REPORT ON THE RESPECT FOR HUMAN RIGHTS AND USE OF EU FUNDS IN ROMANIA

This report has been prepared with the support of the European Union as part of the EU funded project: FURI - EU Funds for Fundamental Rights (grant agreement number 101143162 - FURI - CERV-2023-CHAR-LITI).

AUTHOR

POLICY CENTER FOR ROMA AND MINORITIES

PREPARED BASED ON THE CONTRIBUTIONS OF:

FLORIN BOTONOGU
SIMONA MIHAIU
CATALIN BERESCU

DATE

April 2025

FRONT COVER IMAGE

Picture taken by Catalin Berescu. Shows the construction of containers for Roma in Romania through an EU funded project.

Co-funded by the European Union

Co-funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or European Education and Culture Executive Agency. Neither the European Union nor the granting authority can be held responsible for them.

Contents

Introduction	6
Literature review	8
Key findings	20
Recommendations	23
Project examples	24
Annex 1	45
References	55

Acknowledgements

We would like to thank to all stakeholders that have been involved in one way or another in consultations on this topic, from formal meetings to telephone/zoom discussions, from meetings with NGOs to answering the questionnaires and interviews.

List of involved NGOs:
Consiliul National al Dizabilitatii din Romania, Ceva de Spus, VSH Romania, Help Autism, FEDRA, Asociatia nationala pentru copiii si adultii cu autism, Centrul de dezvoltare sociala, Ability Hub, Parent project Romania, Down Plus, Asociatia de sprijin a copiilor handicapati fizic, The Urban Development Association, Centrul pentru resurse juridice, Asociatia Neuro Move CMT, Asociatia persoanelor cu handicap neuromotor din Romania, Roma Education Fund, CLLD Local Action Group Garcini, CLLD Local Action Group Sfantu Gheorghe, Ordinul Arhitectilor – Bucuresti, Asociatia Right, O Del Amenca, National Democratic Institute Romania, Agentia de Dezvoltare Comunitara 'Impreuna', Centrul romilor pentru politici de sanatate Sastipen, Asociatia Parada, Asociati Matteo, FONPC, Asociatia Dulcis, You-Hub Association

List of involved public institutions:
Romanian Ombudsman, Child Protection Department – Bucharest municipality, National Agency for Roma, National Council for Combating Discrimination, Ministry of Investments and European Projects, Ministry of Education, National Agency for person with Disabilities, Calarasi County School Inspectorate, Social Work Department (Sibiu Municipality)

List of experts:
Mugur Varzariu, Eugen Ghita, Vasile Galbea, Ioana Florea

Abbreviations

AMIF - Asylum, Migration and Integration Fund
ANES - National Agency for Equal Opportunities for Women and Men
CADO - Advocacy and Human Rights Association
CJRAE – County Center for Resource and Educational Assistance
CLLD - Community Led Local Development
CNCD - National Council for Combating Discrimination
DGASMB - General Directorate for Social Assistance of the Municipality of Bucharest
EAFRD - European Agricultural Fund for Rural Development
ECRE – European Council on Refugees and Exiles
ENIL – European Network on Independent Living
ERDF - European Regional Development Fund
ERRC - European Roma Rights Centre
ESF - European Social Fund
EU - European Commission / European Union
EUAA - European Union Agency for Asylum
ISJ - County School Inspectorate
JRS - Frontex Joint Return Services
NAPRPD - National Agency for the Protection of the Rights of Persons with Disabilities
NAR - National Agency for Roma
NGO - Non-Governmental Organization
OIR - Regional Intermediary Body
PICUM – Platform for International Cooperation on Undocumented Migrants
PNRAS - National Program for Reducing School Dropout
PNRR - National Recovery and Resilience Plan
UAT - territorial administrative unit
UNCRPD - UN Convention on the Rights of Persons with Disabilities
VAT - Value-added Tax

Introduction

Roma periphery to be demolished - Catalin Berescu

The inclusion of vulnerable groups is shaped very much by two main drivers: funds and policies. Donors (EU, national, international or private) design their funding according to national and international legislation and policy priorities, including policies protecting basic human rights. Still, there are cases when the projects do not seem to respect human rights standards in practice.

There has been little talk about this topic in Romania, especially regarding the EU funds. Starting with 2014-2020 programming period, this topic has received more attention. The interventions have been focused on the first part of the process (designing the calls for proposal in compliance with national and EU human rights standards), with little or no follow-up on how the regulations are respected in implementation. All EU-funded projects were evaluated and there have been no complaints or reports about human rights violations until now.

This report represents one of the first civil society attempts in Romania to raise awareness on this issue, as there is little knowledge, mechanisms, and human resources connecting the use of EU funds and respect for human rights.

This issue is important as development should go hand in hand with respect for human rights. Otherwise, EU funds can generate more inequality or exclusion.

Although there is a structure inside the Romanian EU Funds Ministry that deals with potential situations of human rights violations during implementation of EU funds, it only works based on complaints issued by stakeholders at the local level. The local stakeholders are hardly prepared to make such complaints, not to say that probably they do not know about the existence of this structure.

One important idea that resulted from the consultations with Roma and disability NGOs is that the evaluation of the transversal issues (human rights, gender equality, green transition) is not done comprehensively. For example, the evaluators can acknowledge the existence of a ramp ensuring access for persons with disabilities in a new building, while a specialist working with persons with disabilities would also look at the angle of the ramp, so it can be properly used when needed.

Aim, methodology and structure

The study aims to raise awareness of respect for basic human rights, as envisaged in the national and international treaties, while implementing EU funds. As there is not such a big discussion about this in Romania, this study offers basic information that can represent a good basis for further research.

The methodology of the research includes:

1.Qualitative research included:

- One focus group with Roma NGOs
- One focus group with disability NGOs
- Interviews with relevant stakeholders in the field of disability and Roma issues

2.Quantitative research included:

- Questionnaires with relevant stakeholders in the field of disability and Roma issues
- Case studies (based on information from National Council for Combating Discrimination, mass media articles, public documents, field visits, other NGOs)
- Literature review

The first part of the study consists in a short literature review, aiming at briefly describing the main policy developments on sensitive topics like segregation (in education or housing), deinstitutionalization, treatment of migrants and Roma issues. Provisions on human rights embodied in the programming documents for the EU funds starting with 2014 are also mentioned here.
The study continues with the summary of the main findings and recommendations, followed by a short description of 10 cases where (possible) human rights violations happen with direct involvement of EU funds or within institutions that implemented EU fund in the same time with violating basic human rights.

Literature review

New small group houses -Alina Ursoi

The focus of the study is on the deinstitutionalization process of persons with disabilities, the segregation of Roma in education and the segregation in housing/ urban development. These three fields are most exposed to possible human rights violations. Many projects in these fields are funded by the national budget, but this report will not take them into consideration. In addition, two other topics are addressed here – migration and Roma issues.

PROVISIONS AGAINST HUMAN RIGHTS VIOLATIONS IN THE PROGRAMMING DOCUMENTS RELATED TO EU FUNDS

Romania-EU Partnership Agreements

In the partnership agreement with Romania for the period 2021-2027[1], the word “segregation” is mentioned for 29 times, with specific reference to respecting the non-segregation principle in the following situations:

- Integrated services and housing for the elderly
- Educational segregation of Roma and children with disabilities
- Building housing and infrastructure for vulnerable groups (including Roma and persons with disabilities) to reduce physical segregation, in alignment with UNCRPD principles.
- provision of housing solutions for persons with disabilities
- developing social infrastructure for providing meals to disadvantaged groups
- there is a need for “horizontal mechanisms” to reduce school discrimination and segregation
- no investments that lead to segregation of vulnerable groups (Roma, persons with disabilities, migrants) shall be made.

In the document, deinstitutionalisation is mentioned once, specifying that the process will follow the UNCRPD provisions, including the ones from General Comment 5 and General Conclusions of CRPD committee.

In the Partnership Agreement 2014-2020[2] there are less references to segregation, but the text is very clear: "In addition, at the implementation level, a special focus will be given to analysing if the operations will lead to segregation in schools, health, housing and social inclusion. These types of operations will be excluded from financing." Related to deinstitutionalisation it is specified that community based alternative services are needed.

Operational Programs

Human Capital Operational Program (POCU, version 15.1) 2014-2020[3], the program responsible with social integration of the vulnerable groups, makes the following references to our topics:

The deinstitutionalisation process is part of a transition to a community care approach, where services will focus on family and community, not on residential centers and EU funds will only support this approach. The process should be accompanied by the provision of other social services and benefits.

Among the guiding principles for selection of the beneficiaries are respect for gender equality and non-discrimination.

Promoting school desegregation, development of mechanisms to prevent and monitor school segregation are among measures related to segregation in this OP, and the guiding principles for the selection of the beneficiaries are the same – respect for gender equality and non-discrimination.
The Inclusion and Social Dignity OP 2021-2027 clearly specifies that all investments will follow the principles of desegregation and non-discrimination and that there will be no investments that will lead to maintaining or creating segregation/isolation of marginalised groups.[4]

Related to deinstitutionalisation process, in the special section dedicated to ensuring equality, inclusion and non-discrimination, it is clearly stated that interventions should be in line with the UNCRPD and General Comment 5.

