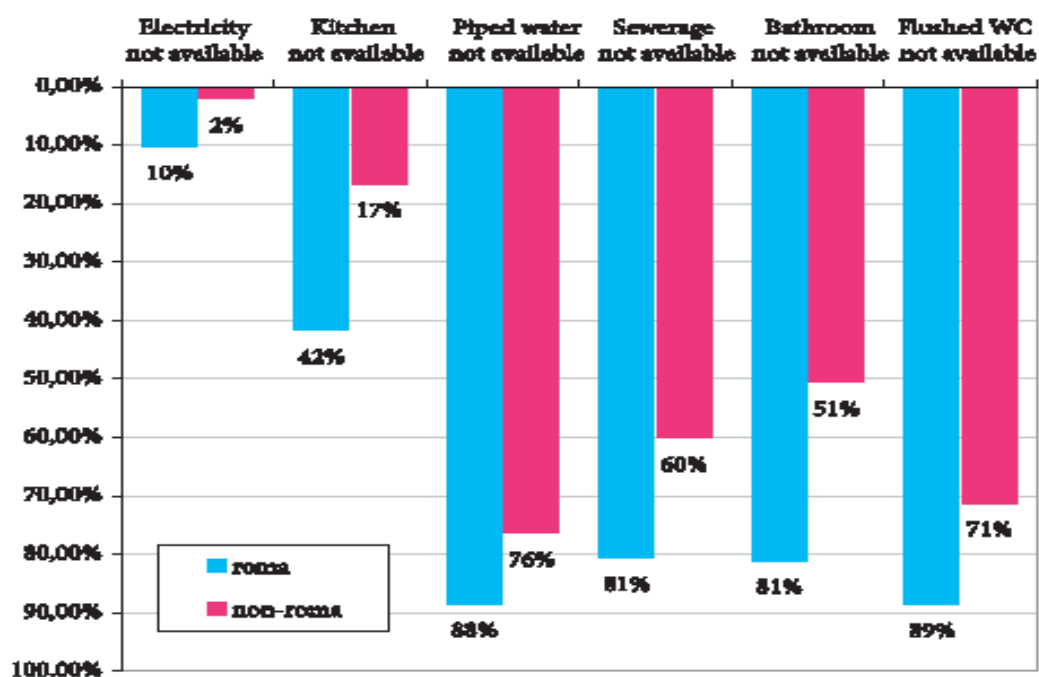


Data source: UNDP Report data, page 90

In addition, Roma dwellings are a bit smaller in terms of number of living rooms and living area per member. An average member of the surveyed Roma households benefits from 18 m<sup>2</sup> of living area in comparison with 24 m<sup>2</sup> for non-Roma. Survey data demonstrated that poor households, both Roma and non-Roma, face a higher dwelling insecurity than the population in general. Thus, 37 per cent of poor Roma households and 15 per cent of poor non-Roma households live in a ruined house.

Results of the survey demonstrate that the levels of housing deprivation for Roma households are much higher than for the majority of households. According to the report, about 9 out of 10 Roma dwellings do not have a flushing WC and piped potable water in the dwelling. However, this situation is also characteristic for the majority of the non-Roma population, where 71 per cent have no flushing WC and 76 per cent live without potable water. Eight of ten Roma households do not have bathrooms and sewerage treatment in their dwellings. This situation is also true for the non-Roma population, where 51 per cent do not have bathrooms and 60 per cent do not have sewerage treatment. The most significant difference observed concerned the availability of the kitchen: 42 per cent of Roma households surveyed do not have a kitchen compared with 17 per cent of non-Roma. Household lack of access to electricity is another example of deprivation. Electricity was not available to 10 per cent of Roma households and 2 per cent of non-Roma households. While Roma predominantly use wood for cooking (44 per cent), non-Roma use gas, either piped or bottled (61 per cent). Wood, however, is the primary heating source for both groups during the cold period of the year, though the non-Roma population uses more charcoal (27 per cent) and gas (15 per cent) than do the Roma.

Figure 7. Basic conditions in the dwellings of Roma and non-Roma households



Data source: UNDP Report, page 92

ERRC field research data show that with the exception of several Roma families, mainly in the northern and central parts of the country, most other families visited during the research experienced inadequate living conditions. Families of five or more individuals, including babies and elderly people, live in cramped conditions, usually 1-2 rooms; some families reported that they are unable to buy wood to heat the rooms in winter time; others are unable to pay their electricity bills and live without electricity for months, and even for a whole year in at least two instances documented during the research. Conditions in Roma settlements are inferior compared to areas inhabited by non-Roma.

In Ceadăr-Lunga, the ERRC interviewed a thirty-year-old woman who is a single mother of five children. More than half of the family house was caved in due to flooding and decay since 2001. Only two rooms on one side of the house were livable. One room was heated at once, with a small electric cooker. There was no gas and no other heating. Electricity was hooked up illegally. The woman told the ERRC that three of her children had to go to a social institution because of the inadequate conditions in the house.

The infrastructure and public utilities in the Schinoasa settlement, Călărași district, have not undergone any improvement for the past 10 years. Conditions were unsanitary, there were no paved roads, and there was no public transportation. The Roma community of around 300 persons has not had running water for about 20 years, and people carry water from a distance of around 4-5 km. The mayor of the Tibirica village to which Schinoasa belongs administratively, told the ERRC that the municipality had money to build a well but could not find workers to do the job. Due to the unsanitary conditions, several people had hepatitis B four years previously. The settlement does not exist in the cadastral plans of the municipality. The mayor further told the ERRC that in May 2007, he submitted documents for the legalisation of the settlement to the district council in Călărași, but he wasn't aware whether any action had been taken.

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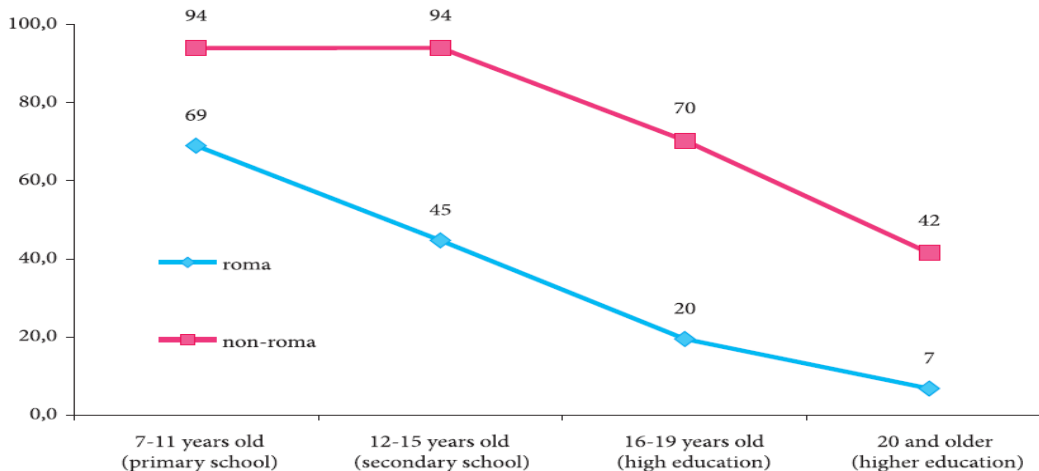
## 1.6 Education

According to the UNDP Report, enrolment rates for Roma children are lower than for non-Roma at all stages of education. Primary education covers less than 70 per cent of Roma children and

secondary education less than 50 per cent. This is in dramatic contrast with the situation of non-Roma, where enrolment rates for primary and secondary education are much higher.

A significant difference exists between Roma and non-Roma in school attendance. 43 per cent of Roma children of the ages 7-15 do not attend school, in comparison with only approximately 6 per cent of non-Roma who do not attend school.

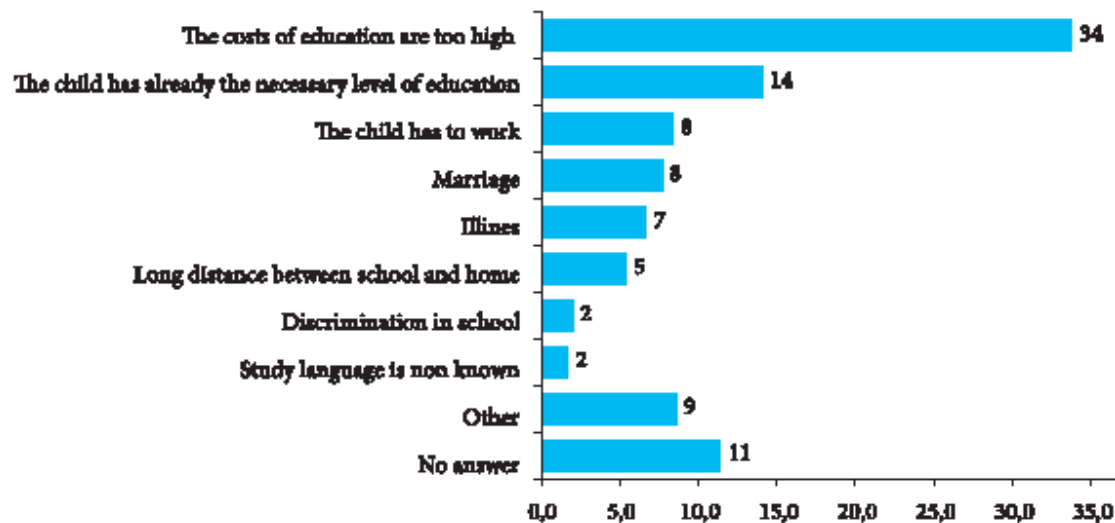
**Figure 8. Enrolment rates of Roma and non-Roma in different levels of education**



Data source: UNDP Report, page 62

According to the UNDP Report, the high dropout rate in the education system (for Roma children and youth between 6 and 22 years) results from a mixture of subjective and objective reasons. A series of objective reasons include the high costs of the studies (34 per cent), illness (7 per cent), and the long distance between home and school (5 per cent). Among subjective reasons, the most widespread is the parents' belief that their child has already achieved the necessary education level (14 per cent), followed by early marriage of the child (8 per cent), and the necessity of the child to work (8 per cent). It is important to mention that discrimination in schools and lack of language knowledge were mentioned only by 2 per cent of respondents, a finding which contrasts with statements of some Roma leaders that namely these two factors limit access of the Roma to school. At the same time, it is necessary to mention that there is no education in the Roma language.

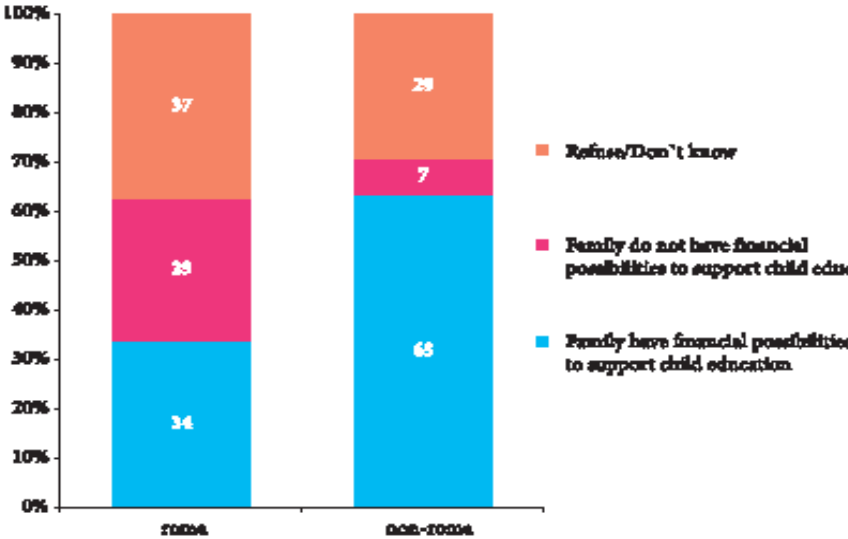
**Figure 9. Reasons of non-attendance of education institutions by Roma children**



Data source: UNDP Report, page 63

According to the UNDP Report, the explanation for school drop-outs and low enrolment of Roma children would be lack of financial ability of the household to support the child's education. In only 34 per cent of Roma families did the head of the household declare that they can support their children's studies, in comparison with 63 per cent of non-Roma. The high cost of education and the family's perceived lack of financial resources to support further education for their children could reflect three things: First, the high direct cost of education (fees), which is true for colleges and universities. The majority of places in colleges and universities are granted to students who pay tuition and only limited or sometimes no scholarship assistance is available. Second, the high indirect costs of schooling, which could include payment for textbooks, informal fees for school maintenance, and also expenditures for meals, clothes, shoes, etc. Last, but not the least, the high opportunity costs. Families have to choose between keeping children in school (which could potentially bring higher income in the future, but these expectations are lowered by perceived stigmatization and discrimination against the Roma) and lack of current income, which often forces families to put children to work, marry them off, or simply to decide that maintaining the current level of education is enough.

**Figure 10. Financial ability of Roma and non-Roma families to support the child's education**



Data source: UNDP Report, page 64

Such situations are characteristic for people living in villages populated predominantly by Roma where there are no educational institutions. Under these circumstances, their children must attend the schools in the neighbouring villages, which means a long way to walk for children. For both analysed groups (Roma and non-Roma), the school is located up to 3 km away. The percentage of Roma children who walk less than 1 km to school is 25 per cent, while it is 31 per cent for non-Roma. However, for the Roma, the amount of children who must walk 1-3 km is higher. Additionally, as data show, a long distance to school, poor road infrastructure, and underdeveloped public transportation services further limit access to school for Roma children.



**Table 4. The distance to school for Roma and non-Roma children**

Category	roma	non-roma
Less than 1 km	25%	31%
From 1 to 3 km	33%	15%
From 3 to 5 km	4%	6%
From 5 to 10 km	3%	1%
Over 10 km	3%	9%
No answer	32%	38%
TOTAL	100%	100%

Data source: UNDP Report, page 65

ERRC field research data show that lack of access to education is the most serious problem facing Roma children in Moldova, according to the educators, local officials, and Roma parents interviewed in the course of the research. This is also a crucial factor which determines further social exclusion of Roma. A number of Roma people involved in activities for the promotion of social inclusion of Roma testified to the ERRC about the disastrous marginalisation of Roma in the education system.

Anatolie Radița, Chair of the Roma organisation Bahtalo Rom, asserted that only a small number of Roma children attend school and the number of those who graduate from high school and/or university is minimal.

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Large numbers of Roma children drop out of school before they finish compulsory education due to the extreme poverty of parents who cannot support them. Roma children often join their parents who work out of the country for months or even years, interrupting their education. Others work with their parents in the country from the age of nine or ten, or have to support disabled or single parents. In extreme cases, Roma children may have never attended school.

The effects of extreme poverty on the education of Roma children are aggravated by lack of education of their parents who cannot support or motivate their children. Some educators are aware of these conditions and expressed sympathy for the hardship facing Roma families, but there also seems to be a prevalence of biased views among educators who believe that Roma do not value education. Research findings demonstrate that such views are over-generalised and stigmatizing. While some Roma parents did not appear very motivated to encourage their children to attend school, researchers also encountered many families who were fully aware of the benefits of education and were keen to send their children to school. Attitudes of school authorities towards Roma children vary from normal acceptance and appreciation of the difficulties in the families to prejudiced treatment and inferior expectations.

The deputy mayor of Cahul told the ERRC that Roma children have low school attendance because they are not part of the class. They are verbally abused by some teachers and placed in the back rows of the class.

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The overall rejection of the Roma by the majority society also influences the treatment of Roma at school by both peers and teachers, with a number of discriminatory practices reported by parents and children. Some public officials also recognized prejudiced attitudes of educators towards the Roma as a barrier for the integration of Roma.

Although school segregation is not a widespread practice in Moldova compared to other parts of central and eastern Europe, research documented several instances of separate schooling for Roma based on residential patterns and preference for the language of education (Russian). In at least one case in a Roma-only school, there were clear indications that children receive inferior education.

The existence of a Roma-only class was documented in Edinet, school No. 1. According to the school director, the school had a tradition of maintaining Roma-only classes. The need for such classes was explained by the fact that Roma children start school later than others as well as that Roma children prefer education in the Russian language. While the director and a teacher in that school claimed that Roma learn better in the Roma-only class, two mothers of Roma children interviewed by the ERRC said that they preferred their children to be with non-Roma children. A Roma woman from a richer background said that she was not satisfied with the level of education in that school and hired a private teacher for her 7-year-old boy.

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The two most common situations encountered by the researchers were early drop-out from school and late enrolment. Roma children usually attend school until the fourth or fifth grade; most of those who continue beyond the fifth grade finish only the compulsory level (ninth grade) and do not continue after that. The number of Roma children in the higher grades progressively decreases. Some schools have been able to provide statistical information about the schooling of Roma children.

Many children attend school irregularly and do not pass the state exam after ninth grade in order to continue their education into the upper grades of high school.

Problems start with non-attendance of pre-school education which is unaffordable for many parents. In some municipalities fees for pre-school are paid by the municipal authorities for socially vulnerable families. But in other places, parents are supposed to cover the whole fee or larger parts of it themselves.

A school director in Talmaza, Ștefan Voda district, told the ERRC that there are very few Roma in the five pre-schools in the town because parents must pay 75 per cent of the monthly fee for food (approx. MDL 100) and they cannot afford it.

Apart from financial barriers, lack of pre-school facilities in the area where Roma families live is also a barrier for children to attend. For example, Schinoasa, is a dense Roma community separated from the village of Tibirica, to which it belongs administratively, by a distance of about 3-4km. It has a separate school in the community for first through fourth grade, but it has no pre-school.

In Vulcănești, another large Roma community around 3-4 km from the village of Ciorasti to which it belongs administratively, there is also no pre-school. The community has a separate school for grades 1-9, which in recent years introduced a 'preparatory grade' to help children prepare for school. Although 'preparatory' classes are a positive initiative to help Roma children prepare for school, the single year of pre-school education cannot fully compensate for the linguistic development that happens in the 2-5 years that children normally spend in pre-school. Nor does that single year make up for other disadvantages facing some Roma children.

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Many Roma children start school 1-2+ years later than the usual school age for the country which is seven years old. According to teachers and parents, the older children are discouraged from attending school due to the age difference with the other children in the class.

In the village of Talmază, an experimental Roma-only class was opened in school year 2004-2005 for children who started school late or did not attend school up to that moment, enabling them to catch-up. According to the director of the school, in the first year, there were 15 students enrolled in the class from ages 9-15. Seven of the children have subsequently left the class and went abroad with their parents to Russia. The director claimed that it is not possible to integrate the Roma children in the separate class with the regular third grade, because “they smoke and have sexual relationships”. He also stated that the children in the separate class do not progress as quickly in their studies because they are often away from school.

In Riscani, 18 Roma children who were in the fourth and fifth grades reportedly left school in 2007 because they had reached 16 years of age.

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Researchers have not identified any practices to provide for the education of children above the age of 16 who have not yet completed the ninth grade due to late enrolment. In a number of instances, Roma youth who had reached 16 years of age were told by school administrators that they had to leave school because compulsory education ends at the age of 16, even though they were only in the fifth or sixth grade. Some of these children wanted to continue their education despite their age but were not aware of any way to do that.

Prejudice against Roma children at school by teachers and peers as well as incidents of harassment by peers also discourage Roma children from attending school. Many Roma parents claimed that teachers do not pay equal attention to Roma children in the classroom. ERRC researchers met children in the third, fourth, and fifth grades of primary school who were not able to read and write properly, who nevertheless seemed to be moving from grade to grade without any assessment.

In Ceadâr Lunga, a Roma woman told the ERRC that she had placed her children in a residential school for orphans because at the regular school in the town (school No. 4) the teachers verbally abused them because they are poor. The teacher didn't ever help them and their mother couldn't help them with homework either. At the orphanage, the teachers have reportedly been much better to her children.

The level of education in the Roma-only school in the Roma settlement belonging to Ciorasti village in the district of Vulcănești, also appeared to be inferior. Researchers looked at the notebooks of children in the sixth grade in which children solved very simple mathematical problems (adding, subtracting), problems that are normally given to children in third and fourth grade. According to the school director, Roma children in the school attend irregularly because they travel abroad with their parents. This was the reason for the very poor performance of the students at the exams after completion of ninth grade. In 2006, out of 24 children only 9 passed the exams.

*ERRC field research October 2007-March 2008*

Unequal treatment by teachers who tend to give less attention to Roma children in the classroom not only poses obstacles for the educational achievement of children but also discourages them from attending school. A number of parents testified to the ERRC that their children were placed in the back rows of the class and felt humiliated by this.

In Ialoveni, for example, the father of a Roma boy stated that his 11-year-old son was placed at the back of the class by the teacher where the only other child was also Roma. Instances of ethnically-motivated harassment of Roma children by peers were also reported by a Roma woman activist in Ceadâr Lunga and by parents in Slobozia Mare.

*ERRC field research October 2007-March 2008*

Although there was no evidence during the research that erroneous placement of Roma children in special schools for children with mental disabilities is a widespread practice as in some countries of central and eastern Europe, there are some reports that Roma children who do not have good marks

at school are categorised as having a mental disability although reportedly they do not suffer from such conditions. The ERRC visited two schools for children with mental and physical disabilities in the village of Sarata Noua in the Leova district (for children with light mental disabilities) and in Chisinau (auxiliary school No. 4 for children with medium and heavy mental disabilities). On observation by the researchers, there were very few Roma children (not more than 2-3) in either school. However, there were no reliable statistics on the number of Roma children in either school. Officials in both schools reported that by the official registration based on self-identification there were no Roma children. However, in the Chisinau school some teachers admitted that they could recognise at least two Roma children in the school. In the Sarata Noua school, researchers had the opportunity to talk to several boys in the school yard, who did not appear to have any mental disabilities. Similarly, in the Chisinau school, researchers talked to one Roma boy who was said to have a serious mental disability problem, but who did not appear to have such problem. We believe that some children are misplaced in schools for children with mental disabilities, among which there may also be some Roma children.

### **1.7 Migration and trafficking**

According to the UNDP Report, in the opinion of Roma leaders, the negative social effects of migration on the Roma community are even more obvious due to the fact that Roma often migrate with their entire family, a phenomenon which is not characteristic for the rest of the population. This partly explains why Roma children drop out of schools. The study results reveal that in November 2005, only 12 per cent of Roma households and 12 per cent of non-Roma had at least one member working abroad. These results are significantly lower than the ones presented by many field studies carried out in the Republic of Moldova. For Roma, there is an underestimation due to the migration abroad by the entire family which is specific to Roma migration patterns (as frequently noticed by field interviewers). A more in-depth investigation of such cases was not possible due to logistical reasons and the seasonal character of the migration; the data collection period coincided with the most intense flows of seasonal migrants back to their homes.

According to ERRC field research data, there are reports and information about trafficking of Roma children from Moldova to Russia and other countries. ERRC research did not document such cases. Owing to the sensitivity of the issue, most respondents among the Roma have been reluctant to provide information or even comment. It can also be assumed that lack of information on this issue among the local authorities interviewed in the course of the field research, means that very few Roma children have been repatriated and the authorities never dealt with trafficked Roma children.

Reports by the non-governmental organization Terre des Hommes indicate that there is a problem with trafficking of Roma children from Moldova, especially to Russia. According to this organisation, in the period of January 2005-December 2007, 45 Roma children, ages 1-15, whose parents had Moldovan citizenship, were intercepted in Russia, mainly in Moscow and St. Petersburg.<sup>13</sup> Most of the children were found begging in the streets (35) and five children were forced into labour. Children practically have no access to health care because they are not registered in the local hospitals. The beggars in the streets were intercepted by police and placed in temporary child protection centres in Russia. Children are normally collected from these centres by their parents or other persons who have obtained a power of attorney from the parents, and many children return to the streets. The majority of those children born in the Russian Federation had no birth certificates.

Terre des Hommes helped the Ministry of Education and Youth and the Ministry of Social Protection, Family and Children in organising repatriations. In the period 2005-2007, only 13 of 45 identified children were repatriated. Most of the children (28) identified in the temporary protection

centres in Russia were taken by their parents or persons authorised by parents from these centres and remained in Russia. The biggest number of Roma children (28) were identified in the period 2005-2006, when Terre des Hommes was working together with the government on the project FACT. After the end of the project, the numbers of identified and repatriated children declined with nine children identified in 2007 of which three were repatriated, eight children identified in 2008 none of which were repatriated. Of the repatriated children, eight children were placed in integration programmes in Republic of Moldova. All of the repatriated children have been reintegrated in their families. The rest of the children, at different times were taken by their relatives from the temporary centres. In 2007, two children repatriated in 2006 returned with their parents to the Russian Federation.

### **1.8 Abuse and ill-treatment of Roma minors**

In the course of this research information has been received about the harassment and ill-treatment of Roma minors by law enforcement officials. Such instances have been reported by a Roma activist in Comrat, the centre of the Găgăuzian autonomous territorial unit, and involved ill-treatment by police of Roma youths who were taken into custody on suspicion of dealing in drugs.

Police harassment was also reported by a Roma girl interviewed by the ERRC in the Rusca penitentiary. She stated, "When I was in Bălți with my family, the police often harassed me on the street. I don't think they had a reason. They would stop me 2-3 times per month, and tell me to behave. The police harassed all the Roma kids."

A Roma woman in Ceadîr-Lunga alleged that Roma boys are sometimes beaten by police, especially when taken into custody for some offence. She admitted that this also happens to non-Roma but the latter usually pay to get out, while Roma can't afford this and have to stay in detention longer.

*ERRC field research October 2007-March 2008*

Based on conversations with a Roma girl and a woman in the Rusca penitentiary, the ERRC considers that some Roma minors may face disproportionately high prison sentences. According to the testimony of a 16-year-old Roma girl, she was sentenced to 4.6 years of imprisonment for the theft of a toy. It was her second offence. At the same time, according to the testimony of a 30-year-old Roma woman in the same facility, she was serving a prison sentence of 3.2 years for selling drugs.

While it was not possible to document specific cases of police ill-treatment of minors, respective information suggests that in some parts of the country this is a serious problem. The ERRC and local Roma activists have also documented police abuse of Roma, including minors, in previous years.<sup>14</sup>

### **1.9. Conclusions**

Available socio-economic data about Roma in general reveals high levels of deprivation of Roma and it can be concluded that Roma children are more likely than non-Roma children to be experiencing multiple disadvantages. These indications require systematic assessment of the situation of Roma children and evaluation of the impact of government actions in social domains such as health, education, child protection, etc. on that particular group. Special surveys as well as increased visibility of Roma children through official disaggregated statistical data is needed in order to carry out an effective monitoring of their development and well-being.

Causes for social exclusion and discrimination. For the purposes of designing adequate policy interventions, in addition to gathering data on the status of Roma in various fields, it is essential to study the causes for the social and economic disparities between the Roma and non-Roma, as well as the causes for discrimination on ethnic basis. In order to tackle social exclusion and discrimination of Roma children, it is important to understand the processes by which they are

excluded, e.g. inefficient functioning of institutions, behaviour, and traditions, and the specific features that reproduce the prevailing social attitudes, bias, stereotypes, values, etc. To evaluate the real impact of discrimination, respondents should be provided with detailed questions to allow them to evaluate various aspects of their experiences at school, when applying for jobs, housing, social aid, etc.

Access to social services such as social security and assistance, child care, or long-term care services, etc. is crucial for social inclusion. Roma people face various barriers to accessing these services, for example lack of information, difficulties in filling out and submitting applications for services, and lack of necessary documentation to prove eligibility for services. Information about the extent to which Roma and their children can benefit from general social services provided by the state is essential. However, the situation of the Roma will not be improved by only Roma-specific programmes. It is extremely important to highlight and reach this vulnerable group through the existing national strategies, institutional action plans, and social programmes, etc. taking into consideration available resources and adequate budget allocations.

## **Chapter 2: The rights of Roma and Roma children in Moldova: Review of international and domestic legal frameworks**

### **2.1. Protection of human rights**

#### **Obligations under international law**

Children and young people, as human beings, are entitled to the full range of human rights protections. While these rights are primarily laid down in the UN Convention on the Rights of the Child, they are not limited to this Convention and its Optional Protocols. Children and young people's rights are also defined and protected by many other human rights instruments and mechanisms established by international and regional human rights institutions. The Republic of Moldova is a party to most of the major international and regional human rights treaties. These treaties, which have a legally binding force on Republic of Moldova, provide the minimum internationally-agreed standards on a wide range of civil, political, social, economic, cultural and familial rights that children and young people are entitled to. All of the treaties, regardless of whether they specifically address children or not, apply equally to children and young people and many of their provisions impose significant obligations on government to respect, protect, and fulfil children and young people's human rights. The concluding observations and comments issued by the various treaty monitoring bodies highlight the gaps in implementation of certain rights and set out the basis for a plan of action to address these gaps.