The Education and Employment OP 2021-2027 foresees measures to address segregation and mentions that students from segregated areas should be beneficiaries of these programs, but in the special section dedicated to measures to ensure equality, inclusion and non-discrimination there is not a clear specification that activities should not lead to or maintain segregation, or that activities should promote desegregation (like there is in the Social Inclusion and Dignity OP). There is just a general mention that activities should not lead to discrimination.

Applicant's guides

Starting with 2023, the Ministry of Investments and European Projects has a special body that makes sure that all the calls for proposal are in line with the main human rights treaties that Romania is part of. The relevant calls in 2024 and 2025 are accompanied by 2 annexes referring to commitment of the applicant to respect the EU Charter of Fundamental Rights and UNCRPD. These annexes should be signed by the applicant and are part of the application process. Besides, this is the body that should analyse any complaint to discrimination and the use of structural funds.

The calls for projects related to school infrastructure, run by regional development agencies also have provisions related to school non-segregation and desegregation[5].

Another call referring to education in Roma communities[6], launched by the Ministry of Investments and European Projects in 2024, mentioned that in segregated communities the quality of education should be increased and is accompanied by the two annexes referring to EU Charter of Fundamental Rights and UNCRPD.
In 2019, within the guide for CLLD (Community Led Local Development) instrument, the Ministry of Investments and European Projects released guidelines related to disaggregation and non-segregation issues, based on EU recommendations (here[7] is the applicant s guide).
.
The 2023 guide on CLLD has a comprehensive annex explaining that any investment should not lead to segregation and offering examples of activities that can contribute to desegregation.

In 2024 the Ministry of Investments and European Projects launched a call dedicated to informal settlements in Romania.[8] In this guide the issue of segregation is comprehensively explained both in the guide and in a dedicated annex to the guide.

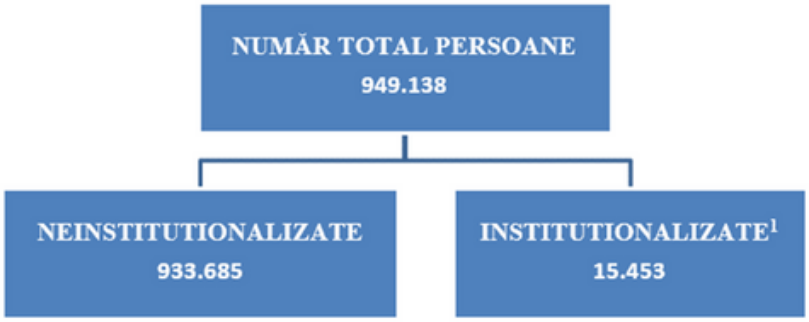
As a general observation we can say that in the period 2014-2021 the provisions related to desegregation and respect of UNCRPD were not very strong in the programming documents. The clear Partnership Agreement provisions were not very strongly translated into the Operational Programs. In the actual programming period, the OP related to social integration has in place good provisions related both to desegregation and deinstitutionalisation process, while the OP related to education is not very strong in this regard.

DEINSTITUTIONALISATION PROCESS

Since 2014 Romania is internationally famous for the bad treatment applied to persons with disabilities in institutions, when Al Jazeera produced a 25-minute documentary named "Europe's Hidden Shame".[9] One of the questions raised there was why these institutions received EU funds. Five years later, they returned to Romania and extended the inquires to Eastern Europe, having heard new allegations about the neglect and abuse of disabled persons[10].
Also, Romania is the only EU state that did not report to UNCRPD.[11]

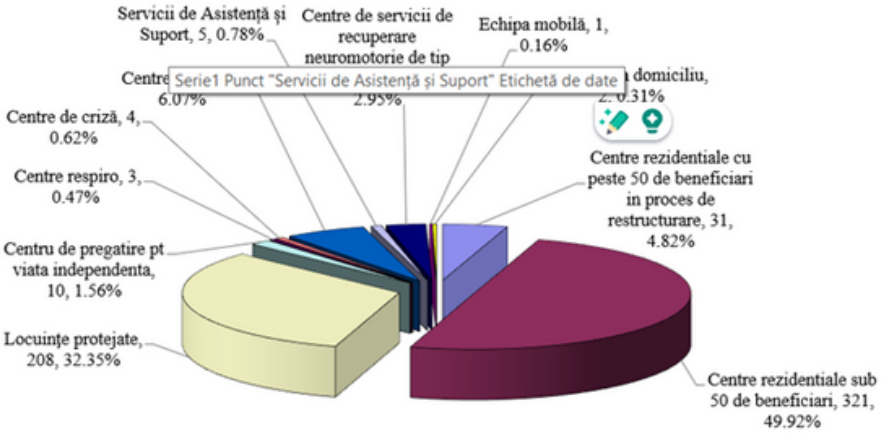
Deinstitutionalization is not an easy process and depends greatly on each country's approach.
Before going into details, here are some general statistics on persons with disabilities in Romania, extracted from the quarterly statistic bulletin (statistics bulletin no. 3/2024), released by the National Agency for the Protection of the Rights of Persons with Disabilities.[12]
There are 949,138 persons with disabilities in Romania, out of which 15,453 adults live in institutions

Grafic 1. Numărul persoanelor cu dizabilitățila 30 septembrie 2024



[1]*Numărul persoanelor institutionalizate în instituțiile rezidențiale publice de asistență socială pentru persoanele* ***adulte*** *cu dizabilități aflate în coordonarea metodologică a MMSS-ANPDPD.*

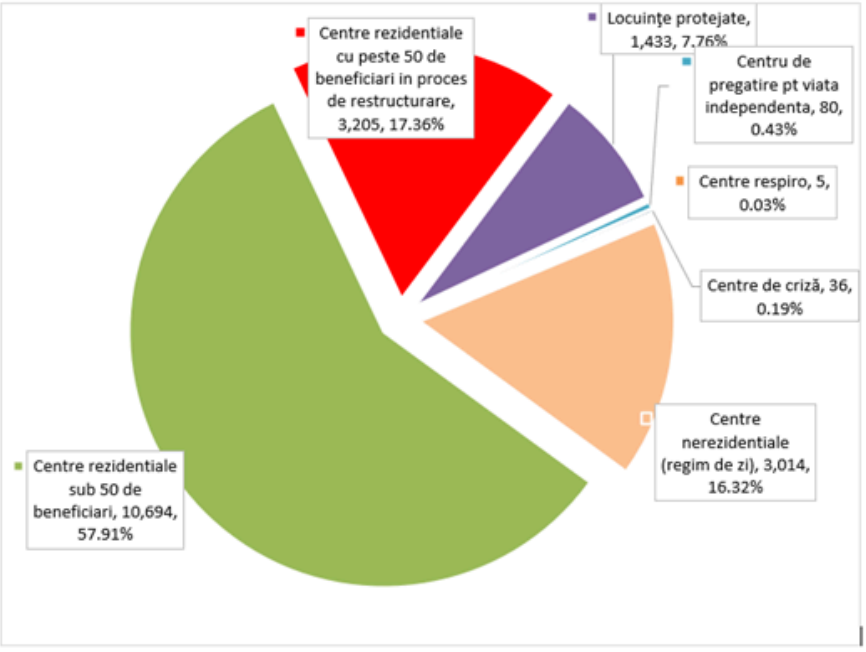
Out of the total number of public institutions dedicated to persons with disabilities, 32,35% (208) are group homes, 49,92% (321) are residential centres with less than 50 persons and 4,82% (31) are residential centers with more than 50 persons, in the process of being restructured. The statistics show 66 public social care non-residential facilities (day centers) and 577 public social care residential facilities.



More than 83% of the persons with disabilities who are in institutions are in public institutions. The centers with more than 50 persons will be restructured by 2027.

If we look at the number of persons with disabilities residing in institutions, the statistics are the following:

- 10,694 (57,91%) persons are in residential centers with less than 50 beneficiaries
- 3,205 (17,36%) persons are in residential centers with more than 50 beneficiaries
- 1,433 (7,76%) persons are in small group homes



The deinstitutionalisation process has been developing for the last approx. 30 years[13]. The regulatory process has been intensified in the last years. In 2018, the responsible agency within the government released a methodology for restructuring the big residential centers. In 2022 the government adopted the Strategy for Prevention of Institutionalisation of Adult Persons with Disabilities and Speeding the Deinstitutionalisation process for 2022-2030. In 2023 the government issued a law for supporting and speeding up the deinstitutionalisation process.

A relevant document for deinstitutionalization is **Decision 878/2018**[14] of the National Agency for Persons with Disabilities regarding the methodology for restructuring big residential centers for persons with disabilities. It stipulates that to reorganize the big residential centers, either community/family services that answer the needs of persons with disabilities or smaller residential centers (up to 50 persons) will be created.

In December 2022 the government adopted the **Strategy for Prevention of Institutionalisation of Adult Persons with Disabilities and Speeding the Deinstitutionalisation process for 2022-2030**. It was funded by EU funds accessed by the National Agency for Persons with Disabilities and was developed with the support of World Bank, which issues detailed studies[15]. Studies provide a very comprehensive analysis of the situation of persons with disabilities in Romania. Here are some conclusion that are relevant to this study:

- It provides the definitions and principles adopted later by Law 7/2023 mentioned above
- The vision of the strategy is provided by the UNCRPD, which emphasizes the right to independent living and integration into the community.
- 9 out of 10 persons with disabilities that are in an institution have a severe form of disability, only 8,8% have a mild degree of disability.
- The reasons for being in an institution are for 51.1% - families could not take care of them, for 48,2% - lack of services at the community level.
- The national initiatives related to deinstitutionalization were not related at the local level to initiatives regarding the development of community services.
- The social services strategies at the county level have no quantified objectives on the deinstitutionalization or development of community services.
- There is a certain resistance from the professionals at the local level related to the deinstitutionalization process; on the other hand, persons with disabilities do not trust the deinstitutionalization process as they do not see they are offered real solutions to live and integrate into the community.
- Restructuring bigger institutions led to an increase of the number of (smaller) institutions
- Residential centers do not have the resources to facilitate autonomous decisions of persons with disabilities: employees are not trained for this, there are no procedures for consent.

- Small group homes were meant as a transition period from residential centre to life inside the community; according to the WB assessment, these are organized and function in a way that is specific to residential centers – beneficiaries have a small control on sharing the dormitories with others, on a daily program, on food, on clothing, on social relations or on leaving the facility.
- "Sheltered houses (alternatively called "group homes" or "half-way houses"90) usually operate in a closed-circuit system, similar to large institutions where all services (employment, medical, recreational, etc.) are either provided on-site or in another location for all residents, who are moved around usually together, with little possibility for individualized activities (separate from other residents or service staff). In such homes, residents had little control over daily schedules, everyday life activities, what to eat and how to dress, social relationships, etc. In the context of a lack of other support options in the community, including housing, residence in sheltered houses tends to be prolonged indefinitely. The longer the time spent in sheltered houses, the lower the prospects "for exiting the system, exercising more choice, and increasing opportunities for true community inclusion."[16]
- Group homes tend to result in isolation/segregation of persons with disabilities: "In Romania, SHs are group homes that host an average of 7.5 residents/home, going as high as 13. The average number of persons in a room is two, although the standard recommends only one. Even though the minimum quality standards require SHs to be located in the community, sometimes social isolation of persons with disabilities still occurs about one-third of SHs are located outside or on the outskirts of the town or village. Even if the pandemic certainly contributed to the isolation and forced many of the activities to take place inside the sheltered houses, few have partnerships with external service providers, activities being primarily provided by day centers."[17]
- Social housing is very much inaccessible – the application procedures are difficult to follow by a disabled person without help.

In January 2023 the Romanian government issued **a law for supporting and speeding the deinstitutionalization process**[18] (Law 7/2023). Some of the most relevant points:

- The deinstitutionalization process and prevention of institutionalization are national priorities (art. 2).
- The right to independent living is the equal right of all persons with disabilities to live in the community, with equal chances, and to fully enjoy integration and participation in the life of the community (art. 4, letter d).
- Inclusive housing is a form of housing based on respect to a set of standards related to the principles of choosing and control, non-segregation, adaption, accessibility, sustainability, diversity, safety, and separation of provision of housing and provision of support services (art. 4, letter i).
- The non-segregation principle in the sense of analyzing the investments so that there is no possibility to develop new segregated services, no possibility to concentrate all services in a certain part of the community, and no possibility to support the already segregated services (art. 5 letter h).
- The de-segregation principle in the sense of using national or non-refundable funds to eliminate or significantly alleviate segregation, in the sense of supporting the relocation of persons with disabilities from segregated to non-segregated areas (art. 5, letter i).

Center for Legal Resources is one of the most active NGO in this field.[19] They present in a 2022 report[20] some important aspects of the deinstitutionalization process in Romania and offer some alternatives:

"In Romania deinstitutionalization done with European funds means lots of money allocated for buildings, many located on the edge or even outside the community, that are less crowded or mouldy than the usual segregated facilities but are nowhere close to an actual step forward in the direction of giving access to independent living. Real deinstitutionalization should have meant using the resources to subcontract services or engage actors in the community; instead of contracting out the construction of sheltered housing (in reality just multi-roomed houses, mostly located at the edge of a field) attached to other renovated old buildings pompously called Day Centres (former medical offices, abandoned schools, etc), the funds should have been invested, for example, in rent vouchers or the purchase of social housing."[21]

The same NGO was actively involved in monitoring the use of (EU) funds in the deinstitutionalization process, emphasizing the necessity to exclude small group homes from eligible activities, based on UNCRPD recommendations. Following correspondence between them and the Ministry of Investments and European Projects, The European Commission has sent to the Ministry of Investments and European Projects a clear point of view about group homes:[22]

COM din cadrul corespondenței: "The Commission does not support the development under the Cohesion Funds of protective housing solutions in the form of small-scale houses for children or persons with disabilities. Such protective housing solutions are not in line with the principle of desegregation and promote further isolation for the beneficiaries."

In 2019, ENIL (The European Network on Independent Living) has submitted a complaint to the European Commission against the Ministry of Public Works, Development and Administration on using ERDF (call for tenders 8/8.1/8.3/B/1) for building sheltered housing ("locuinte protejate") and day care centers for adults with disabilities. The Decision of the European Commission was that the actions were in line with the UNCRPD.[23]

SEGREGATION IN EDUCATION

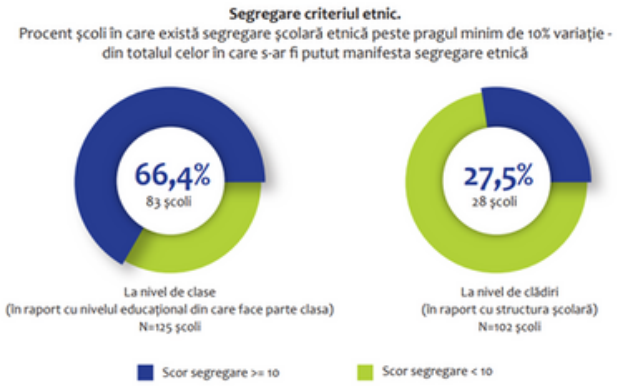
The Ministry of Education paid attention to the issue of school segregation in the last years, mostly by creating methodologies and committees within the ministry. Still, we can see very little impact in the field.

At the regulatory level, there are 3 main documents released by the Ministry of Education in the last few years:

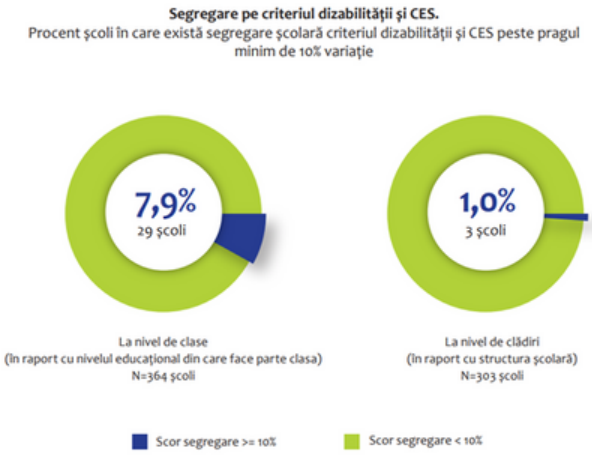
- Ministerial order no. 6134/2016 for forbidding school segregation.[24]
- Ministerial order no. 5633/2019 regarding the educational segregation monitoring methodology, where the methodology has 103 indicators, with a short version of 64 indicators. [25]
- Ministerial order no. 6832/2023 for establishing the national commission for school desegregation.[26]

One of the most active NGOs in this field is CADO[27], which issued a report in 2022 on educational segregation[28]. Here are just two figures:

- Segregation based on ethnic criteria is 66,4% at the level of classrooms and 27,5% at the level of buildings



- Segregation based on disabilities and special education needs is 7,9% at the classroom level and 1% at buildings level



The Romanian educational system faces various challenges that are not directly related to curricula or the quality of teaching, such as violence, bullying, and drug consumption. Most school staff lack the necessary training to handle these issues, similar to challenges in educational segregation.

SEGREGATION IN HOUSING

There is no specific legislation or regulation related to segregation in housing. This has a big impact on how urban development considers integration of Roma.

Segregation of Roma in housing is very little documented in Romania. Although this phenomenon is very visible, there is very little data available. Also, except for general legislation regarding discrimination, there is no specific regulation on housing segregation (like on education).

The SocioRoMap national research report[29] identifies several isolated communities, as follows: 1104 communities situated on the margins of the locality, 71 communities outside the localities and 63 localities entirely inhabited by Roma.

Tabelul 8. Unde este plasată comunitatea compactă?

	Grupări compacte		Locuitori	
	N	%	N	%
În interiorul localității	987	44,4	307 382	43,9
La marginea localității	1104	49,6	328 654	47,0
În afara localității	71	3,2	13 129	1,9
Localitate (sat) locuită de romi	63	2,8	50 146	7,2
Total*	2225	100	699 311	100

** Nu am obținut estimări valide referitoare la plasarea comunității pentru 90 de cazuri identificate de locuire compactă. În aceste situații a fost raportat numărul populației, acesta fiind de 25533 de persoane.*

According to the "Romanian Government Inclusion Strategy for the citizens belonging to Roma minority for the p11eriod 2022-2027"[30] physical segregation of Roma refers mainly to small communities: more than 53% of Roma communities have fewer than 150 persons and half of them are situated on the margins of the localities.