A summary of the instruments binding on Moldova with ratification dates is provided below:

United Nations treaties: The International Covenant on Economic, Social and Cultural Rights (1966)<sup>15</sup>; the International Covenant on Civil and Political Rights (1966)<sup>16</sup>; the International Convention on the Elimination of All Forms of Racial Discrimination (1966)<sup>17</sup>; Convention relating to the Status of Refugees (1951)<sup>18</sup>; Convention against Discrimination in Education (1960); the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)<sup>19</sup>. International Convention on the Rights of the Child<sup>20</sup>; International Convention on the Elimination of Discrimination Against Women.<sup>21</sup>

Council of Europe treaties: The European Convention for the Protection of Human Rights and Fundamental Freedoms<sup>22</sup>; European Social Charter (revised) (1996)<sup>23</sup>; The Framework Convention for the Protection of National Minorities<sup>24</sup>; Council of Europe Convention on Action against Trafficking in Human Beings.<sup>25</sup>

Moldova has not accepted the collective complaints procedure which allows the submission of collective complaints to the European Committee of Social Rights (the body which supervises the implementation of the Revised Charter) by international and domestic NGOs, employers' organisations, and trade unions

#### **Obligations under domestic law**

Moldova's obligations under international human rights law are incorporated in the Constitution of the Republic. The Moldovan Constitution states, "The constitutional provisions for human rights and freedoms shall be understood and implemented in accordance with the Universal Declaration of Human Rights, and with other conventions and treaties endorsed by the Republic of Moldova".<sup>26</sup> International human rights norms take precedence over domestic law if the latter is not in conformity with international law.<sup>27</sup>

In 2003, the Parliament of Moldova adopted Decision No. 415-XV endorsing the National Human Rights Action Plan for 2004-2008 (NHRAP).<sup>28</sup> NHRAP implementation is expected to generate the following outcomes: (a) The effective implementation of international human rights standards in

national law and practice; (b) Strengthening of the legal framework, ensuring the supremacy of law and the independence of the judiciary; (c) Improved protection of political, civil, economic, social, and cultural rights; (d) Faster implementation of ongoing human rights monitoring in Moldova; (e) Improved human rights protection mechanisms; (f) The development of special programs for vulnerable groups (children, the disabled, pensioners, the unemployed); (g) Better awareness of human rights standards and their value for the individual and society; (h) Support to Moldova for increasing human rights awareness and awareness of the means to observe and effectively protect those rights .

The NHRAP gives special attention to certain categories of people whose rights are protected inadequately: (a) the rights of the child and family; (b) women's rights in the context of equal opportunities; (c) the rights of national minorities; (d) the rights of refugees and migrants; (e) the rights of detainees .

## **2.2. Protection of the rights of the child**

### **Obligations under international law**

#### Convention on the Rights of the Child <sup>29</sup>

Moldova has ratified the Convention on the Rights of the Child (CRC) in 1993. The Convention, which is the most comprehensive treaty on the rights of the child, recognises that children are entitled to special care and assistance and that the best interests of the child must be a primary consideration in all actions concerning children. Its basic premise is that children are born with fundamental freedoms and the inherent rights of all human beings. Article 2(1) of the CRC obliges member States to "... respect and ensure the rights set forth in the present convention to each child within their jurisdiction without any discrimination of any kind, irrespective of the child's or his parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status."

In its General Comment No. 5 (2003)<sup>30</sup>, the Committee on the Rights of the Child (CRC) states "the non-discrimination obligation requires States to actively identify individual children and groups of children the recognition and realization of whose rights may demand special measures. For example, the Committee highlights, in particular, the need for data collection to be disaggregated to enable discrimination or potential discrimination to be identified. Addressing discrimination may require changes in legislation, administration, and resource allocation, as well as educational measures to change attitudes. It should be emphasized that the application of the non-discrimination principle of equal access to rights does not mean identical treatment.

The CRC considered the combined second and third periodic report of the Republic of Moldova (CRC/C/MDA/3) at its 1382nd and 1383rd meetings (see CRC/C/SR.1382 and CRC/C/SR.1383) held on 20 January 2009 and adopted, at the 1398th meeting, held on 30 January 2009, the following concluding observations regarding Roma children: [para 25] The Committee is further concerned that Roma children are still victims of discriminatory treatment and have reduced access to education, health and an adequate standard of living. Furthermore, the Committee notes that, although the national medical insurance scheme is designed to assist children from families living in poverty or from families with special needs, these families do not enjoy equal access to health services. [para 29] ... The Committee... remains concerned at the lack of adequate information on the rate of infant mortality among the Roma... [para 30] The Committee recommends that information on infant mortality rates among the Roma be provided as a matter of urgency and be used as a basis for the designing and implementation of programmes to address infant mortality rates among the Roma. [para 62] The Committee is concerned that school enrolment rates of Roma



children are lower than those of non-Roma children at all educational levels, that a significant proportion of Roma children do not attend primary school compared to non-Roma children and that only half of Roma children attend secondary school. The Committee is also concerned at the limited possibilities for instruction in the Roma language.

[para 63] The Committee recommends that the State party: (a) take measures to address ethnic disparities in accessing education; (b) develop and implement strategies and programmes to ensure access to mainstream education for Roma children; (c) ensure that appropriate safeguards are in place to guarantee the optimal enjoyment by Roma children of the right to education.

#### ILO Convention concerning Minimum Age for Admission to Employment (No. 138)

This Convention was ratified by Moldova in 1999. State parties to this convention undertook to pursue a national policy designed to ensure the effective abolition of child labour and to progressively raise the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons. The minimum age as specified by the Convention should not be less than the age of completion of compulsory schooling and, in any case, should not be less than 15 years old (Article 3). States whose economy and educational facilities are insufficiently developed are allowed to lower the minimum age to 14 years old (Article 4).

#### ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182)

This Convention was ratified by the Republic of Moldova in 2002. It requires each member to design and implement programmes of action to eliminate as a priority the worst forms of child labour. These forms include slavery, forced or compulsory labour, prostitution, offering of a child for illicit activities such as drug trafficking, work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children.

#### **Obligations under domestic law and policy**

The right of children to protection is guaranteed by the Constitution of the Republic of Moldova in several places: Article 49(2) states “The State shall protect motherhood, children, and the young and promote the development of the institutions required to put that protection into effect.” Article 50(1) stipulates “Mothers and children have the right to receive special protection and care. All children ... shall enjoy the benefits of the same social assistance”. Article 50(2) guarantees “Children and young people enjoy a special form of assistance in the enforcement of their rights.”

The Law on the Rights of the Child in the Republic of Moldova<sup>31</sup> has special provisions concerning family and parents, protection of children in different situations, international collaboration in the field of children’s rights protection, and responsibility for the violation of legal provisions. Similarly, the Family Code<sup>32</sup> contains provisions for the protection of children’s rights (chapters 9, 10, 17, 20) and stipulates the rights and obligations of parents (chapter 11).

Both the National Concept for the Protection of Children and Family (No. 51, approved by the Government on 23 January 2002) and the National Strategy for the Protection of Children and Families (No. 727 approved by the Government on 16 June 2003) state the principle of non-discrimination and equality. One of the objectives of the National Strategy on Child and Family Protection is to develop/harmonize the legal framework on child and family protection and ensure the implementation of the UN Convention on the Rights of the Child and other national and international legislation on child and family rights.

The National Strategy refers to all children from the Republic of Moldova paying special attention to children in difficulty: abandoned, abused, mistreated, neglected, street children, children with

disabilities, children deprived of parental care, orphans, children from institutions and at risk of institutionalisation, children infected with HIV/AIDS, children in conflict with the law, children victims of abuse and /or trafficked, and children from vulnerable families.

Roma children, as other ethnic groups, are not identified as a separate vulnerable group by the National Strategy.

Other more recent government policy measures include the National Strategy of Common Actions for the Support of Children in Difficulties for 2007 – 2009 (Decision of the Government from 20 July 2007) and the National Plan of Common Actions for the Support of Children in Difficulties for 2007 – 2009 (Decision of the Government from 03 September 2007).

### Social protection

The Constitution of the Republic of Moldova guarantees social assistance to children and youth (Article 50(3)).

The State provides the following types of allowances to families with children: a single allowance at childbirth; a monthly allowance for raising/taking care of the child until the age of 1.5 (or 3) years old; a monthly allowance for supporting a child between the ages of 1.5 (or 3) and 16; and an allowance for taking care of a sick child.<sup>33</sup> Article 7(1)(a) of the Law on Special Social Protection for Special Categories of the Population<sup>34</sup> provides for nominal compensation for families with four or more children until they reach the age of 18, if they continue their studies in an educational institution, or until they graduate from the above mentioned institutions, but not past the age of 23 years old.

According to the Government report to the Committee on the Rights of the Child (2007), social support for children does not effectively prevent poverty. Children constitute 28 per cent of the poor population and 80 per cent of poor children live in rural areas. The poverty rate among children in 2005 was 34.5 per cent, and 20 per cent of the total number of children suffered from malnutrition. Both indicators increased compared to 2004. Compared to 2004, in 2005, the incidence of poverty among children increased by 4.7 per cent and the incidence of food poverty increased by 2.8 per cent.<sup>35</sup>

In December 2007, the Parliament of Moldova adopted the National Development Strategy for the years 2008-2011 (NDS) which is Moldova's main medium-term instrument for improving quality of life and translating EU's *acquis communautaire* into national legislation.<sup>36</sup> The NDS is also the instrument for achieving the Millennium Development Goals (MDG). Some of the MDG are specifically relevant for the rights of the child such as reduction of child mortality and achievement of universal access to general secondary education.<sup>37</sup>

The national medium-term priorities identified by the NDS do not specifically include the rights of the child, although some of these priorities are broadly relevant with respect to the rights of the child. For example, the priority of Strengthening Democracy Based on the Rule of Law and Respect for Human Rights Principles identified such problems as domestic violence, trafficking, and access to justice.<sup>38</sup> In terms of Developing Human Resources, Providing for Employment Opportunities and Promoting Social Inclusion, the NDS deals, among other things, with improving the access of children from poor families to public education and improving access to health services.<sup>39</sup>

The NDS does not tackle the issue of ethnic discrimination and its effect on social inclusion and development, neither does it identify Roma as a vulnerable group.

### Children deprived of their family environment

Children deprived of parental care can be adopted, placed with a guardian, in a foster care home, or in an institution as a measure of last resort. The assessment of the child's family situation is carried out by the District Council Commission for the Protection of Children in Difficulty which makes a proposal for provision of family support, provision of community-based services, placement in foster care, or placement in an institution. For children with disabilities, a medical psycho-pedagogical commission examines the child. The final decision on the protective measures to be taken is made by the Ministry of Education and Youth.

The government report to the UN Committee on the Rights of the Child (2007) notes that the Republic of Moldova does not have a well-developed or well-defined national system for preventing institutionalisation, but legislation currently in force defines institutionalisation as the final solution for the protection of the child in various difficult situations.<sup>40</sup> The report provides data about the numbers of children in residential institutions, in foster care, and in community-based social services. The data indicates that the number of children in institutions is disproportionately high compared to children in foster care or children for whom community-based services are provided. The data in the report is not disaggregated by ethnicity and the numbers of Roma children cannot be specified.

#### Special protection measures

Law.184-XVI of 29 June 2006 provides for excluding detention as a form of punishment and minimum punishment from a number of articles in the Criminal Code, thus increasing the number of offences for which alternative punishments shall be applied and reducing the number of prisoners. Article 75 of the Criminal Code stipulates that if a juvenile committed a minor or less serious offence, punishment is to be applied only if educational measures are not sufficient to correct behaviour. According to Article 93 of the Criminal Code, juveniles convicted of a minor offence or a less serious or a serious crime may be released from punishment by the court if the court finds that the goals of the punishment can be accomplished through placement in a specialized correctional institution or through educational measures. Article 109 of the Criminal Code, stipulates that reconciliation is an act that releases a person from criminal liability for a minor offence or a less serious crime and in the case of juveniles, for a serious crime as well.

Law 134-XVI, in force since 14 June 2007, introduced the institution of mediation. Article 276(1) of the Criminal Code of Procedure also provides a list of offences that can be solved by reconciliation.

With regard to prevention of trafficking, the government report to the Committee on the Rights of the Child (2007) just mentions increased control on the legality of state border crossings and a 24-hour hotline in the border guard service where persons can report missing child.<sup>41</sup>

### **2.3. Protection against racial discrimination and promotion of equality**

#### **Obligations under international law**

##### Convention on the Elimination of All Forms of Racial Discrimination (CERD)

The CERD provides universal protection against discrimination.<sup>42</sup> States party to this Convention committed to engage in no act or practice of racial discrimination against individuals and groups and to ensure that public authorities and institutions do likewise; to review government policies, national and local, and to amend or repeal laws and regulations which create or perpetuate racial discrimination; to prohibit and put a stop to racial discrimination by persons, groups, and organizations; and to encourage integrationist or multi-racial organizations, as well as to discourage anything which tends to strengthen racial division

In 2000, the Committee on the Elimination of Racial Discrimination, which supervises the implementation of the Convention, issued General Recommendation 27 'Discrimination against Roma' which urges governments to undertake general legislative and policy measures as well as specific measures in such areas as protection against racial violence, measures in the field of education, measures to improve living conditions, etc.<sup>43</sup>

#### UNESCO Convention against Discrimination in Education

Moldova succeeded to the Convention in 1993. The Convention prohibits “any distinction, exclusion, limitation, or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition, or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular: (a) Of depriving any person or group of persons of access to education of any type or at any level; (b) Of limiting any person or group of persons to education of an inferior standard; (c) Subject to the provisions of Article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or (d) Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man.”<sup>44</sup>

#### European Convention on Human Rights and Fundamental Freedoms

Moldova is a party to the European Convention on Human Rights and Fundamental Freedoms since 1997 and is bound by the jurisdiction of the European Court of Human Rights (ECHR). Article 14 of the ECHR prohibits discrimination on the basis of ethnic origin, among others, in the enjoyment of the rights and freedoms set forth in the Convention. Protocol 12 of the ECHR provides general protection against discrimination in the exercise of any rights guaranteed by law. On 4 November 2000, the Republic of Moldova signed Protocol No. 12 to the ECHR. As of December 2007, it has not been ratified.

#### EU equality directives

The principle of non-discrimination is strongly grounded in the EU's *acquis communautaire*. The 1997 Treaty of Amsterdam introduced Article 13, a general anti-discrimination clause. The Council of the European Union, which is the EU's premiere legislative body, used the competence it had been given under Article 13 to adopt the Employment Equality Directive<sup>45</sup>, which prohibits discrimination in employment and occupation on the grounds of religion or belief, disability, age, or sexual orientation. The Council also adopted the Race Equality Directive,<sup>46</sup> which prohibits discrimination on grounds of racial or ethnic origin in employment, training, education, and access to social security, health care, social advantages, and goods and services, including housing. Member states are to implement the Directives directly into their national laws and practices to strengthen protection against discrimination based on racial or ethnic origin. Member states must also ensure that the domestic legal order includes the possibility of sanctions for discriminators and compensation for victims. States are additionally required to designate a body or bodies for the promotion of equal treatment.

Under the EU-Moldova Action Plan, Moldova has an obligation to adopt anti-discrimination legislation in accordance with European standards.<sup>47</sup>

#### **Obligations under domestic law**

Protection against discrimination on racial/ethnic grounds is guaranteed by the Constitution and provisions in several laws. Article 16 of the Constitution of the Republic of Moldova prohibits discrimination “on the grounds of race, nationality, ethnic origin, language, religion, sex, political

opinion, property, or social origin to all persons within Moldovan jurisdiction”. Under Article 176 of the Criminal Code, an infringement of the rights and liberties set forth by the Constitution and other laws, on the basis of race, colour, and ethnic origin, among others, constitutes an offence punishable by a fine of 300 to 600 conventional units or imprisonment for up to three years, in both cases with (or without) forfeiture of the right to hold certain positions or exercise a certain activity for a term of two to five years. According to Article 346 of the Criminal Code, actions to limit the rights of citizens or concession of privileges to citizens on grounds of their ethnic or racial identity, as well as deliberate actions that might cause ethnic or racial discord are offences punishable by law. This article however only prohibits the violations of citizens’ rights by public officials.