It is worth mentioning that, as there is no agreed methodology, the concept of housing segregation can be easily misunderstood or justified. This can lead to inadequate or window-dressing measures.

POLICY DEVELOPMENTS ON MIGRATION

In 2021 the Romanian government adopted the National Strategy on immigration for 2021-2024[31] and the action plan for its implementation. The strategy has 4 main objectives: the efficient management of migration, improving the asylum system, and compliance with EU and international standards, strengthening the response capacity of the Romanian state in the face of an influx of immigrants, sustained capabilities necessary to implement policies in the field of migration, asylum and the integration of foreigners (here one of the objectives is accessing available external funding, including AMIF funds).
One aspect we focus on in this report is the issue of asylum and returns. In 2023 Romania and Bulgaria were included in the "Pilot project for fast asylum and returns procedures."[32]

Some of the most important results of this project in Romania were:[33]

- "Romania amended its asylum legislation in May, allowing for the issuing of negative decisions on international protection together with a return decision. This has contributed to a more efficient return process. Romania has tested the accelerated procedure in an enhanced manner, which led to the swift processing of asylum claims. Romanian authorities further strengthened the cooperation with the EUAA, and EUAA experts can now fully participate in the registration and assessment of asylum applications."
- "Between 18 May and 30 September 2023, the General Inspectorate for Immigration issued 1162 joint decisions, simultaneously with decisions rejecting the asylum application."
- "In May 2023, Romania also joined the Frontex Joint Reintegration Services programme, which provides reintegration support for both voluntary and forced returns. As of 30 September, Romania ranks third at EU level in implementing returns using Frontex Joint Return Services (JRS) with 214 cases implementing JRS."

Reports of other international NGOs provide useful information in this field. PICUM (Platform for International Cooperation on Undocumented Migrants) report[34] underlined that, in terms of basic human rights and vulnerabilities, Romania was planning trainings for the border guards in identification and referral of vulnerable groups (including victims of human trafficking) and in improving their IT skills (operating specific optoelectronic devices). The European Council on Refugees and Exiles (ECRE) report[35] mentioned Romania as one of the countries where the focus is on spending money and on qualitative indicators, while NGOs or other public institutions were not part of the Monitoring Committee observer members for the AMIF funds.

While improving the management of migration is indeed a legitimate goal for every country, some aspects are not very clear, such as the concept of "voluntary returns". The same article describing the EU pilot project[36] quotes Reinhard Schweitzer, Research Professor on Migration at Universitat Abat Oliba CEU in Barcelona, saying that "there is nothing voluntary about returns conducted from within detention". He explained further "Assuming that there is something that we can call voluntariness, it would have at least three elements. The most obvious is the absence of coercion... The decision [to return] must also be based on information that is unbiased and can be relied on, that is trusted, which is a very subjective element, and that is objective, in the sense that it does not just portray the possibilities that are made available by the government. This is linked to the third element: availability of acceptable alternatives."

POLICY DEVELOPMENTS ON ROMA

When it comes to policies on Roma, the basic document is a "Roma strategy" that is adopted periodically by the government.

The last one is Governmental Decision no. 560/2022 for the approval of the "Romanian Government Inclusion Strategy for the citizens belonging to Roma minority for the period 2022-2027."[37]

The focus of the strategy is on the four main fields that are essential for Roma integration: employment, education, health and housing. The issue of segregation is mentioned both for education and housing.

The Roma Strategy argues that segregated education is in direct connection with a lower quality of education, lower quality and quantity of teaching materials, smaller number of teachers, smaller graduation rate of students, overcrowding, a small interest of professors to teach in these schools and a high rate of employee turnover due to segregation. Among the proposed measures are increasing the quality of education and detecting and addressing segregation situations.

The Roma Strategy is a necessary document, but it is not very clear what are the funds that are dedicated to implementation. EU funds and national budget are mentioned as main sources of funding, and all this enters under the big umbrella of alleviating poverty or promoting inclusion of vulnerable groups. The complexity of Roma integration requires cooperation among many state institutions at central and local level and this is not always happening.

The European Commission assessment of the Romanian NRSF emphasizes the following:

- There is limited administrative capacity at national and regional level to deal with Roma inclusion
- Indicators and targets need improvement
- Measures referring to improving Roma living conditions are rather general
- **Measures combating educational segregation of Roma should be scaled up and more ambitious**
- **Measures to address spatial segregation are not sufficient, concrete or ambitious enough**
- It is not specific enough about engaging equality bodies

INTERSECTIONALITY

Out of all the topics described by this report, there are 2 that overlap in Romania: institutionalisation and Roma children. According to a 2021 report issued by ERRC[38], there is an over representation of Roma children in state institutions:

"Despite the official denial concerning the existence of ethnically disaggregated data, it became clear to researchers that childcare institutions do in fact gather such data for their adoption files. In the counties surveyed where Roma constitutes less than 15% of the total population, it was estimated that nearly 60% of children taken into state care in the counties are Roma (or "half-Roma").

Statistics of Roma children in childcare institutions range from 30% to 75%, depending on the geographical area and source of reference. Institutions that acknowledge collecting ethnic data estimate an average of 30% Roma children in institutions, while the social workers, families and NGOs estimate up to 75% Roma children in childcare institutions.

According to the same report, state officials deny that anti-Roma racism plays a role in the over representation on Roma children in institutions. Social workers explain this by a combination of factors like poverty, living conditions, abandonment in healthcare institutions, domestic violence, segregation, drug use, migration.

Foundation for new houses in segregated Roma neighborhood - Florin Botonogu

Key findings

This study intends to raise awareness on situations where respect of human rights is overlooked in the implementation of the EU funds, in view of strengthening this aspect that can lead to a better integration of vulnerable groups into the society. Here are the main findings:

1. **Most stakeholders are new to the topic of human rights violations in the use of EU funds**. When asked for an interview, most said they did not know what to say about this topic. Some stakeholders are specialized in recognizing discrimination, and others are specialized in implementing EU funds. Some can recognize discrimination in the field, but they cannot link it with the fact that EU funds should not be used for this. Very few people know both fields (several people in the ministries or a few people working in NGOs).

2. There are several **impediments** in identifying human rights violations with the use of EU funds:
   - Many of the local stakeholders implementing EU funds are not specialized in human rights and there has been little guidance in making them understand this topic; as a result, they might not identify it as discrimination.
   - Many stakeholders are not interested in identifying the human rights violations, as this might affect the implementation of the project and the reimbursement of the money.
   - Violation of human rights is interpreted in a way that justifies the measures adopted at the local level (like deinstitutionalization or school segregation) and usually is not in the spirit of the EU or international treaties; this is what happens when there are no clear reporting mechanisms and specialized/independent evaluation.

3. Civil society is **not encouraged to identify** human rights violations because this might lead to potential problems in implementation (and they might be regarded as having a negative influence on the development of Roma communities) and because sometimes NGOs are part of the project.

4. Starting with 2023, the Ministry of Investments and European Projects has the right mechanisms in place to monitor and address discrimination with the use of EU funds. They have received no complaints, **most probably because stakeholders do not identify discrimination at local level or do not know about the possibility of signalling it and where to do this.**

5.There is a **need for a deeper understanding of the topic** of violation of human rights at the central, regional, and local levels, among all stakeholders. The focus should be on dealing with segregation/desegregation and with the deinstitutionalisation process. The implementation of Eu funds as well as the local development are designed by local politicians and specialists that have no idea what discrimination really is and see vulnerable groups more like a burden for the community. People involved in the design of the funds at central level and in implementation at regional and local level should be aware of the possible discriminatory situations that interventions might generate.

6.There is a **gap in cooperation between the central level and local level** regarding the signalling of human rights violation. The National Council for Combating Discrimination receives complaints from the local level, but when it comes to EU funds local stakeholders or beneficiaries of the intervention do not go to the Management Authority to signal this. Having regular meetings or having proper monitoring in which stakeholders are involved can help this process.

7. There is a **need to connect receiving EU funds with a kind of evaluation of the applicant regarding discrimination,** otherwise, stakeholders that create big, visible discrimination will continue to receive EU funding on the same topic, even if discrimination was not created with EU funds. There are several examples of big cities in Romania, with capacities of attracting EU funds but at the same time are famous for discriminating certain Roma communities.

8. Obtaining **relevant information from the local level** about projects involving Roma housing or other sensitive topics related to vulnerable groups proved more difficult than expected. Public servants avoided offering detailed information on these projects during the discussions with the researchers, by emphasizing only the good parts of the interventions. This is part of a practice within public institutions that are more interested in the good management of the funds and less interested in the concrete changes in the improvement of the beneficiaries' lives.

9. There is **little cooperation between public institutions** in addressing complex social problems and the issue of most vulnerable groups is not among the priorities of local development agenda. The case management approach, as established by legislation, would be of help here. There are several problems with implementing this approach (consisting in coordinating many institutions and types of benefits for each person/family/household) one of them being not enough specialists working for local authorities.

10.Provisions related to human rights that are in place in this programming period are stronger than in the previous programming period. The main problem is that that a proper monitoring process is not developed yet. The discrepancy between programmatic documents and reality in the field when it comes to respect for human rights in implementing EU funds has its origin in **lack of interest, superficial monitoring and lack of evaluation.** While in the previous period, at least for the CLLD approach, a proper guidance on desegregation existed, in the end some projects still can be regarded as generating isolation, not inclusion.

Foundation for new houses in segregated Roma neighborhood -F lorin Botonogu

Recommendations

1.Make sure that the created mechanism inside the Ministry of Investments and European Funds becomes **effective in preventing and addressing in time possible human rights violation** created by the EU funds. This means a stronger cooperation with the regional level and with NGOs, municipalities, National Council for Combating Discrimination and other relevant stakeholders.

2.**Human resources need to be trained** both in public institutions (central, regional and local level) and in the NGO sector to better understand how to apply the UNCRP and EU Charter for Fundamental Rights, especially related to the use of EU funds; this should be complemented by a better understanding of the situation of vulnerable groups.

3.**NGOs need to organize themselves** to become reliable partners, and ministries need to establish a better cooperation mechanism with NGOs and other stakeholders in the territory; most probably stakeholders implementing the EU-funded projects will be reluctant to report any setback. A solution can be the creation of a task force that is able to collect information from the local level on the implementation of EU funds and cooperate with the Management Authority in addressing them.

4.**The existing reporting mechanism** at the level of the Ministry of Investments and European Projects should be more efficient and better used by local stakeholders, meaning increasing the knowledge about it and human rights standards and encouraging its use. This can imply organizing training with regional and local authorities with the aim of recognizing human rights violations and addressing them to this committee and creating a clear cooperation mechanism with the Roma and disability NGOs.

5.Develop and implement recommendations for an **effective monitoring and evaluation process** of possible human rights violations at the end of the projects; involve representatives of beneficiaries/ vulnerable groups in the evaluation commissions at the end of the projects (possible meetings with regional management authorities).

6.Organize the **exchange of good practices** with other countries. The scope is for the management authority to learn from other countries how they address or prevent the possible situations of discrimination.

7.There is a need for a **better assessment of the project's impact on the lives of the beneficiaries**, including the aspect of respect for basic human rights.'

8.**Indicators** related to human rights violation should be introduced at the level of the programs, otherwise this aspect will not be evaluated in the end.

9.**Training with specialists** working for local authorities should be developed for raising awareness ton the fact that addressing the problems of vulnerable groups should not result in any form of segregation/isolation.

10.**Introduce housing segregation in the Romanian legislation** or make clear regulations at the ministry level, following the example of educational segregation, including definitions and indicators).

PROJECT EXAMPLES

The role of this part of the report is to provide **examples of POSSIBLE human rights violation. The focus of the report is to RAISE AWARENESS on certain situations and for this, examples are necessary.** While we recognize it is the competence of the state specialized bodies to fully investigate and decide related to human rights violation, we encourage also the role of the NGOs to signal this type of situation and start the debated with all stakeholders.

As NGOs do not have the proper investigation tools and competencies, these examples are based on public information. In the case of projects focused on educational segregation, we selected cases where there is already a decision of the National Council for Combating Discrimination, but the direct link with the EU funds needs further investigations. It is only the authorities that can conduct an effective investigation on this. The fact that the same school produces segregation but in the same time receives European money for projects, besides the fact that EU money will never lead to integration of Roma under these circumstances, it can be regarded also as an incentive for maintaining segregation. The fact that segregation cases were not properly documented within the EU funding mechanism in the previous period does not mean that we should overlook this issue.

The cases related to small group homes and housing segregation also look obvious, but it is the National Council for Combating Discrimination or the Management Authority that can develop a proper examination. ENIL made a complaint related to the funds used in the following small group homes examples, to which the EC replied that funds can be used to build sheltered homes, but also the EC answer is still not in line with UNCRPD.

The housing cases are complex, the discrimination looks obvious and finding solutions for improvement is necessary.

The link between the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of Persons with Disabilities with the cases described below:

Charter of Fundamental Rights of the European Union:

Art.1 Human dignity – all the cases related to segregation in education, deinstitutionalization, and segregation in housing can be directly related to human dignity

Art. 7 Respect for private and family life – in the case of deinstitutionalization (small group homes) in Romania usually 2-3 houses are built in the same yard, with around 30 persons living together

Art. 17 Right to property – in the case of forced evictions (case 8) most of the Roma have lost their acquired possessions

Art. 21 Non-discrimination – all cases represent a form of discrimination

Art. 25 The rights of the elderly – cases related to housing segregation and deinstitutionalization, if elders are involved, can be considered in violation of this article

Art. 26 Integration of persons with disabilities – small group homes are not considered a viable solution for the integration of persons with disabilities

Art. 34 (point 3) – Social security and social assistance (the right to social and housing assistance) – housing segregation cannot be considered as leading to a “decent existence”

Art. 41 – Right to good administration (the obligation of the administration to give reasons for its decisions) – in the case of school and housing segregation (or evictions) sometimes the reasons are not entirely justifiable.

UNCRPD

Small group homes are considered to violate the right to independent living (art. 19).

EDUCATION

Case 1. School Segregation of Roma Pupils at Păltinoasa Gymnasium School, Suceava County, Romania

Context:
The segregation of Roma children at Păltinoasa Gymnasium School was reported by the Center for Advocacy and Human Rights Association (CADO) in September 2022. The complaint was forwarded to the National Council for Combating Discrimination (CNCD). CADO's actions were based on the following points: “At the time of the complaint, Păltinoasa Gymnasium School had three school structures, including one with primary classes serving the village of Țîmpoceni, which has a majority Roma population, is economically disadvantaged, and is isolated in terms of transportation, even from the village of Capul Codrului to which it belongs. This school structure was moved in the 2021-2022 school year to the Capul Codrului Structure (the central school) following the decommissioning and demolition of the building that served the school (due to high public health and safety risks). The 44 Roma students were relocated to the school’s sports hall, a separate building from the main school where majority students learn. The sports hall is inadequately heated during winter and lacks direct access to sanitary facilities. The 44 students (from preparatory classes to grade 4) were organized in two classes with simultaneous teaching. CADO considered this situation an act of segregation in education of Roma students based on ethnic and socio-economic criteria.”[39]

CNCD’s findings and decision:

After specific steps to verify the information provided by CADO, CNCD members confirmed that an act of school segregation had indeed occurred. In this regard, the CNCD president declared: "The problem is segregation on ethnic grounds. That is, 99% of the Roma children from that village were moved. Therefore, on October 2, 2024, CNCD decided to fine Păltinoasa Gymnasium School, Suceava County, with a 5,000 lei fine, and the Suceava County School Inspectorate with a 3,000 lei fine for segregating 44 Roma students.”[40]
Regarding the possibility that European Union funds were used for segregation purposes, Catalina Olteanu, a member of the CNCD Directorate College, clarified the situation with the National Recovery and Resilience Plan (PNRR) funds: “At the end of the 2020-2021 school year, the school in the village was demolished, and a new building was planned through a PNRR project. The main school provided a school minibus to ensure transport between Țîmpoceni village and Bogdan Vodă Gymnasium School in Capu Codrului, which is equipped with all necessary infrastructure. Roma and poor children from the former Țîmpoceni Primary School were moved to Bogdan Vodă School in Capu Codrului, but in a separate building, specifically the sports hall. All pupils learn simultaneously in one classroom, a former sports hall, with one or two teachers. Without toilets or other facilities. The school representatives justified the segregation by stating that it was a temporary measure until the new building was completed.”[41]

Institutional Representatives' Views:

Both the school and the Suceava County School Inspectorate denied the accusations: "I understand there is a fine, but we have not received anything like this at the school yet, but we will contest the decision," said the school director, Mihăilă Mircea. Cezar Anuței, spokesperson for the Suceava County School Inspectorate, also highlighted that the decision was made "by the school unit's management, but he denied the accusations."[42]

Photo - Google maps

Photo - Google maps

CADO's Viewpoint:

Although CADO welcomed CNCD's decision, they also expressed dissatisfaction with the lengthy resolution process of the complaint, which took 2 years, during which the students continued to study in a segregated format, with long-term effects that are hard to measure. They also criticized the financial penalty imposed: "We consider that these sanctions do not account for the long-term effects of the segregation act, which cannot be equated with the amount of 8,000 lei. These effects include the stigmatization and victimization of children in the long term just because they belong to the Roma ethnicity, being separated from the other children, the humiliation of being placed in the school's sports hall without access to toilets, thus violating their dignity, and the risk of reduced academic performance or school dropout due to limited access to quality education. The Association believes that these sanctions are not discouraging enough because they are insufficient to prevent the two parties from continuing such segregation practices in the future, especially since the Suceava County School Inspectorate has been aware of the segregation situation at this school for at least 8 years, as it was reported by CADO in 2016 and brought to the attention of the competent authorities, including the Suceava County School Inspectorate, which had already been sanctioned by CNCD for two other cases of ethnic segregation in 2016 and 2024."[43]