Article 4 of the Law on the Rights of the Persons Belonging to National Minorities and the Legal Status of Their Organisations of 19 July 2001 states: “The state guarantees equal rights of the persons belonging to a national minority before the law and the protection of law. Discrimination of national minorities is prohibited”.

Article 3 of the Law on the Rights of the Child, guarantees “equal rights without any distinction of race, nationality, ethnic origin, sex, language, religion, property, or social origin”.<sup>48</sup>

The Labour Code, in Article 5, sets forth the principle of equal rights and opportunities and the principle of non-discrimination as two of the basic principles applying to labour relations. Article 8 prohibits any direct or indirect form of discrimination on the grounds of, among other things, race, national origin, and religion. Several other laws contain a general prohibition of discrimination based on the grounds of, among other things, race/ethnicity – Law on Education (Articles 4, 6); Housing Code (Article 10); the Health Care Act (Article 17); and the Electoral Code (Article 3).

As noted by several international bodies, the Republic of Moldova does not have an effective legal framework for combating racism and discrimination. The existing anti-discrimination provisions in civil and administrative law have a declarative nature and lack essential elements in accordance with the Council of Europe standards as laid out by General Policy Recommendation 7 of the European Commission against Racism and Intolerance<sup>49</sup> as well as in accordance with the EU equality directives (Race Equality Directive and Employment Equality Directive). There are no definitions of direct and indirect discrimination, nor provision for reversal of burden of proof in cases when prima facie discrimination is established, nor effective sanctions for discrimination, etc.

According to a recent report by the United Nations Committee on the Elimination of Discrimination against Women, discrimination constitutes an area of concern as “neither the general populace nor the legal professionals in Moldova have a clear understanding of discrimination either as a violation of law or as a social phenomenon” and “the reticence to use the term 'discrimination' presents a challenge to a constructive public discourse about the issue”.<sup>50</sup>

Complaints for racial/ethnic discrimination can be filed with parliamentary advocates through the Centre for Human Rights which is a national independent institution. The parliamentary advocates however have limited powers to investigate complaints and no powers to impose sanctions. Parliamentary advocates can act on their own initiative in cases of serious or widespread violations of constitutional rights or freedoms or in cases when the affected individuals are unable to use on their own legal means for protection. As of the end of 2007, there has been no investigation on issues concerning racial/ethnic discrimination by the parliamentary advocates. According to information from the Centre, in 2007, there were only two complaints dealing with discrimination against Roma – one concerning access of Roma to public places (bars) and another one concerning harassment of Roma students by a school director.<sup>51</sup>

In 2007, a coalition of NGOs, in collaboration with the OSCE Mission to Moldova, have discussed and written a draft anti-discrimination law.<sup>52</sup> As of December 2007, the anti-discrimination law has not been adopted.

The Bureau for Interethnic Relations is the administrative body in the central government which is mandated with promoting State policy on minorities as well as representing minorities' interests when State policies on minorities are written. International monitoring bodies have noted that the Bureau lacks financial and human resources to pursue its goals effectively.<sup>53</sup>

#### **2.4. Government reporting to UN treaty bodies on the situation of Roma in Moldova**

In recent years, the government of Moldova submitted two periodic reports on the implementation of United Nations treaties to the Committee on the Elimination of All Forms of Racial Discrimination and the Committee on the Rights of the Child.

Both reports contain very scarce information on Roma in Moldova, do not provide an objective assessment of their situation, and lack data disaggregated by ethnicity to allow assessment of Roma access to fundamental rights. The reports also reveal the absence of a systematic policy for the integration of Roma.

The report to the Committee on the Rights of the Child (2007) mentions Roma in the context of a study in 2001 which maintained there was no interest among Roma to study their mother tongue at school. Although the government provided various data about the status of children (e.g. numbers of children in state care, levels of poverty among children, school drop-out rates, etc.) which is disaggregated in some instances by gender and nationality, there is no specific information about Roma children. The other mention of Roma children in the report is in relation to the Government Decision of December 2006 for the adoption of the Action Plan for the Support of Roma in the Republic of Moldova.

The Seventh periodic report to the Committee on the Elimination of All Forms of Racial Discrimination (2006) referred to the situation of the Roma with respect to police abuse, access to employment, and education and health care. Except for noting "a racist attitude is reflected in the selective detention of persons who differ visually from the rest of the population, frequent checking of identity cards and home visits"<sup>54</sup>, the report did not mention discriminatory treatment of Roma as a problem. The government failed to provide an objective presentation of the obstacles facing Roma to integrate in society or an explanation of the situation of Roma; the 'difficult Roma/Gypsy issue' was explained by "the low awareness that this group of the population has of being an integral part of the society".

With regard to unemployment, the report referred to a study on unemployment among Roma without providing concrete data. The reasons for the high unemployment rate among Roma do not include discriminatory treatment by employers, both public and private. With regard to access to health care, the government report mentions studies carried out by the Ministry of Health and Social Protection without providing concrete results apart from the conclusion that Roma need more instruction on healthy lifestyles. Finally, with respect to education, the report acknowledged high drop-out rate of Roma children from school but did not provide explanation for the reasons and was vague on the measures taken by the Ministry of Education, Youth and Sports. The report mentioned that 15 per cent of the state scholarships for higher education are reserved for Roma but did not specify how many Roma, if any at all, have taken advantage of this advantage.

## **2.5 Implementation of Moldova’s human rights obligation with respect to Roma and Roma children**

The Roma in Moldova have been identified as a group that is particularly vulnerable to human rights violations, involving discriminatory treatment, by a number of international and European bodies monitoring states’ compliance with human rights standards. The most common concerns with regard to Roma children in particular refer to exclusion from education, segregated schooling, vulnerability of Roma children to police ill-treatment, and discrimination in the criminal justice system.

European Commission against Racism and Intolerance (ECRI). In its Third periodic report on Moldova (2007), ECRI notes “the situation of Roma in Moldova has not improved overall since the publication of its previous report... There are allegations that some Roma are prevented, because of their ethnic origin, from accessing employment and public places... There are also allegations that the police discriminate against Roma, particularly in on-the-spot identity checks.”<sup>55</sup>

The report contains a specific section on the education of Roma children, noting “the problem of racist stereotypes and prejudice sometimes existing among teachers or non-Roma parents, and which discourage Roma children from attending mainstream schools.” The report expresses concern about reports “that there is a problem of *de facto* school segregation: there are schools located in Roma villages that are mainly – or even exclusively – attended by Roma children. According to Roma representatives, in such schools the resources are even fewer, the material conditions even harsher, and the lack of qualified teachers even more problematic than elsewhere in the country. For all these reasons, the school attendance of Roma children is generally low and there are very few pupils who finish secondary school and even less who start higher education.”

Council of Europe Committee of Ministers. In its Resolution on the implementation of the Framework Convention for the Protection of National Minorities by Moldova (2005), the Committee of Ministers concluded “in spite of the efforts made by the government, the situation of the Roma remains a cause of concern in terms of equality and freedom from discrimination, and of effective participation in the socio-economic life of Moldovan society, education, and decision-making.”<sup>56</sup>

Committee on Economic, Social and Cultural Rights. In its Concluding Observations on the implementation of the International Covenant on Economic, Social, and Cultural Rights by Moldova in 2003, the Committee called on the government to improve job opportunities for young people, women, and Roma people. It also recommended that the government should allocate resources for the provision of social housing, especially to the disadvantaged and vulnerable groups, including the Roma. The Committee recommended that the government undertake a study on the problem of homeless people and to report back on its findings in its next periodic report.<sup>57</sup>

Committee on Elimination of Racial Discrimination. In its Concluding Observations on the implementation of the CERD by Moldova from 2002, the International Committee on the Elimination of All Forms of Racial Discrimination noted “reports of police violence against persons belonging to minority groups, in particular the Roma population” and recommended “the State party take all necessary measures to prevent and punish excessive use of force by law enforcement officials against minorities. Steps should also be taken for the education and sensitization of law enforcement officials about the provisions of the Convention...”<sup>58</sup>

The Committee also noted “reports that minorities experience discrimination in the areas of employment, housing, education, and health care. It is also concerned at reports that the Roma population is sometimes denied access to, and service in, places intended for the general public” and recommended “the State party undertake effective measures to eradicate practices of discrimination

against minorities and, in particular, the Roma population. It also recommends that the State party include in its next periodic report information on the impact of the measures taken to improve the situation of the Roma population, in the light of general recommendation XXVII.”<sup>59</sup>

In the Concluding Observations of the Committee on the Elimination of Racial Discrimination CERD/C/MDA/CO/7, adopted in March 2008<sup>60</sup>, it is noted that school attendance is low and drop-out rates are high among Roma children, as well as about reports that only very few Roma students have received State scholarships for higher education and that none has been admitted under the 15-percent quota of the total number of places in higher education (for each subject, profession, and type of college) that have been reserved for certain disadvantaged groups including the Roma. (art. 5 (e) (v)). The Committee recommends to the State party that it provide financial support to Roma families to cover the cost of school books, transport, and other indirect costs of schooling; offer special Moldovan language classes for Roma children; cater for the needs of Roma pupils whose parents work as seasonal workers abroad; include the Roma language and culture in school curricula; and continue and intensify its efforts to raise awareness among Roma families about the importance of education starting from pre-school. It also recommends that the State party make full use of available scholarship schemes and quotas to increase Roma participation in higher education.

Committee on the Rights of the Child (CRC). In their 2002 Concluding Observations regarding Moldova’s implementation of the Convention on the Rights of the Child, the Committee on the Rights of the Child noted the following concerns: “The Committee is concerned that, despite pilot programmes aimed at improving the situation of the Roma in certain provinces, they still suffer from widespread discrimination which has in some instances curtailed Roma children’s right to education, health and social welfare. The Committee recommends further that the State party: (a) Initiate campaigns at all levels and in all provinces aimed at addressing the negative attitudes towards the Roma in society at large and in particular amongst authorities and professionals providing health, education and other social services; (b) Develop and implement a plan aimed at integrating all Roma children into mainstream education and prohibiting their segregation in special classes, and which would include pre-school programmes for Roma children to learn the primary language of schooling in their community; (c) Develop curriculum resources for all schools which include Roma history and culture in order to promote understanding, tolerance and respect of the Roma community in Moldovan society.”<sup>61</sup>

The CRC further noted “that the principle of non-discrimination is not fully implemented for children living in institutions, children with disabilities, street children, children with HIV/AIDS, children of Roma origin and other ethnic minorities, especially with regard to their access to adequate health care and educational facilities”. It recommended that the State party should, (a) Monitor the situation of children, in particular those belonging to the above-mentioned vulnerable groups who are exposed to discrimination; (b) Develop, on the basis of the results of this monitoring, comprehensive strategies containing specific and well-targeted actions aimed at eliminating all forms of discrimination.<sup>62</sup>

In a general Comment concerning Moldova’s legislation for the protection of the rights of the child, the Committee expressed concern because “the principles of non-discrimination, the best interests of the child, the right to life, survival and development of the child and respect for the views of the child are not fully reflected either in the State party’s legislation and administrative and judicial decisions, or in policies and programmes relevant to children at both national and local levels”.<sup>63</sup>

## **2.6 Conclusions**

The obligation of the Republic of Moldova to respect, protect, and fulfil the rights of Roma children arises from a number of international and European instruments on human rights, on the rights of the



child, and on protection against racial or ethnic discrimination. The implementation of these obligations requires the government to monitor the situation of Roma children by systematically collecting data about their wellbeing and to implement special measures to ensure that Roma children have equal access to the rights and opportunities available to other children. The implementation reports submitted by the government to several international monitoring bodies, however, indicate that the government does not have comprehensive information about access of Roma children to fundamental rights and to the special protection they are entitled to by the state. Although the government has enacted legislation for the protection of children and set up institutions to that effect, the authorities have failed to demonstrate that Roma children can equally benefit from these measures. Moreover, the government does not recognise a wide range of discriminatory practices affecting Roma in general and Roma children and has not developed legal and institutional mechanisms to remedy such practices. Failure of the government to address the inequalities facing Roma and Roma children in Moldova was noted in recent years by a number of international bodies monitoring states' implementation of human rights obligations. The concluding observations and comments issued by the various treaty monitoring bodies highlighting the issue of Roma children should be immediately addressed by the government.

## **Chapter 3: Government policies for the integration of Roma**

### **3.1 The Government Action Plan for support of Roma in the Republic of Moldova**

The Government Action Plan for support of the Roma in the Republic of Moldova for the Period 2007-2010 was adopted in December 2006 and it is a major policy document on Roma in Moldova. The Plan outlines government actions for improving the situation of Roma in five thematic areas: education, culture, health and social protection, employment, and public order. In addition, the plan lists a number of general measures such as supporting studies on the situation of Roma, monitoring the implementation of the actions plans of the line ministries responsible for the activities in the Government Action Plan, and supporting the participation of Roma organisations in the realisation of policies and projects on Roma.

The Government Action Plan is an important first step towards designing a strategy for systematic actions by public authorities to confront high levels of social exclusion of the Roma. However, this document suffers from major deficiencies both in its substantive part and in the financial resources for its implementation.

Contents. The Government Action Plan does not take a comprehensive and detailed approach to the problems facing Roma in Moldova. First, it does not contain a narrative section explaining what the problems are and providing justification for the measures elaborated in the plan. Furthermore, the Plan does not include areas of key importance for Roma in Moldova such as housing. Despite abundant evidence that a part of the Roma community lives in extremely substandard conditions and in some places, the Roma live in settlements which are not included in the town plans, these problems are not tackled by the government in the Action Plan. Crucially, the Plan has omitted any reference to discriminatory treatment of the Roma in various fields and has not provided any measures to combat discrimination. Finally, the Plan does not include measures to improve the situation of Roma children.

The areas covered by the Government Action Plan present a list of activities which are neither comprehensive, nor articulated in clear terms.

Education. The education section is most elaborate, providing seven measures in total. Nevertheless, this section is not well-developed as most of the measures in it are phrased in general terms and some of the measures are not directly related to the goal of improving the educational status of Roma. For example, the task of conducting studies on the language, culture, and social integration of Roma is a general task rather than education-specific one and concerns education only marginally. Three out of the seven measures concern activities on language, culture, and history of Roma.

While language and history are undoubtedly very important for Roma integration, they are not the most crucial factors. This aspect of the educational measures is emphasised disproportionately at the expense of other measures of central importance for the integration of Roma children in the educational system. For example, the whole period of pre-school, primary school, gymnasium, and lyceum is covered by just one measure. Moreover, the measure concerns work with parents only and does not mention any activities targeted at educators, school administrators, and local authorities. The vague formulation of this measure, 'action concerning the education of Roma in pre-university education', is not helpful for monitoring and assessing the progress in the implementation. It does not reflect specific objectives and goals to be achieved.

One of the measures in this section raises particular concerns as it envisages support for schools in which Roma children are the majority of the student body. The government has indicated that it plans to maintain these schools despite evidence that the quality of the educational process in these schools is much lower as compared to standard schools and despite the fact that these schools, being

de facto ethnically segregated, deprive Roma and non-Roma children of the benefit of intercultural education.

The Plan also lacks measures to promote participation of the Roma in higher education.

Health and social protection. This part of the Government Action Plan which is supposed to deal with social protection does not tackle one of the most egregious forms of violation of the rights of Roma children – widespread child labour as a result of the extreme poverty of Roma families. Instead, the section lists material assistance to Roma families, a measure which applies to the general population and not specifically to Roma. At the same time the Government Action Plan fails to specify measures to ensure that Roma can access the existing general social protection measures.

The other measures concerning health and social protection are general and some of them are formulated as goals to be achieved rather than concrete activities. For example, the measure “ensuring Roma access to medical assistance” does not make it clear what exactly the government plans to do in order to achieve this goal.

Employment. The measures in this part are limited and some of them pose questions as to their relevance for increasing employment among the Roma. For example, two out of the total of four measures dealing with employment relate to support for traditional crafts of the Roma. The effectiveness of this measure is questionable because it is very likely that the market for many traditional Roma crafts does not exist any more or is severely limited. At the same time, the employment section does not deal with the crucial issue of skills training for the Roma in professions for which there is a market demand. Exclusion of Roma from employment due to discrimination by employers is not tackled by the Government Action Plan, either.

Public order. The inclusion of a section on public order in the Government Action Plan is very problematic in itself because it reinforces stereotypes of Roma as violators of public order. Criminal prevention is a responsibility of the law enforcement organs which apply equally to Roma and non-Roma. The assumption that Roma are more likely to engage in criminal activities than non-Roma is based on prejudice and results in discriminatory treatment of the Roma by law enforcement officials. This aspect of the Roma's situation in Moldova is acknowledged in the government report to the UN Committee on the Elimination of Racial Discrimination.<sup>64</sup>

Some of the measures in this section also raise problems concerning respect for the human rights of the Roma. For example, registering crimes by the ethnic origin of the perpetrators when they are Roma is conducive to reinforcement of prejudice against Roma and, subsequently, to discriminatory profiling of Roma by police.

One of the measures concerns prevention of trafficking in children, although the problem of trafficking in children affecting Roma children in Moldova is not identified as such in the Government Action Plan. Roma children are especially vulnerable to trafficking due to a number of factors and prevention of trafficking requires a more comprehensive approach. Measures to ensure that trafficked Roma children can fully benefit from rehabilitation services should also be specified.

Targets and indicators. The Action Plan does not provide targets to be met for the activities. There are no indicators to measure progress, either. In the absence of these, it is impossible to monitor and assess the implementation of the activities envisaged in the Plan.

Deadlines. Most of the deadlines in the Action Plan are 'permanent' which indicates that the government did not envisage short-term objectives, evaluation, and amendments to the Plan if necessary. Given the general formulation of tasks in the Action Plan, absence of short-term objectives does not help individual ministries in designing their own strategies and is not likely to result in systematic actions.

Funding. The Action Plan does not indicate what are the sources of funding for the measures listed. It does not provide information whether any funds from the state budget will be allocated either. The omission of funding sources seriously questions the overall implementation of the Action Plan measures and does not provide for monitoring of the implementation.

### **3.2 Implementation of the Government Action Plan**

Based on the Government Action Plan, several ministries<sup>65</sup> and other government bodies were tasked with developing their own annual plans and reporting on implementation. The review of the Action Plans of individual Ministries for 2007 and 2008 reveals that these documents replicated the deficiencies of the Government Action Plan 2007-2010. The individual Action Plans lack concreteness. In many instances, the general measures in the Government Action Plan are simply reiterated in the individual ministerial plans. They overlook crucial areas of intervention, do not provide any indicators for measuring progress, and do not specify funds allocated for the implementation of the respective activities.

The Action Plan of the Ministry of Culture and Tourism stands out with most concrete measures, although such measures are not necessarily the most urgent ones required for addressing social exclusion of Roma. Furthermore, some of these measures do not concern Roma specifically.

Particular concern is raised by the Action Plan of the Ministry of Education and Youth which, in its second point, envisages the possibility of organising primary, secondary, and professional education institutions for Roma. Although there is no elaboration in the Plan of either the need for such measures or of the specific implementation, the prospect of establishing separate institutions for Roma threatens to worsen the educational situation of Roma. The existence of Roma-only education facilities or education facilities in which Roma are the prevailing number of students has been condemned in most central and eastern European countries as a form of discriminatory exclusion of Roma from mainstream education. It should be noted that some international monitoring bodies have expressed concern in recent years over the existence of de facto segregated school facilities for the Roma and called on the government to eliminate segregated education of Roma children.<sup>66</sup>

Reports on the implementation of the Government Action Plan, provided by several ministries, reveal that there have been no coordinated and consistent actions on Roma inclusion in 2007. These reports, generally consisting of 2-3 pages, listed a few haphazard actions, without a clear strategy or goal. There has been no assessment of the effects of these actions. In many instances, the reports did not even provide the numbers of Roma beneficiaries. Many of the reported activities were general measures, not specifically targeted at the Roma. Due to lack of any data, it has not been possible to evaluate the impact of these general measures on the Roma. While it would be logical to assume that the Roma would benefit from general social welfare policies, this is not the case with individuals and families suffering from high levels of social exclusion. Discriminatory treatment of Roma people by public officials also poses barriers for equal access to social services.

The Ministry of Interior (MI) reported that in 2007 and early 2008 the Ministry did not register any cases of discrimination. All complaints brought by citizens against employees of the Ministry were under investigation. The information provided by the MI, however, did not specify the number of complaints registered by Roma and what kind of police abuse was alleged.

A positive initiative has been the specialised human rights education for law enforcement officers working in areas with a dense Roma population. The areas where such training took place were: Bălți, Basarabasca, Cahul, Călărași, Cimișlia, Comrat, Ceadâr-Lunga, Edineț, Florești, Hîncești, Ialoveni, Ocnița, Orhei, Nisporeni, Rîșcani, Sîngerei, Sorocea, Strășeni, and Ungheni.

The Ministry of Economy and Trade (MET) reported seminars with Roma organisations organised by the Labour Agencies in Chisinau and Cahul. The participating Roma organisations were Amă Roma, Romani Group, Tărnă Rom, and Ograda Noastra. It was reported that 82 Roma were registered with Labour Agencies and six of them were employed. Professional orientation and consultations were organised for 115 Roma persons. Unemployed Roma who want to learn a profession were assigned to professional training courses and eight people graduated the courses (1 accountant, 2 hair dressers, 1 chef, 2 tailors, and 2 house painters). Seventeen Roma participated in seminars for job orientation; 13 Roma were involved in public work programmes; 82 Roma benefited from labour mediation; 7 Roma benefited from electronic labour mediation; 5 informative seminars were organised with the participation of 75 Roma persons. Although the Roma benefit from the services of the Labour Agencies, many do not want to be registered as Roma.

The Ministry of Informational Development (MID) provided information on measures to ensure the registration of children at birth, which are general measures. Hospitals submit information about new births to the territorial registry office on a monthly basis. The registry office then notifies local authorities to ensure that all birth certificates are registered with them. The ministry noted that in the notice of issuing a birth certificate, the ethnic origin of the person is not indicated and that it is not possible to keep records of Roma children. As a result of cooperation between the territorial registry office and the local authorities, the number of registered children in 2007 increased. However, the increase was not specified in absolute numbers or as a percentage.

The Ministry of Health (MH) reported reconstruction of medical centres in dense Roma settlements (Huzun and Stejareni, Straseni district; Vulcanesti village, Nisporeni district; and Bursuc, Nisporeni district). Family doctors and nurses from the health centres in Micleuseni and Lozova, Straseni district, were instructed to visit regularly the residents of these communities in order to assist with immunization, to supervise the health condition of children up to one year of age and pregnant women, and to assist individuals in accessing hospital treatment. The reparation of the medical centre in Vulcanesti village, Nisporeni district, had been carried out in cooperation with the Roma Students Association.

Measures for prevention of early childhood diseases were reported, however, it is not clear whether these are general measures or Roma-specific measures. The measures included free provision of Vitamin D<sub>2</sub> and Hemofer to prevent rickets and anemia as well as free provision of medicine for children 0-5 years of age. It was not specified whether these measures were implemented country-wide or in certain areas only.

The Ministry report notes that despite measures in the field of health promotion, the health status of Roma is problematic. One of the major reasons was frequent migrations of Roma which pose obstacles for regular supervision of diseases, prevention, and treatment. In the case of Roma women, late registration of pregnancy is common and as a result, pregnancies are not properly supervised. Some Roma women also give birth at home.

The Ministry of Social Protection, Family and Children (MSPFC) was partner in the project for training of socio-health mediators, implemented by the Tărnă Rom with financial and methodological support from the Council of Europe and the Embassy of the Norway. Twelve Roma mediators were trained from the districts of Cahul, Calarași, Drochia, Hîncești, Orhei, and Soroca. The training also included prevention of trafficking. The socio-health mediators seem to have a broad mandate including issues such as Roma access to medical care, social assistance, mediation between Roma communities and police, and prevention of domestic violence and trafficking.

In 2007, the MSPFC in cooperation with the non-governmental organisation Terre des Hommes repatriated five Roma children who had been trafficked for begging to the Russian Federation.

### **3.3 Recommendations of international /European institutions on positive action for Roma**

In recent years, United Nations and Council of Europe bodies have developed a number of recommendations for remedying the social exclusion of and discrimination against the Roma in various areas. As a member state of these organisations, the Republic of Moldova should consider designing policies for the Roma in line with these recommendations.

#### Protection against racially-motivated violence

Racially-motivated violence against Roma/Gypsies has been condemned by the international community and national governments are urged to prevent, investigate, and punish all acts of violence against members of these communities. In 1998, the European Commission against Racism and Intolerance of the Council of Europe issued its General Recommendation No. 3 on combating racism and intolerance against Roma/Gypsies, which calls on Council of Europe member states to “take the appropriate measures to ensure that justice is fully and promptly done in cases concerning violations of the fundamental rights of Roma/Gypsies.”<sup>67</sup> General Recommendation 27 of the UN Committee on the Elimination of Racial Discrimination calls on governments, among other things, “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, 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.”<sup>68</sup> The Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area also specifically addresses the issue of police abuse of Roma/Gypsies and recommends, among other things, that participating states “should develop policies: (1) to improve relations between Roma and Sinti communities and the police, so as to prevent police abuse and violence against Roma and Sinti people; and (2) to improve trust and confidence in the police among Roma and Sinti people.”<sup>69</sup> In 2006, the European Parliament resolution on the situation of Roma women in the European Union highlighted the vulnerability of Roma women to acts of violence and urged public authorities “to promptly investigate allegations of extreme human rights abuses against Roma women, swiftly punish perpetrators and provide adequate compensation to victims” as well as to “ensure that programmes are developed to provide services to Roma victims of domestic violence and exercise particular vigilance with respect to the trafficking of Roma women”.<sup>70</sup>

#### Access to education and training

General Recommendation 27 of the UN Committee on the Elimination of Racial Discrimination devotes a special chapter to measures in the area of education and calls on governments to support the inclusion of Roma/Gypsies in the education system and to curb racial segregation and discrimination in the education system.<sup>71</sup> In 2000, the Council of Europe Committee of Ministers adopted a specific recommendation on the education of Roma/Gypsy children in Europe.<sup>72</sup> The Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area notes: “Education is a prerequisite to the participation of Roma and Sinti people in the political, social, and economic life of their respective countries on a footing of equality with others” and urges governments to take “strong immediate measures in this field.”<sup>73</sup> The two resolutions of the European Parliament on the situation of the Roma in the European Union (2005) and on the situation of Roma women in the European Union (2006) call on member states to ensure that all Roma have access to mainstream education and that Roma women and girls, in particular, have access on equal terms to quality education.<sup>74</sup>

### Access to health care

General Recommendation 27 of the UN Committee on the Elimination of Racial Discrimination urges national governments to “ensure Roma equal access to health care and social security services and to eliminate any discriminatory practices against them in this field”.<sup>75</sup> The Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area also elaborates a number of recommendations in the area of health care and calls on governments to “ensure that Roma and Sinti people have access to health care services on a non-discriminatory basis” and to “promote awareness about the specific needs of the Roma and Sinti population amongst health care personnel”.<sup>76</sup> In 2006, the Council of Europe Committee of Ministers adopted a specific recommendation Rec(2006)10 on better access to health care for Roma and Travelers in Europe, which deals issues such as housing and health, children and health, sexual and reproductive health, and effective access to health care.<sup>77</sup> The 2005 resolution of the European Parliament on the situation of the Roma in the European Union calls on governments “to ensure equal access to health care and social security services for all” and “to end all discriminatory practices” in these areas.<sup>78</sup> The situation of Roma women in health care is highlighted in the 2006 resolution of the European Parliament on the situation of Roma women in the European Union, which urges governments to develop and implement policies to ensure that women even in the most excluded communities have full access to primary, emergency, and preventive health care.<sup>79</sup>

### Access to housing

In recent years a number of international institutions and bodies have called on national governments to comply with their obligations to protect, respect, and fulfil the right to housing with respect to the Roma/Gypsy communities within their jurisdiction and undertake targeted, positive measures to improve the housing situation of Roma/Gypsies. General recommendation 27 of the UN Committee on the Elimination of All Forms of Racial Discrimination, part 4, deals specifically with measures to improve the living conditions of Roma/Gypsy communities.<sup>80</sup> The OSCE Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area also includes specific recommendations to participating states in the area of housing and living conditions for the Roma.<sup>81</sup> In 2005, the Committee of Ministers of the Council of Europe adopted Recommendation Rec(2005)4 on improving the housing conditions of Roma and Travelers in Europe.<sup>82</sup> Also in 2005, the European Parliament resolution on the situation of the Roma in the European Union called upon EU member states to undertake measures “to bring about deghettoisation, to combat discriminatory practices in providing housing, and to assist individual Roma in finding alternative, sanitary housing.”<sup>83</sup> Moldova, as a party to UN treaties and a member state of the Council of Europe, as well as a candidate for EU accession, should take into account these recommendations in developing its own policies for tackling the problem of housing rights faced by Roma communities.