Policy Center for Roma and Minorities opinion:

The Policy Center for Roma and Minorities team identified European Union-funded projects that could be linked to the segregation of Roma students as described earlier. Two such projects are briefly outlined below:

1. The project "Equipping Educational Institutions in Păltinoasa Commune, Suceava County, with Specific Equipment for Managing the Health Crisis Caused by SARS-COV2", based on the Financing Contract no. 986/17.02.2022 concluded with the Ministry of Investments and European Projects, as the Managing Authority for the Large Infrastructure Operational Program. The project is co-financed by the European Regional Development Fund (ERDF) REACT-EU through the Large Infrastructure Operational Program 2014-2020. The implementation period of the project is 31 months, from 17.02.2022 to 31.05.2023. The general objectives of the project are: Limiting the spread of the virus and the extremely severe effects of it on the population of Romania by ensuring the availability of medical protection equipment and providing the necessary minimum sanitary and hygienic conditions; Supporting the alleviation of the effects caused by the crisis in the context of the COVID-19 pandemic and its social consequences; Ensuring adequate capacity to manage the health crisis by reducing the risk of spreading SARS-COV-2 infection in the public pre-university education system. The beneficiaries of the project are: the school population, teaching staff, auxiliary teaching staff, and non-teaching staff in the administrative-territorial unit of Păltinoasa Commune, as follows: Păltinoasa Gymnasium School: Păltinoasa locality, Suceava County; Capu Codrului Gymnasium School: Capu Codrului locality, Păltinoasa Commune, Suceava County; Țîmpoceni Primary School: Capu Codrului locality, Țîmpoceni village, Păltinoasa Commune, Suceava County. The total value of the Financing Contract is 481,841.48 lei, of which: Total eligible value including VAT (non-reimbursable eligible value from the ERDF REACT-EU) - 458,991.48 lei. Non-eligible value including VAT - 22,850.00 lei (see Project Start Communication 1); (see Project List 2, no. 942, p. 79).

2. The project "EduOut-School Outside the Classroom", MySMIS code 154196, implemented by the Suceava County School Inspectorate as the Beneficiary, in partnership with "Dimitrie Păcurariu" Șcheia Gymnasium School, "Grigore Ghica Voievod" Suceava Gymnasium School, Păltinoasa Gymnasium School, and the Center for Social Studies and Civic Education Suceava Association. The aim of the project is to reduce and prevent early school dropout through integrated prevention measures, namely the participation of 324 students in non-formal education programs in an outdoor setting and improving the competencies of 36 teachers/support staff from the three educational institutions in Suceava County. One of the objectives of the project is: "Reducing early school leaving through integrated prevention measures and ensuring equal opportunities for students from vulnerable groups, with a focus on Roma students and students from rural/socio-economically disadvantaged communities." The target group also includes 80 students at Păltinoasa Gymnasium School. The project was developed over a period of 14 months, starting from January 27, 2023. It has a budget of 1,731,088.41 lei and was co-financed by the European Social Fund through the Human Capital Operational Program 2014 – 2020. This project was initiated at the beginning of 2023, prior to the CNCD decision regarding school segregation at Păltinoasa School.

During the period when CADO made the complaint and CNCD was evaluating the school in question, at least two projects were being implemented that aimed at ensuring the right to health and education. However, even if it does not seem like a direct link of these projects with the segregation of Roma children, when referring to the project's objective of reducing early school leaving among Roma students, it cannot be achieved through their segregation, a situation confirmed by both the CNCD and CADO.

Case 2: School Segregation of Roma Students at "Luca Solomon" Gymnasium School, Vaideeni, Vâlcea County

Context:

On February 16, 2023, the National Council for Combating Discrimination (CNCD) initiated an investigation into a possible violation of the right to education for Roma students due to the creation and operation of separate classes at the gymnasium level, made up of Roma students from the primary school in the Roma neighborhood, Cătun Atârnați, Vâlcea County

CNCD's findings and decision:

Cătălina Olteanu, a member of the CNCD Board of Directors, explained the following: "(...) The commune of Vaideeni has several villages, including a neighborhood, Atârnați, which is entirely made up of Roma people. However, this neighborhood is more like a district in Vaideeni, as it does not exist as a territorial administrative unit (UAT), since this is the definition of a neighborhood. In this district, there is a primary school, Atârnați Primary School, where students learn from preparatory class to the fourth grade in a simultaneous system. When they go to the fifth grade, they are placed in a separate class, meaning that Class 5A is made up only of children from Vaideeni, i.e., Romanian children from the center of the commune, while Class 5B consists entirely of children from this neighborhood, who came from Atârnați Primary School, 15 students, of which 8 are from the fourth grade and 7 are repeaters. The same system applies to the other grades, where all the children from Vaideeni are placed in one class, and the others from different parts of the commune in a 'B' class. This year, in the 8th grade, class 8A consists of children from Vaideeni, and class 8B consists of students from Vaideeni and other villages, because no children from Atârnați are reaching this stage, as they have dropped out of school. We (the CNCD) asked for clarifications, and the school somewhat admitted that this is not a healthy, inclusive practice, and we are waiting for the school to rethink the system."[44]

By the CNCD decision on August 30, 2023, the Gymnasium School in Vaideeni, Vâlcea County, was fined for segregation after dividing students into classes based on their ethnicity and place of residence. The fine, in the amount of 2,000 lei, was imposed for the "action of Luca Solomon Gymnasium School in Vaideeni, Vâlcea County, in creating separate classes based on ethnicity and place of residence," which constitutes indirect discrimination under Article 2, Paragraph 3, Article 2, Paragraph 4, in conjunction with Article 11, Paragraph 1 of the Ordinance. The CNCD Board of Directors decided to recommend that the school "respect Order No. 6134/2016 regarding the prohibition of school segregation in pre-university education institutions" and granted a "6-month monitoring period for remedying the discrimination situation".[45]

Policy Center for Roma and Minorities' opinion:

The Policy Center for Roma and Minorities team has identified one project funded by European funds that could be related to the segregation of Roma students.

Project: "Reducing School Dropout at Luca Solomon Gymnasium School,"PNRAS code F-PNRAS-1-2022-2191.[46] Luca Solomon Gymnasium School, as the beneficiary, is carrying out remedial activities from September 2022 to August 2025. The goal of the project is to prevent school dropout and reduce early school leaving among students. The target group consists of students from this school, with the expected outcomes being an improvement in academic results, attitudes, and openness toward school in general. The project is funded by the National Program for Reducing School Dropout (PNRAS), under Romania's National Recovery and Resilience Plan (PNRR), through the Ministry of Investments and European Projects. It has a total budget of 900,226 lei.
This project was launched three months before the CNCD initiated its investigation into the school segregation of Roma children. Given that a project aimed at reducing school dropout and early school leaving was being implemented at the same time with a CNCD investigation for segregation, we can conclude schools, and public authorities have limited understanding of the segregation phenomenon. This is why there is a need for a better documentation of such cases. We welcome the CNCD's conclusions, according to which the measures implemented by the school in Vaideeni had "as consequences the unequal access of children to quality education, the violation of the exercise of the right to education in conditions of equality, as well as human dignity" (see CNCD Decision, Vaideeni School).

Photo - Google maps

Case 3. School Segregation of Roma Pupils at Dăgâța Secondary School, Iași County

Context:

On October 21, 2019, the "Pro-Europa" Roma Party Association – Iași County Branch reported to the CNCD, as on September 9, 2019, Roma students from the village of Zece Prăjini were discriminated against by being placed all nine students from the 5th grade into a single class at Dăgâța Secondary School, even though anti-segregation policies recommend mixing students from both ethnic groups, Romanian and Roma. In its conclusions submitted to the CNCD, the Association notes: "(...) An element that certifies the segregationist practice by the Dăgâța School leadership, in complicity with the Iași County School Inspectorate (ISJ Iași), is the fact that, at the school level, ethnic segregation is also present in the 7th-grade classes. Thus, in 7th grade A, there are 28 majority students, while in 7th grade B, there are 17 students, 5 of whom are Roma. The school leadership claims that, at the beginning of the 2019-2020 school year, a total of 9 students were placed in 5th grade B based on parents' preferences, but the petitioner suspects that the collective request signed by parents in this regard was written after the petitioner's actions. Another argument considered relevant by the petitioner is the CD provided to the CNCD, which, when correlated with the school's Director's Note from October 23, 2019, clearly shows manipulation of the parents and that there was no consultation with them regarding the class distribution or information about the term 'school segregation' before the start of the school year. Additionally, the legislation does not include any exceptions regarding parental consultation to justify segregation" (see CNCD Decision).