### Access to employment

Endemic discrimination against Roma/Gypsies in employment and their exclusion from the labour market has prompted international concern and calls on national governments to remedy the situation. The 2000 Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area details recommendations to participating states, including promotion of qualified Roma and Sinti in public employment and the development of vocational training programmes, etc.<sup>84</sup> The Committee of Ministers of the Council of Europe dedicated a specific recommendation, Rec(2001)17, to improving the economic and employment situation of Roma/Gypsies and Travelers in Europe.<sup>85</sup> The 2005 Resolution of the European Parliament also urged member states and candidate countries “to

take concrete measures to improve the access of Roma to labour markets with the aim of securing better long-term employment<sup>86</sup>. In 2006, European Parliament on the situation of Roma women in the European Union calls specific attention to the very high unemployment rates among Roma women and urges governments to address the serious barriers posed by direct discrimination in hiring procedures.<sup>87</sup>

### Policies for Roma and travellers

In February 2008, the Committee of Ministers of the Council of Europe adopted Recommendation CM/Rec(2008)5 on policies for Roma and/or travellers in Europe.<sup>88</sup> The Recommendation provides detailed guidance with regard to the development, adoption, implementation, monitoring, and evaluation of the implementation of government strategies on the Roma. The major principles on which policies on the Roma should be based are: a rights-based, comprehensive, dynamic, and integrated approach; recognition of the diversity of Roma communities and their different needs; participation of Roma in all stages of design, implementation, monitoring, and evaluation of strategies concerning them; gender and age balance of Roma representation; effective monitoring of the implementation of the strategy with clear benchmarks and criteria for success; ongoing evaluation and improvement of strategies; and both targeting and mainstreaming approaches are used.<sup>89</sup>

An essential component of the design of government strategies should be a thorough, evidence-based needs assessment carried out by the authorities on the views of Roma NGOs, including women's and youth organisations, as well as NGOs and other relevant bodies working on Roma issues.<sup>90</sup> Regarding the process of development of the strategies, as far as possible, it should be representative of all relevant structures, and should work in partnership with the diverse Roma communities affected by the strategy, as well as with the communities living close to the Roma.<sup>91</sup>

The strategies should be subject to continuous and transparent monitoring and evaluation.<sup>92</sup> Their implementation, monitoring, and evaluation should be secured by sufficient financial resources from the state budget. Hence, a strategy should be adopted only after the consent of the authorities responsible for budget policy and should contain a cost-estimate of the measures proposed.<sup>93</sup> Effective implementation of government strategies can be carried out through adequately staffed and funded implementation mechanisms. In this process, inter-ministerial cooperation and coordination are crucial.

The Recommendation calls on governments to amend national legislation in order to enable positive action measures to mitigate the effect of discrimination on Roma. Positive measures should enable Roma to have an equal access to all levels of education and/or the labour market, and to be hired as advisers in various fields (education, health, housing, employment, etc.).<sup>94</sup> Roma civil society organisations should be involved in the development, implementation, monitoring, and evaluation of policies aimed at improving their living conditions, both at the national and local levels.<sup>95</sup> The implementation of the strategies should be monitored on the basis of pre-set indicators to enable assessment of actions taken over a specific period; the monitoring process should be independent and transparent and involve diverse Roma representation.<sup>96</sup>



### **3.4 Conclusions**

The adoption of the Action Plan for Support of Roma People in the Republic of Moldova for 2007-2010 is a step forward by the government in the design of integration policies for the Roma compared to the 2001 Programme for the integration of the Roma.

Nevertheless, the Action Plan suffers from serious deficiencies and cannot serve as a basis of effective policies. It contains vague and general formulations of activities and does not identify crucial areas of intervention. Some of the measures envisaged are contrary to the declared goal of integration of Roma and other measures are not specifically meant for Roma but for the larger population. There are no targets set to achieve concrete results and no indicators to measure those achievements. Finally, the Action Plan does not specify what funds and from what sources will be allocated for the implementation of the activities.

Overall, the Action Plan is not consistent with the recommendations developed in recent years by inter-governmental organisations on the design of government policies and the types of positive measures necessary for social inclusion of the Roma.

The Action Plans of individual Ministries have not overcome the deficiencies of the Government Action Plan and their implementation cannot be viewed as a coherent and systematic effort to improve the situation of the Roma in any given area.

## **Chapter 4: Major initiatives for support of the Roma and Roma children by international and non-governmental organisations**

### **Social exclusion and discrimination**

In 2004-2006, the Roma organisation Tarna Rom, in partnership with the Ministry of Health and Social Protection and the Bureau for Interethnic Relations, implemented the project Social-Health Mediators for Roma Communities. The project included training 11 socio-health mediators from Roma communities in order to provide assistance to the Roma in accessing health care and social services. The project was funded by the Council of Europe and compensation for the socio-health mediators was provided by Tarna Rom.

Since 2005, the Resource Centre of Moldovan Non-Governmental Organisations for Human Rights and the Roma National Centre have been implementing the project Empowering Rural Roma Communities in Moldova focusing on seven rural Roma communities. The goals of the project are to improve access of the Roma to public services, to promote participation of the Roma in the decision-making process at the local level, and to develop strategies for sustainable development in these communities. The project was supported by the CORDAID.

In 2006, the Roma National Centre implemented the project Roma Kids Have to Be Supported in partnership with the Association of Teachers and parents from the Vulcanesti community. The goal of the project was to support the artistic development of talented Roma children and to organise an exhibition of their works.

In the first half of 2008, the Roma National Centre started implementing the project Anti-Discrimination Politics for the Roma in the Republic of Moldova with support from the Swedish non-governmental organisation, the Helsinki Committee. The project aims to train human rights monitors from the Roma community in various locations and to provide free legal assistance to Roma people who were victims of human rights violations.

In 2008, the Council of Europe launched the project Empowering Roma Communities and Fighting against Anti-Gypsyism, which aimed to safeguard the basic human rights of the Roma in Moldova and to promote access of the Roma to public and social services. The project objectives are to evaluate national policies on the Roma; to train teachers and anti-trafficking mediators; and to start the awareness-raising campaign 'Dosta!'.

### **Anti-trafficking and child protection**

In September-October 2004, the Roma National Centre, in partnership with the International Centre La Strada and the Helsinki Committee of the Republic of Moldova trained young Roma to prevent trafficking with support from the OSCE mission in Moldova.

In 2004, the Swiss Foundation Terre Des Hommes started the FACT project for prevention of trafficking in children and the rehabilitation of exploited children, especially in rural areas. The FACT project is supported by the Medicor Foundation, UNICEF, and the OSCE. Terre Des Hommes assisted in the establishment of 18 local committees to protect children rights in Moldova through dialogue with parents. The purpose of the units is to work with parents to promote the rights of the child and prevent child abuse, exploitation, and trafficking. In early 2008, Terre Des Hommes signed child rights protection agreement with the Chisinau municipal department and with the local administrations of five rural communities to establish child protection units. The agreement also aims to consolidate the work of the local councils for child rights protection and to promote the use of community-based models for child protection by the local councils.

## **Community development**

Starting in 2003, the Roma NGO Tarna Rom has been implementing a project for several Roma communities funded by the Spolu International and Pestalozzi Foundations. The goal of the project is to improve living conditions, including activities such as renovation of houses, water supply facilities and digging wells, garbage removal, etc.

In February 2006-2007, the Roma NGO Ograda Noastra established a Roma youth club for Roma children and young persons from the southern part of the country. The project Why Not Together with Roma Kids aimed at building understanding and good relations between Roma and non-Roma children.

## **Education**

Since 2005, the Spolu International Foundation has supported a project implemented by the non-governmental organisation Political Women's Club 50/50 the aim of which is to create a Roma Children and Youth Network to develop their abilities. In 2007, Spolu supported the training of Roma children in various activities. Since June 2008, the Roma Children and Youth Network has been administered by the 'Porojan' Public association.

In 2007, a pilot project for optional Roma language classes was organised for 20 Roma children in Hincesti (supported by the Project for Ethnic Relations). From September 2008, the optional Roma language classes function in Hincesti and two villages in the Drochia district. The classes are administered by the Porojan Association.

As mentioned above, in 2007, the Roma Education Fund supported a study 'Education Needs of Roma Children in the Republic of Moldova', which was carried out jointly by the Roma NGOs Tarna Rom and Ograda Noastra and the Imas-Inc research institute. The project's goals are to produce information and analysis based on a comprehensive study on the barriers facing the Roma in accessing education as well as to support an awareness-raising campaign among Roma and non-Roma about the importance of inclusion of the Roma in the education system.

## **Monitoring implementation of government policies on Roma**

In 2005, the Roma National Centre was supported by the European Commission to assist in the setting up of task forces for the creation of policies at the local level focused on health and education in the districts of Hînceşti, Nisporeni, and Tiraspol.

Following the adoption of the Government Action Plan in February 2008 a coalition of ten Roma NGOs was supported by the Soros Foundation in Moldova and the Swedish International Development Cooperation Agency to monitor the Plan's implementation. The project Roma Voice aims to develop proposals for the Government Action Plan by the end of 2008.

## **Chapter 5: Key findings and recommendations**

### **5.1 Key findings**

The factors which undermine the realisation of the basic social rights of Roma children in Moldova are the extreme poverty affecting many Roma families compounded by lack of proactive measures by public authorities to mitigate the effects of poverty and social exclusion, as well as discriminatory practices by local authorities.

Roma children often live in substandard and unsanitary conditions and in vulnerable family situations in the care of a single parent or a grandparent. Many of these children are rarely identified by the primary and specialised social services.

While placement of children in institutions is a solution of last resort for the authorities, the very limited alternative social care services do not seem to reach Roma children at all.

The harsh economic deprivation of Roma families results in widespread child labour, with grave consequences on the children's health situation.

Most of the children who start working at an early age have practically no access to education.

Exclusion of Roma children from the educational system is widespread, while those who attend school often experience a substandard level of teaching and may lack basic literacy skills after several years of schooling.

Although the information gathered in the course of this research did not reveal intense and violent discrimination against the Roma in Moldova, there is conclusive evidence that the Roma are not accorded equal treatment in a number of areas.

The impact of discriminatory treatment of the Roma is most detrimental in the area of education because Roma children do not have access to the same quality of education as their non-Roma peers and they are discouraged from attending school.

Extreme poverty is also a cause for the vulnerability of Roma children to trafficking for the purposes of begging. Trafficked children experience inhuman conditions and abuse, and although they are intercepted by police and taken into care, many of them end up in the streets again.

There is evidence of drug abuse among some Roma minors as well as reports of police ill-treatment of Roma minors suspected of criminal offences. Roma minor offenders may be subjected to disproportionately harsh sentences and conditions in some penitentiary institutions for juvenile offenders are inhumane.

#### Roma population

Estimates of the Roma population in the Republic of Moldova, as in other states, remains an open issue. Official population census data (2004) registered 12,271 persons who declared themselves as Roma ethnicity (excluding the Transnistrian region and the city of Bender). Unofficial studies estimate the number of Roma between 15,000 and 27,000.

There are no official data concerning the number of Roma children in Moldova, just as data is lacking on other ethnic groups. Demographic data on Roma children can be found only from unofficial studies. According to those studies, the number of children (0-18 years) is about one third of the total Roma population (between 5,000 and 9,000).

Official data concerning the social development of the population in Moldova do not contain information on the ethnic origin of residents.

Lack of data makes it difficult to analyse the situation of Roma children in the Republic of Moldova and to create specific measures to improve it.

One of the particular traits of Roma children is early marriage, which is a worrying phenomenon (both women and men having a minimum marriage age of 15 years old).

### Poverty and social exclusion

Governmental action for the reduction of poverty do not sufficiently reach the Roma population. The majority of Roma families live in poverty; every second Roma person lives in extreme poverty, and 6 out of 10 live in below the poverty level.

The Roma population remains the most vulnerable ethnic group in Moldova. The poverty risk for Roma is twice as high as for non-Roma. The consumption expenditures per person among the Roma population is one-third lower than the consumption per person in non-Roma families.

Roma families in Moldova have more children than non-Roma families (on average 1.2 versus 0.7). There is a clear correlation between the level of poverty and the number of children in the family, which is a common tendency among all families. For the Roma population, whose families are more numerous, this is a determinant factor of high poverty.

Lack of regular adequate incomes coupled with reduced access to land leads to increased food insecurity for Roma families and Roma children in Moldova.

The extreme poverty of Roma families forces many children to start working at the age of 9-10. Apart from the deleterious effects on the health of the children, early-age working prevents them from attending school.

While Roma children suffer from higher levels of poverty and are disproportionately affected by social exclusion factors, they do not enjoy primary care social services as well as specialised services by the Moldovan state to children in vulnerable situations. Though many non-Roma children, on the request of parents or relatives, are placed in social residential institutions due to inadequate living conditions at home, this does not seem to be the case with Roma children. Roma children who live in extremely substandard conditions are not placed by their parents in these institutions.

### Health conditions

Governmental actions in the field of health protection do have not sufficient effect on the Roma population.

The indices of infant mortality for the Roma population are twice as high as among non-Roma.

11 per cent of Roma children under 14 are not covered by the vaccination programme.

The Roma population remains excluded from the compulsory medical insurance. The majority of Roma are not covered by the insurance system and do not have insurance policies. According to Moldovan legislation, all children are ensured by the state. However, among Roma children, there is a significant gap in coverage by the insurance system. One of the serious barriers of access to health services and coverage by medical insurance is the lack of identification documents (identity cards and birth certificates) for some Roma children. Another factor that explains the differences in access to health services is the distance to the medical institutions, compared to other people from rural communities.

## Housing

Insecure living conditions are a major problem for a significant portion of Roma families. Many Roma households do not have access to a secure dwelling; they live in dwellings which are in very poor condition or even in ruins.

Roma dwellings are a bit smaller in terms of number of living rooms and living area per member.

The level of housing deprivation for Roma households is much higher than for the majority of households. About 9 out of 10 Roma dwellings do not have a flushing WC and piped potable water in the dwelling (though this situation is also characteristic for the majority of the non-Roma population). Eight out of ten Roma households do not have bathrooms and sewerage treatment in their dwellings (though this situation is also characteristic for the non-Roma population). Electricity supply was not available to 10 per cent of Roma households (compared to only to 2 per cent of non-Roma households which did not have access to electricity).

## Education

One of the specific problems for Roma children is the rate of school dropouts. The degree of exclusion of Roma children from education is alarming. Participation of Roma children in education is marginal; their educational attainment is very low and often does not allow them to continue in higher stages of pre-university and in university education.

Enrolment rates for Roma children are lower than for non-Roma in all stages of education. Primary education does not cover a significant portion of Roma children. Secondary education covers only half of Roma children. In general, 43 per cent of Roma children at the ages of 7-15 do not attend school.

Many Roma children live in villages where there are no educational institutions and they must attend the schools in the neighbouring villages, which means a long way for them to walk. The ratio of Roma children having to walk a distance of less than 1 km constitutes 25 per cent, while for non-Roma, this figure is 31 per cent. However, for the Roma, the percentage of children having to walk 1-3 km is higher than for non-Roma. A long distance to school, poor road infrastructure, and underdeveloped public transportation services further limit school access for Roma children.

The number of teachers who speak the Roma language is insignificant, a situation that makes it more difficult to integrate Roma children who don't speak the language of instruction very well. There is no opportunity to study the Roma language in school.

## Migration and trafficking

The number of Roma children who frequently migrate with their parents is relatively high. This phenomena negatively influences the social situation of children regarding school attendance.

Measures to prevent trafficking in children taken by authorities in Moldova have a very insignificant impact on Roma children. Actions to raise awareness among Roma about trafficking are neither systematic nor sustainable due to lack of government funding for social mediators from the Roma community, whose work depends exclusively on foreign assistance.

## Abuse and ill-treatment of Roma minors

Information on ill-treatment of Roma minors by police persists despite some measures reported by the Ministry of Interior to conduct human rights training for law-enforcement officers working in areas with large Roma communities. Lack of accountability for police officers responsible for human rights violations against the Roma and Roma minors in particular, encourages the persistence of such acts.

## Legislation

The Republic of Moldova does not have an effective legal framework for combating racism and discrimination. The existing anti-discrimination provisions in civil and administrative law have declarative nature and lack essential elements according to Council of Europe standards as elaborated by General Policy Recommendation 7 of the European Commission against Racism and Intolerance as well as by EU equality directives. The Republic of Moldova did not ratify Protocol No. 12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Roma children 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.

## **5.2 Recommendations**

### General recommendations to the government

Enforce the comprehensive anti-discrimination law which contains concrete mechanisms for combating discrimination in line with General Policy Recommendation 7 of the Council of Europe's European Commission against Racism and Intolerance.

Ratify Protocol No. 12 of the European Convention on Human Rights and Fundamental Freedoms.

Establish a mechanism for collecting and publishing data disaggregated by ethnicity in sectoral fields of relevant to the realisation of fundamental economic and social rights and conduct systematic monitoring of access of Roma and other minorities to fundamental human rights.

Continue comprehensive training on human rights and antidiscrimination for national and local administrations, members of the police force, and the judiciary.

Adjust the training curriculum for social workers and other professionals involved in the child protection system to include antidiscrimination and equal opportunity components.

Conduct public information campaigns on human rights and remedies available to victims of human rights abuse, including remedies for abuses directed at the Roma population.

Promote, with the support of central and local authorities, CSOs, etc., anti-discrimination measures and make it clear that discrimination will not be tolerated.

Join the Declaration of the Decade of Roma Inclusion and participate in the process of exchange of experiences and best practices in the design and implementation of policies for the integration of Roma.

### Data on Roma and Roma children

Pursuant to recommendations by international/European monitoring bodies, the government should establish a mechanism for regular collection of data disaggregated by ethnicity and gender in fields relevant to the realisation of fundamental economic and social rights, in order to conduct effective monitoring of the situation of Roma and other vulnerable groups in Moldova.

In addition to the quantitative data on access to rights by various groups in society, qualitative studies should be conducted. The causes for social exclusion of the Roma, barriers for integration in different social and economic areas such as education, health care, employment, housing, and social welfare should be analysed. These studies should be designed and carried out in cooperation with Roma organisations.

The situation of Roma children should be the subject of specific studies in order to explore the multiple factors which contribute to their higher vulnerability and to explore the barriers Roma children face in taking advantage of the social care service provided by the state.

### Access to social welfare

Adequate resources for child welfare services should be allocated and efficiently managed in order to secure effective, child-centred social support and prevention programmes.

The government should ensure that existing social protection and social services for children are accessible to Roma children as well as non-Roma. Actions to that end may include targeted outreach to Roma families, provision of birth certificates and other necessary documents for children and parents, and eliminating discriminatory practices by local authorities with respect to the Roma.

Social workers should pay special attention to Roma and other minorities living in their communities, helping them to benefit the existing welfare mechanisms. The experience gained with socio-health mediators should be incorporated in the currently existing social workers' network.

### Access to education

The government should organise a nation-wide consultation process involving school authorities, social workers, parents, and Roma community organisations to find appropriate solutions to the issue of child labour and other impediments to school attendance by Roma children.

Good practice implemented in several European countries in the appointment and training of school mediators should be further analysed in terms of efficiency and applicability in Moldova. The main purpose of this measure is to facilitate the access of Roma children to school by providing support for Roma parents in the timely enrolment of children at school, collection of the necessary documents for enrolment, regular attendance, etc.

The problem of compulsory, free of charge pre-school education of at least one year preparation to school should be examined with particular attention to Roma and other vulnerable families. In order to avoid language barriers for Roma children, pre-school institutions in Roma settlements must develop the linguistic skills of children who do not speak the language of instruction in the schools; local authorities should find ways to attract Roma-speaking teachers to work in Roma communities.

The government should ensure that Roma children receive compulsory primary and secondary education. To that end, the government should ensure that:

- Roma children are educated in an environment free of discrimination and harassment based on ethnicity;
- Equal treatment in education is achieved by positive actions on behalf of Roma and other children who do not have appropriate conditions at home to prepare for school. These children should be provided with opportunities to receive additional academic support from schools on a daily basis and free of charge;
- Roma children attending schools in Roma settlements should have access to education in a multi-ethnic environment, should they so wish;
- The quality of the educational services available to Roma children in schools with a majority of Roma students should be evaluated and measures should be taken to improve the teaching methods, facilities, and overall school environment, including transportation, water supply, sanitation, etc.;
- Roma-only classes in mainstream schools should be dissolved and Roma children transferred to integrated classes.



Positive measures should be implemented in order to increase the number of Roma children attending post-secondary and university education and to ensure that such persons are provided with the support necessary to complete their studies.

Roma organisations should be supported by central and local authorities to carry out awareness-raising campaigns among Roma communities about school enrolment and regular school attendance.

#### Prevention against violence and abuse

To ensure the right of Roma children to a life without mental and physical violence and abuse, the government should:

- Continue training for law enforcement officials and members of the security forces on the special needs and rights of children, as set out in the Convention on the Rights of the Child;
- Investigate promptly and impartially any reported incidents of violence, abuse, discrimination, etc. and prosecute the perpetrators of such offences to the fullest extent of the law;
- Ensure that Roma minors who have been victims of ill-treatment have access to justice, including but not limited to due compensation, medical care, and rehabilitation;
- Undertake a comprehensive review of discrimination complaints, offences, etc. in the justice system, analysing the main causes and developing targeted prevention measures;
- Reach out to Roma communities with awareness-raising measures for the prevention of trafficking in children.

#### Government strategy on Roma integration

The existing Government Action Plan to support the Roma in the Republic of Moldova for the Period 2007-2010 is not an adequate tool for the development of systematic measures for the integration of the Roma. The government should undertake a thorough revision of the existing Action Plan in close cooperation with a wide representation of Roma organisations and other actors acting in the field of human rights.

The existing Government Action Plan should be amended in line with General Recommendation 27 of the UN Committee on the Elimination of Racial Discrimination, Recommendation CM/Rec(2008)5 on policies for Roma and/or Travellers in Europe adopted by the Council of Europe Committee of Ministers, and the Action Plan on Improving the Situation of Roma and Sinti of the Organisation for Security and Cooperation in Europe. In developing strategies on Roma social inclusion, the government should seek to exchange experiences with countries who participate in the Declaration of the Decade of Roma Inclusion.

Measures to improve the situation of Roma children should be identified as a priority in government strategies on the integration of Roma. Government strategies should identify the factors which make women and children within the Roma communities more vulnerable than others and design specific measures to mitigate their influence. Policies targeting Roma children in particular should be based on data collected on the social conditions of Roma children as well as on their access to social services.

Government support for special measures in the areas of employment, education, and vocational training for Roma adults and children, as well as access to health care and to adequate housing is particularly important to avoid child endangerment and to ensure equal access for Roma children to the rights and opportunities available to non-Roma children. Programming along these lines should clearly account for the disadvantages resulting from a child's ethnic background.

<sup>1</sup> Government Decree No. 1453 of 21 December 2006. This Action Plan succeeded the 2001 Governmental Programme for Roma Integration.

<sup>2</sup> Committee on Economic, Social and Cultural Rights, Concluding observations of the Committee on Economic, Social and Cultural Rights: Republic of Moldova On 12 December 2003, paragraphs 44, 46, and 51, at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.1.Add.91.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/E.C.12.1.Add.91.En?Opendocument).

<sup>3</sup> Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities, Second Opinion on Moldova Adopted on 9 December 2004, paragraph 37, available at: [http://www.coe.int/t/e/human\\_rights/minorities/2.\\_FRAMEWORK\\_CONVENTION\\_\(MONITORING\)/2.\\_Monitoring\\_mechanism/4.\\_Opinions\\_of\\_the\\_Advisory\\_Committee/1.\\_Country\\_specific\\_opinions/2.\\_Second\\_cycle/PDF\\_2nd\\_OP\\_Moldova\\_en.pdf](http://www.coe.int/t/e/human_rights/minorities/2._FRAMEWORK_CONVENTION_(MONITORING)/2._Monitoring_mechanism/4._Opinions_of_the_Advisory_Committee/1._Country_specific_opinions/2._Second_cycle/PDF_2nd_OP_Moldova_en.pdf).

<sup>4</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination CERD/C/MDA/CO/7, paragraph 8, at: <http://www2.ohchr.org/english/bodies/cerd/docs/co/CERD-C-MDA-CO-7.pdf>.

<sup>5</sup> Council of Europe, European Commission against Racism and Intolerance, CRI(2008)23 Third report on Moldova adopted on 14 December 2007 and made public on 29 April 2008, at: [http://www.coe.int/t/e/human\\_rights/ecri/1-ecri/2-country-by-country\\_approach/moldova/moldova\\_cbc\\_3.asp#P439\\_75016](http://www.coe.int/t/e/human_rights/ecri/1-ecri/2-country-by-country_approach/moldova/moldova_cbc_3.asp#P439_75016).

<sup>6</sup> Sorin Cace, Vasile Cantarji, Nicolae Sali, Marin Alla, *Roma in the Republic of Moldova*, Chisinau 2007 (hereafter UNDP Report).

<sup>7</sup> [http://www.statistica.md/statistics/dat/822/ro/Situatia\\_demografica\\_2005.pdf](http://www.statistica.md/statistics/dat/822/ro/Situatia_demografica_2005.pdf)

<sup>8</sup> The Roma population in urban communities: Otaci – 3,380; Soroca – 1,525; Riscani – 562; Chisinau – 507; Edinet – 490; Balti – 272; Briceni – 185; Ceadir-Lunga – 166; Basarabasca – 165; Orhei – 151; Comrat – 108; Taraclia – 99; Hincesti – 92; Calarasi – 90.

The Roma population in rural communities: Vulcanesti village and Cioresti commune, Nisporeni district – 1,057; Ursari village and Buda commune, Calarasi district – 233; Danu commune, Glodeni district – 167; Talmazza village, Stefan Voda district – 139; Zirnesti commune, Cahul district – 120; Carpineni commune, Hincesti district – 85, etc.

<sup>9</sup> Ion Duminica (chief of the Section of Roma History and Culture, Centre of Ethnology, Institute of Cultural Heritage, Moldovan Academy of Science) believes that the 2004 census does not contain accurate data concerning the number of Roma population. For example, there are some villages in Moldova with a Roma population who do not declare themselves as Roma, among them are: Stejareni village and Lozova commune, Straseni district – 647; Parcani village and Raciula commune, Calarasi district – 550; Huzun village and Micleuseni village, Straseni district – 296.

<sup>10</sup> *Situation of the Roma in the Republic of Moldova (public opinion poll)*, Chisinau 2001.

<sup>11</sup> Hereinafter ERRC field research.

<sup>12</sup> In their report to the UN Committee on the Rights of the Child, the government of the Republic of Moldova acknowledged that there is no coherent policy for prevention of the institutionalisation of children. See Republic of Moldova, National Report on the Implementation of the United Nations Convention on the Rights of the Child for the United Nations Committee on the Rights of the Child, Chisinau, August 2007, p. 57.

<sup>13</sup> Terre des Hommes' NOTE regarding the situation of the Roma children from the Republic of Moldova (RM) identified abroad and assisted (December 2007).

<sup>14</sup> See document 'Written Comments of the European Roma Rights Center Concerning the Republic of Moldova for Consideration by the United Nations Human Rights Committee at its 75th Session, 8-26 July 2002', available at: <http://www.errc.org/db/00/8D/m0000008D.doc>.

<sup>15</sup> In force since 26 January 1993.

<sup>16</sup> In force in the Republic of Moldova since 26 April 1993.

<sup>17</sup> Ratified by the Republic of Moldova on 26 January 1993.

<sup>18</sup> Ratified on 31 January 2002.

<sup>19</sup> Ratified by the Republic of Moldova on 28 November 1995.

<sup>20</sup> Ratified by the Republic of Moldova on 25 February 1993.

<sup>21</sup> Ratified by the Republic of Moldova on 31 July 1994.

<sup>22</sup> Ratified by the Republic of Moldova on 24 July 1997.

<sup>23</sup> Signed on 3 November 1998, ratified partially on 8 November 2001.

<sup>24</sup> Convention entered into force for Moldova on 1 February 1998.

<sup>25</sup> Convention entered into force on 1 February 2008.

<sup>26</sup> Article 4(1) of the Constitution of the Republic of Moldova.

<sup>27</sup> According to Moldovan law, any international Convention the Republic of Moldova adheres to automatically becomes part of its legislation. Article 4(2) of the Constitution states “whether disagreements appear between conventions and treaties signed by the Republic of Moldova and its own national laws, priority shall be given to international regulations.”

<sup>28</sup> In the Vienna Declaration and programme of Action, adopted in June 1993, the World Conference on Human Rights recommended to States to consider the desirability of drawing up a national action plan identifying steps whereby States would improve the promotion and protection of human rights. See the document at: [http://www2.ohchr.org/english/issues/plan\\_actions/docs/moldova.pdf](http://www2.ohchr.org/english/issues/plan_actions/docs/moldova.pdf).

<sup>29</sup> Fiftieth session CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION Concluding Observations: Republic of Moldova; CRC/C/MDA/CO/3 ,30 January 2009, COMMITTEE ON THE RIGHTS OF THE CHILD

<sup>30</sup> General Comment No. 5 (2003), General measures of implementation of the Convention on the Rights of the Child (Articles 4, 42, and 44, paragraph 6) Committee on the Rights of the Child, Thirty-fourth session, 19 September-3 October 2003.

<sup>31</sup> Law No. 338 of 15 December 1994.

<sup>32</sup> Law No. 1316 of 26 October 2000.

<sup>33</sup> Republic of Moldova, National Report on the Implementation of the United Nations Convention on the Rights of the Child for the United Nations Committee on the Rights of the Child, Chisinau, August 2007, p. 77.

<sup>34</sup> Law No. 933-XIV of 14 April 200.

<sup>35</sup> National Report on the Implementation of the United Nations Convention on the Rights of the Child, pp. 83-84.

<sup>36</sup> Law on Approval of the National Development Strategy for 2008-2011, available in English at: [http://www.scers.md/files/NDS\\_211207\\_en.pdf](http://www.scers.md/files/NDS_211207_en.pdf).