CNCD Decision:

Based on the actions taken by the CNCD members, on July 20, 2020, it was decided that "the elements constituting the act of discrimination, in accordance with Art. 2 Para. 1, Art. 2 Para. (4), Art. 11 Para. 1, and Art. 15 of O.G. 137/2000, are present, and the defendant will be fined 2,000 lei, while the Iași County School Inspectorate will be fined 4,000 lei. Additionally, the defendant is required to take the necessary steps to ensure that the school has and implements an effective desegregation plan".[47]

Viewpoint of the Pro Europa Roma Party Association – Iași County Branch:

E.M., president of the Pro Europa Roma Party Association – Iași County Branch, states that the case in Dăgâța is not an isolated one, as segregation of Roma students also exists at the city level: "(...) We are hiding the problem, and we won't solve anything. I stand by everything I say, and nothing will stop me from proving I am right. These things must stop. We will show that segregation exists in Iași County, and we will demand the dismissal of the general inspector."[49]

Viewpoint of the Iași County School Inspectorate:

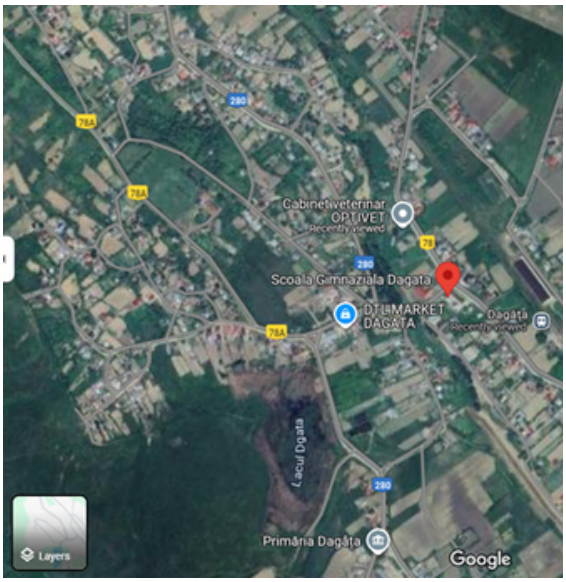
“Regarding the alleged school segregation case at Dăgâța Vocational School, we underline that the Iași County School Inspectorate has consistently shown interest in Roma student issues, aiming to ensure equal opportunities for quality education for all children, without any discrimination. We also mention that a delegation from the Ministry of National Education visited Iași County in October 2019 and checked the issues raised by the PRO EUROPA Roma Party Association to the CNCD. The Ministry’s report indicates that the school leadership's decision to organize the student groups was made following the principle of decision-making based on dialogue and consultation and, at the same time, was grounded on pursuing the best interests of the child. This was done at the Dăgâța Vocational School. In accordance with the provisions of Art. 20 of Ordinance No. 137/2000 on preventing and sanctioning all forms of discrimination, and Law No. 554/2004 on administrative litigation, upon receiving the official CNCD decision, ISJ Iași intends to challenge the decision issued by the National Council for Combating Discrimination within the legal term.”[48]

Policy Center for Roma and Minorities opinion:

Several actions/projects carried out at the level of the Iași County School Inspectorate, as well as at the Dăgâța Vocational School, demonstrate the use of European funds during the period when the segregation described above took place:

Project 1. Between 2018-2021, the Iași County School Inspectorate was a partner in the project “Relevant Curriculum, Open Education for All” – CRED, SMIS Code 2014+: 118327, beneficiary: Ministry of National Education. The project’s goal was to prevent early school leaving.[50]
Project 2. Between 2018-2021, the Iași County School Inspectorate was a beneficiary, along with its partners, the HoltIS Association and the COTE Foundation, in the project “Friendly Schools in Involved Communities,” SMIS Code 106616. The overall objective of the project was to reduce and prevent early school dropout and promote equal access to quality preschool, primary, and secondary education, including formal, non-formal, and informal learning pathways for re-integration into education and training.[51]

Reducing early school dropout and promoting access to quality education can not be realized in a sustainable way by fostering segregation at the same time.



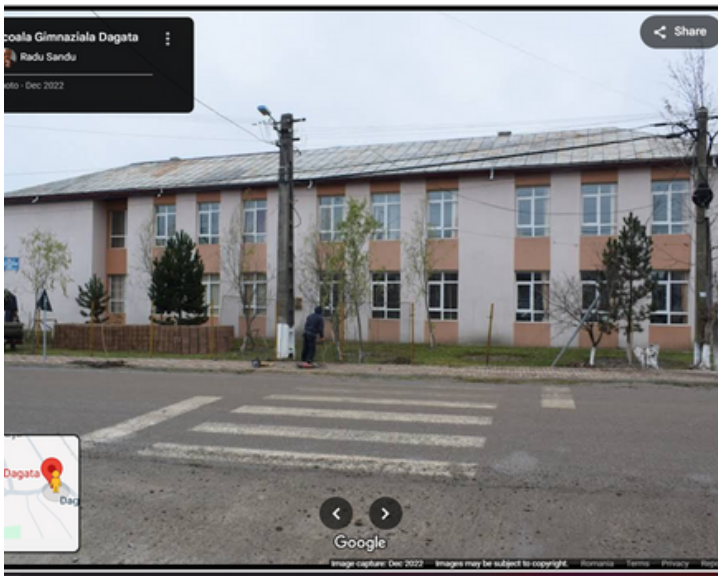


Photo - Google maps

Case 4. School Segregation of Pupils from “Titu Maiorescu” Secondary School in Iași, “Ion Neculce” Secondary School in Iași, Iași County School Inspectorate

Context:

The situation in the educational institutions involved in this case, regarding the possible act of segregation, was reported by the PRO EUROPA Roma Party Association – Iași County Branch. The association submitted a petition to the National Council for Combating Discrimination (CNCD) on May 30, 2019. According to the petitioners, “a number of 122 Roma students, although enrolled at the Titu Maiorescu School in Iași - an elitist school that parents can afford to pay for after school but lacks sufficient space -were transferred to the Ion Neculce Secondary School in Iași. This school is known for being at the bottom of the rankings compared to other educational institutions. The students belong to a neighborhood in Iași where the Roma population constitutes 41%, and their sources of income come from allowances and social aid. It was also reported that within the student groups at the Ion Neculce Secondary School, there are Roma students as well as students with special educational needs, groups that are underfunded compared to the neighboring Titu Maiorescu School. The petitioner also emphasized that Ion Neculce School had a reduced number of students in each group to prevent mixing Roma and poor students with those from the neighboring school and to keep the Roma students isolated from the others. The association claimed that, to maintain the isolation of the Roma students, Ion Neculce Secondary School was also assigned a kindergarten at the other end of the city. Regarding this last aspect, the petitioner stated that the Iași County School Inspectorate (ISJ Iași) is most responsible, as it mismanaged the distribution of students in Iași’s school districts.”[52]

Points of view and the CNCD Decision:

Since the petitioner withdrew the complaint, the CNCD closed the case. However, there were public opinions from institution representatives, such as Csaba Asztalos, who said: "We need to discuss how we reached a point where 80% of the students are of Roma ethnicity. I cannot justify these things by saying we have different breaks, because that would lead to the presumption of discrimination. How were these classes moved? We argue as if the thief met spring. How is it that, where I have a set of classes, all the children happen to have social issues or come from a certain class or school?"[53]

Points of view from the representatives of the educational institutions:

The school inspector for institutional management from ISJ Iași, Cristinel Iordăchioaia, mentioned: “I did not feel that in Iași County the issue of segregation or the Roma problem was as serious as I learned today in the first phase of the debate. Always, willingly or unwillingly, I have collaborated with all school directors in schools where Roma students learn. We treated Roma issues with the utmost urgency, and I had a good collaboration with Mrs. Motaș, the former inspector for Roma issues within ISJ Iași, as well as with Mr. Viorel Motaș. He confided in me, as a colleague, at the beginning of this year, that there is a more serious problem related to the segregation of Roma students in Iași County. We discussed it, tried to identify the causes, and how they could be diminished. We had different viewpoints, but I am convinced that the County School Inspectorate, and I want you to believe this too, will do everything possible to reduce and even eradicate this problem of segregation.”[54]

Policy Center for Roma and Minorities opinion:

The Policy Center for Roma and Minorities team identified one projects funded by European funds. The "Școala DA" Project, beneficiary Save the Children Association Iași and partners: Ion Neculce Secondary School Iași, Iași Creches Directorate, Iași Municipality, Alexandru Vlahuță Secondary School Iași, and Vasile Lupu Pedagogical College Iași. The project's objective was "Increasing access to education and social inclusion for 430 children, of whom 105 are of Roma ethnicity and 60 are from rural areas, by providing an integrated package of psycho-social-educational services and developing professional skills among 240 teachers." The project was launched over 12 months before the PRO EUROPA Roma Party Association filed its complaint. Therefore, during the period when Roma children should have benefited from the activities related to the project's objectives, they were segregated at Ion Neculce Secondary School. The total budget of the project was 3,584,503.88 lei (of which the European Union contribution was 3,566,145.72 lei). The project's implementation period was 36 months (May 22, 2018 – May 21, 2021). According to this Ion Neculce Secondary School, as a project partner, was responsible for preventing school dropout and ensuring access to educational services.[55]

Just like in the other cases, a more in-depth inquiry on if and how school segregation was relatd to preventing school dropout and ensuring educational services is necessary.