<sup>37</sup> Ibid., pp. 33-34.

<sup>38</sup> Ibid., pp. 44-45.

<sup>39</sup> Ibid., pp. 75-87.

<sup>40</sup> Republic of Moldova, National Report on the Implementation of the United Nations Convention on the Rights of the Child for the United Nations Committee on the Rights of the Child, Chisinau, August 2007, p. 57.

<sup>41</sup> Ibid., p. 111.

<sup>42</sup> The Convention came into force in Republic of Moldova on 25 February 1993.

<sup>43</sup> See General Recommendation No. 27: Discrimination against Roma on 16 August 2000, available at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/11f3d6d130ab8e09c125694a0054932b?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/11f3d6d130ab8e09c125694a0054932b?Opendocument).

<sup>44</sup> UNESCO Convention against Discrimination in Education, Article 1.

<sup>45</sup> Directive 2000/78/EC of the Council of the European Union “establishing a general framework for equal treatment in employment and occupation.” Available at: [http://ec.europa.eu/employment\\_social/fundamental\\_rights/pdf/legisln/2000\\_78\\_en.pdf](http://ec.europa.eu/employment_social/fundamental_rights/pdf/legisln/2000_78_en.pdf).

<sup>46</sup> Directive 2000/43/EC of the Council of the European Union on 'implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.' Available at: [http://ec.europa.eu/employment\\_social/fundamental\\_rights/pdf/legisln/2000\\_43\\_en.pdf](http://ec.europa.eu/employment_social/fundamental_rights/pdf/legisln/2000_43_en.pdf).

<sup>47</sup> The Action Plan is available at: [http://ec.europa.eu/world/enp/pdf/action\\_plans/moldova\\_enp\\_ap\\_final\\_en.pdf](http://ec.europa.eu/world/enp/pdf/action_plans/moldova_enp_ap_final_en.pdf).

<sup>48</sup> Law on the Rights of the Child No. 338-XIII of 15 December 1994, Article 3.

<sup>49</sup> See European Commission against Racism and Intolerance (ECRI) general policy recommendation No. 7 on national legislation to combat racism and racial discrimination. Adopted by ECRI on 13 December 2002.

<sup>50</sup> CEDAW Assessment Tool Report for Moldova, August 2006.

<sup>51</sup> ERRC interview with ombudsmen, Centre for Human Rights of Moldova, October 2007, Chisinau.

<sup>52</sup> Foreseen in EU-Moldova Action Plan “... to put in place and implement legislation on anti-discrimination and legislation guaranteeing the rights of minorities, in line with European standards”.

<sup>53</sup> See, for example, the European Commission against Racism and Intolerance, CRI(2008)23 Third report on Moldova adopted on 14 December 2007 and made public on 29 April 2008, paragraph 46, at: [http://www.coe.int/t/e/human\\_rights/ecri/1-ecri/2-country-by-country\\_approach/moldova/moldova\\_cbc\\_3.asp#P239\\_35733](http://www.coe.int/t/e/human_rights/ecri/1-ecri/2-country-by-country_approach/moldova/moldova_cbc_3.asp#P239_35733).

<sup>54</sup> Committee on the Elimination of Racial Discrimination, Reports submitted by State Parties under Article 9 of the Convention, Seventh periodic report of State Parties due in 2006, Addendum, Moldova, paragraph 77.

<sup>55</sup> ECRI, CRI(2008)23, Third report on Moldova, adopted on 14 December 2007 and made public on 29 April 2008, available at: [http://www.coe.int/t/e/human\\_rights/ecri/1-ecri/2-country-by-country\\_approach/moldova/moldova\\_cbc\\_3.asp#P299\\_45067](http://www.coe.int/t/e/human_rights/ecri/1-ecri/2-country-by-country_approach/moldova/moldova_cbc_3.asp#P299_45067).

<sup>56</sup> Resolution ResCMN(2005)8 on the implementation of the Framework Convention for the Protection of National Minorities by Moldova at: <http://dev.eurac.edu:8085/mugs2/do/blob.html?type=html&serial=1141311099660>.

<sup>57</sup> Committee on Economic, Social and Cultural Rights, Concluding observations of the Committee on Economic, Social and Cultural Rights: Republic of Moldova on 12 December 2003, paragraphs 36 and 45, at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.1.Add.91.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/E.C.12.1.Add.91.En?Opendocument).

<sup>58</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination: Republic of Moldova on 21 June 2002, paragraph 17, available at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CERD.C.60.CO.9.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CERD.C.60.CO.9.En?Opendocument).

<sup>59</sup> Ibid., paragraph 18.

<sup>60</sup> <http://www2.ohchr.org/english/bodies/cerd/cerds72.htm>.

<sup>61</sup> Committee on the Rights of the Child, Concluding observations: Republic of Moldova, CRC/C/15/Add.192, 31 October 2002, paragraph 50.

<sup>62</sup> Ibid., paragraphs 26-27.

<sup>63</sup> Ibid., paragraph 24.

<sup>64</sup> Committee on the Elimination of Racial Discrimination, Reports submitted by State Parties under Article 9 of the Convention, Seventh periodic report of State Parties due in 2006, Addendum, Moldova.

<sup>65</sup> Ministry of Health, Ministry of Social Protection, Family and Children, Ministry of Economy and Trade, Ministry of Education and Youth, Ministry of Culture and Tourism, Ministry of Internal Affairs, Ministry of Informational Development, Bureau of Interethnic Relations, and the Academy of Science of Moldova.

<sup>66</sup> See for example, ECRI, CRI(2008)23, Third report on Moldova, adopted on 14 December 2007 and made public on 29 April 2008, available at: [http://www.coe.int/t/e/human\\_rights/ecri/1-ecri/2-country-by-country\\_approach/moldova/moldova\\_cbc\\_3.asp#P299\\_45067](http://www.coe.int/t/e/human_rights/ecri/1-ecri/2-country-by-country_approach/moldova/moldova_cbc_3.asp#P299_45067).

<sup>67</sup> European Commission against Racism and Intolerance, General Recommendation No. 3, Combating racism and intolerance against Roma/Gypsies, Strasbourg, 6 March 1998. The full text of the recommendation is available at: [http://www.coe.int/t/e/human\\_rights/ecri/1-ECRI/3-General\\_themes/1-Policy\\_Recommendations/Recommendation\\_N3/1-Recommendation\\_n%C2%B03.asp](http://www.coe.int/t/e/human_rights/ecri/1-ECRI/3-General_themes/1-Policy_Recommendations/Recommendation_N3/1-Recommendation_n%C2%B03.asp).

<sup>68</sup> Committee on the Elimination of Racial Discrimination, General Recommendation 27, 'Discrimination against Roma', paragraph 12.

<sup>69</sup> OSCE Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area, paragraph 28. Paragraphs 28-32 of the Action Plan relate to the issue of Roma/Gypsies and police.

<sup>70</sup> European Parliament resolution on the situation of Roma women in the European Union, P6\_TA(2006)0244, paragraph 2. The full text of the resolution is available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2006-0244+0+DOC+XML+V0//EN>.

<sup>71</sup> Committee on the Elimination of Racial Discrimination, General Recommendation 27, Discrimination against Roma, paragraph 17-26.

<sup>72</sup> The full text of the recommendation is available at: [http://www.coe.int/T/DG3/RomaTravellers/documentation/recommendations/reeducation20004\\_en.asp](http://www.coe.int/T/DG3/RomaTravellers/documentation/recommendations/reeducation20004_en.asp).

<sup>73</sup> OSCE Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area, chapter V.

<sup>74</sup> European Parliament Resolution on the situation of the Roma in the European Union, P6\_TA(2005)0151, paragraph 15; European Parliament resolution on the situation of Roma women in the European Union, P6\_TA(2006)0244, paragraph 4.

<sup>75</sup> Committee on the Elimination of Racial Discrimination, General Recommendation 27, Discrimination against Roma, paragraph 33.

<sup>76</sup> OSCE Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area, paragraph 58-63.

<sup>77</sup> The full text of the recommendation is available at: <https://wcd.coe.int/ViewDoc.jsp?id=1019695&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>.

<sup>78</sup> European Parliament Resolution on the situation of the Roma in the European Union, P6\_TA(2005)0151, paragraph 17.

<sup>79</sup> European Parliament resolution on the situation of Roma women in the European Union, P6\_TA(2006)0244, paragraph 10.

<sup>80</sup> The full text of the recommendation is available at: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/11f3d6d130ab8e09c125694a0054932b?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/11f3d6d130ab8e09c125694a0054932b?Opendocument).

<sup>81</sup> The full text of the document is available at: [http://www.osce.org/documents/odihr/2003/11/1562\\_en.pdf](http://www.osce.org/documents/odihr/2003/11/1562_en.pdf).

<sup>82</sup> The text of the recommendation is available at: <https://wcd.coe.int/ViewDoc.jsp?id=825545&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>.

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- <sup>83</sup> European Parliament Resolution on the situation of Roma in the European Union, adopted 28 April 2005, paragraph 19. The full text of the resolution is available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2005-0151+0+DOC+XML+V0//EN>.
- <sup>84</sup> OSCE Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area, paragraphs 48-52.
- <sup>85</sup> Council of Europe, Committee of Ministers, Recommendation Rec(2001)17 on improving the economic and employment situation of Roma/Gypsies and Travellers in Europe. The full text of the resolution is available at: <https://wcd.coe.int/ViewDoc.jsp?id=241681&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>.
- <sup>86</sup> European Parliament resolution on the situation of the Roma in the European Union, P6\_TA(2005)0151, paragraph 14.
- <sup>87</sup> European Parliament resolution on the situation of Roma women in the European Union, P6\_TA(2006)0244.
- <sup>88</sup> Adopted by the Committee of Ministers on 20 February 2008 at the 1018th meeting of the Ministers' Deputies. <https://wcd.coe.int/ViewDoc.jsp?id=1253509&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75>.
- <sup>89</sup> Recommendation CM/Rec(2008)5, Part III.
- <sup>90</sup> Ibid., Part V, 1(i).
- <sup>91</sup> Ibid., Part V, 3(i).
- <sup>92</sup> Ibid., Part V, 5.
- <sup>93</sup> Ibid., Part V, 6(i).
- <sup>94</sup> Ibid., Part VII, 2(i, ii).
- <sup>95</sup> Ibid., Part VII, 5(i).
- <sup>96</sup> Ibid., Part VIII, 1(i).

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## Annex 1

### ERRC field research

The qualitative part of the report is based on findings of the field research carried out by the European Roma Rights Centre (ERRC) in Moldova during the period of October 2007-March 2008.

The ERRC made three field research trips to Moldova on 16-21 October 2007, 12-16 November 2007, and 24-28 March 2008. The field research covered different locations throughout Moldova from north to south, and looked at Roma communities in both urban and rural areas. Researchers visited locations where Roma live among the majority population and their numbers are 1-8 per cent of the total population in the respective administrative unit according to estimations by local sources, as well as dense Roma communities with 100 per cent Roma population which are separated from the majority communities.

The purpose of the field research has been to identify major barriers facing Roma children and their families to access rights, with a focus on the rights of the child. The researchers sought to document the overall social and economic conditions of Roma families; the treatment of Roma children by public officials such as educational authorities, social and health service providers, local government officials, and law enforcement officials; and the relations between Roma communities and the majority populations. To that end, in-depth interviews were conducted with public officials working in sectors relevant to the rights of the child as well as with Roma individuals (children, women, men) in different parts of the country. The goal of the interviews was to explore one or more specific topics of relevance to civil and political rights, social and economic rights, and protection of children. The following types of public administration officials were interviewed:

- representatives of local authorities, including local self-government and district authorities in: Cahul, Călărași, Hîncești, Talmaza, Taraclia, and Tîbîrica;
- inspectors on the rights of the child at the district government level for the districts of Basarabasca, Cahul, Cantemir, and Comrat;
- educational authorities:
  - representatives of district departments of education in Cantemir and Soroca;
  - school directors/deputy directors/teachers of regular Russian and Romanian language schools in the cities of Bălți and Drochia; Cribova village, Drochia district; Edineț; Ocnita; Otaci; Rîșcani; Soroca; Talmaza; Tîbîrica; Vulcănești settlement of Ciorasti village; Zărnești village, Cahul district; school directors/deputy directors/teachers of orphanage boarding schools for children without parental care in the cities of Bălți and Leova; the districts of Cupcini and Edineț; and Cupcui village, Leova district; school directors/deputy directors/educators in special schools for children with physical and mental disabilities in the cities of Bălți and Chișinău; and Sarata Noua village, Leova district;
- directors/deputy directors of the following penitentiary institutions: penitentiary No. 13 in Chisinau; penitentiary No. 7 in Rusca for women and girls; and Lipcani centre for juvenile offenders.

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The other main target group for interviews were Roma community members, including children, their parents, local community leaders/NGO leaders, and social mediators for the Roma. Approximately 50 Roma persons across the country were interviewed.

### **List of places visited by the ERRC research team**

Bălți, Bălți district, 6-17 October, 2007  
Lipcani, Briceni district, 17 October 2007  
Călărași, Călărași district, 17 October 2007  
Parcani settlement, Răciula comune, Călărași district, 17 October 2007  
Schinoasa settlement, Călărași district, 17 October 2007  
Vulcănești settlement, Nisporeni district, 18 October 2007  
Hîncești, Hîncești district, 18 October 2007  
Ialoveni, Ialoveni district, 18 October 2007  
Briceni, Briceni district, 18 October 2007  
Drochia, Drochia district, 20-21 October 2007  
Bălți, Bălți district, 12 November 2007  
Cupcini, Edineț district, 12 November 2007  
Leova, Leova district, 12 November 2007  
Sarata Noua, Leova district, 13 November 2007  
Talmază, Stefan Voda district, 13 November 2007  
Chisinau, Chisinau district, 13 November 2007  
Cupcui, Leova district, 13 November 2007  
Hîncești, Hîncești district, 14 November 2007  
Rusca, Hîncești district, 14 November 2007  
Cahul, Cahul district, 14 November 2007  
Cantemir, Cantemir district, 15 November 2007  
Zărnești village, near Cahul, Cahul district, 15 November 2007  
Colibași, Cahul district, 15 November 2007  
Slobozia Mare, Cahul district, 15 November 2007  
Ceadr Lunga, autonomous region of Gagauzia, 16 November 2007  
Taraclia, Taraclia district, 16 November 2007  
Comrat, autonomous region of Gagauzia, 15-16 November 2007  
Basarabeasca, Basarabeasca district, 16 November 2007  
Gribova village, Drochia district, 24 March 2008  
Soroca, Soroca district, 25 March 2008  
Otaci, Ocnîța district, 26 March 2008  
Ocnita, Ocnîța district, 26 March 2008  
Risican, Rîșcani district, 27 March 2008  
Drochia, Drochia district, 27 March 2008  
Edineț, Edineț district, 28 March 2008