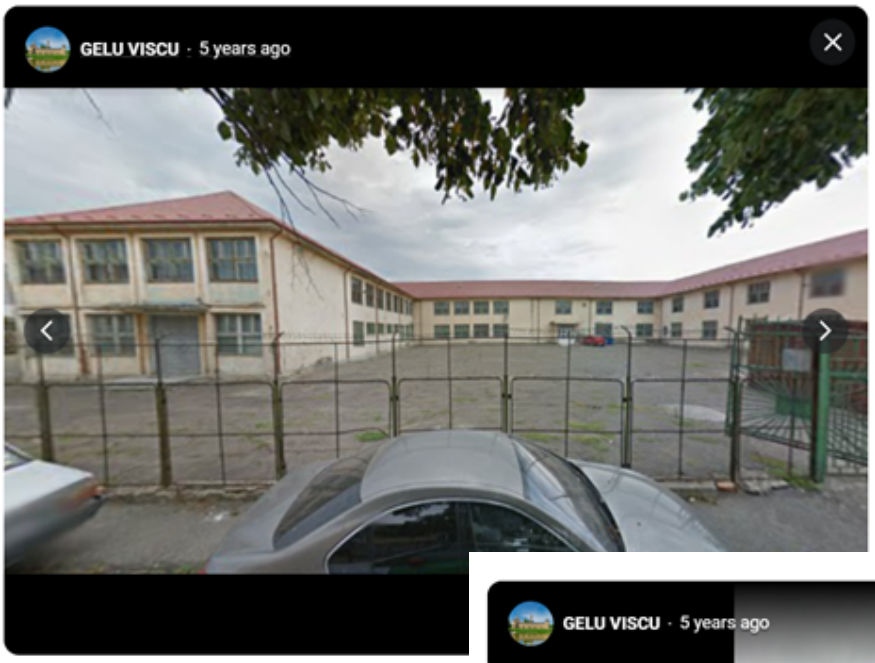


Photo - Google maps

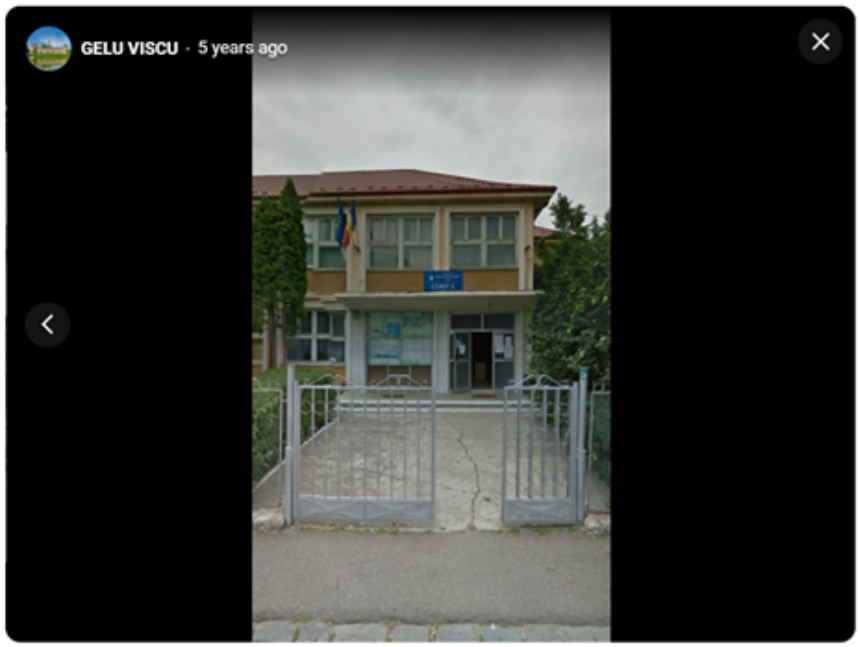


Photo - Google maps

DEINSTITUTIONALISATION

All the cases presented here have also been signalled by CRJ (Centrul pentru Resurse Juridice) as possible misuse of EU funds.[56]

Case 5 Building of small group homes in Periam (Timis County)[57]

Project name/Objective: Building 3 small group homes and rehabilitation of a Day Care Center.

Target group: 30 persons with disabilities

Beneficiary: Child Protection Department from Timis County and Timis County

Total costs: 5,834,858.01 lei (out of which the EU contribution is 3,017,274.34 RON)

Funds: ERDF (Specific Objective 8.3 "Development of health and social infrastructure"), national budget, and county budget

Period: 2019-2021 (the project has not ended, houses are ready on the outside, but it still looks like a working site without a fence; it is expected to be ready soon).

Human rights violation:
Small group homes are not in line with art. 19 of UNCRPD (right to independent living).

As mentioned in the report, the EC has sent the Ministry of Investments and European Projects a clear note saying money is not to be used for shelter housing, but these houses were built using ERDF money, managed by a different ministry (Ministry for Regional Development).

There is a segregation nuance – although not isolated, houses are built at the margins of a small locality, just across the street there is a residential institution with 50 persons with disabilities inside; it is clear they will have almost 100 persons with disabilities concentrated in a small area on the margins of Periam.

When it will start working, it will probably reproduce the institutional system on a smaller scale.

Small group homes - Alina Ursoi

Small group homes - Alina Ursoi

Small group homes - Alina Ursoi

Case 6 Building of small group homes in Lugoj (Timis County)[58]

Objective: Building 2 small group homes and rehabilitation of a Day Care Center

Target group: 20 children with disabilities from a psychiatric institution that will be closed

Beneficiary: Child Protection Department from Timis County and Timis County

Total costs: 12,693,966.56 lei out of which 3,849,480.01 lei EU money (ERDF)

Funds: ERDF, priority axis 8, priority investment 8.1

Period: 2019-2024

Human rights violation:

Small group homes are not in line with art. 19 of UNCRPD (right to independent living).

As mentioned in the report, the EC has sent the Ministry of Investments and European Projects a clear note saying money is not to be used for shelter housing, but these houses were built using ERDF money, managed by a different ministry (Ministry for Regional Development).

There is a segregation nuance – houses are situated beyond the city belt.

When it will start working, it will probably reproduce the institutional system on a smaller scale.

Foto: Ziarul Banatul azi[59]

Case 7 Small group homes in Smardan (Tulcea County)[60]

Objective: Integrated social services by building 3 small group homes and rehabilitation of a building transformed in Day Care Center.[61]

Target group: maximum 26 persons with disabilities

Beneficiary: Child Protection Department from Tulcea County

Total costs: 3,447,255.84 lei out of which 3,124,486.04 lei EU money (ERDF)

Funds: ERDF, priority axis 8, priority investment 8.3

Period: 2017-2024

Human rights violation:[62]
Small group homes are not in line with art. 19 of UNCRPD (right to independent living).

As mentioned in the report, the EC has sent the Ministry of Investments and European Projects a clear note saying money is not to be used for shelter housing, but these houses were built using ERDF money, managed by a different ministry (Ministry for Regional Development).

When it will start working, it will probably reproduce the institutional system on a smaller scale.

Photo - Google maps

HOUSING

Case 8 Arad – forced eviction and urban regeneration project

Arad is a second tier municipium in the Western part of Romania, a county capital and an important multicultural center with a population of around 145000 inhabitants. Like in many other places in Transylvania, the local Roma tend to avoid declaring their ethnicity, most of them self-declaring themselves as Hungarians, even if they don't speak the language. Many have origins in nearby counties, from where they left because of the lack of economic opportunities.

One particular community has been established in Arad since the early 2000s on Mărului and Sabinelor streets, in the Western periphery of the city, right on the edge, on the banks of the river Mures. The streets had no public utilities, but the 84 families built themselves small houses, mostly from masonry, but also from other recycled materials. The main episode we are focusing on is a forced eviction that happened almost two years ago in conditions that are legally unclear (in a cold season, without an ordinance issued by a tribunal) and using life threatening methods. After several visits from a mayoral councilor, that informed them about the construction of a new park and promised that the houses would not be demolished, the entire community was chased away under very short notice, and their houses were demolished without the possibility to recuperate their goods. Some houses were demolished while their owners were at work. The legal basis for the action was the informal status of the properties; the land belongs to the municipality, and none of the houses had a legal building permit. Moreover, the inhabitants only had temporary ID cards, so they were not entitled to receive support from the municipality.

Part of the community left the city, part was relocated in some social housing, and part is scattered through the city, including rough sleeping persons. Some families were relocated to Tarafului street, officially a social housing area, but inhabited almost entirely by Roma, which gives it a ghetto character. Near the several blocks of flats with overcrowded apartments there are many informal Roma houses as well, and we found that there is an almost complete plan to occupy the entire plot with social houses, which involves future demolitions and relocations.
The park project is entitled: "Revitalizarea Zonei Strada Mărului și Amenajarea ca Zonă de Agrement" - Cod SMIS 127360, and has as a purpose to revitalize the Marului area which is "unutilized and abandoned". It is financed by EU through FEDR, within REGIO-POR 2014-2020, 4.2 axis, has a total value of 5,5 mil Euros, out of which 3.8 mil are European money. During the discussion with the project leader she claimed that there is no connection between the evictions and the park project, but at the site visit we found a bulldozer still removing housing debris from Sabinelor street and a family who's house was demolished scrapping for metal bits.
Although the connection between the brutal eviction and the revitalization is not acknowledged by the municipality, the process of renoviction can be traced back easily through the stories of the persons affected and the work of the local activists.

Previous projects
'Construire Centru Multifuncţional pentru Persoane din Zone Urbane Marginalizate - Zona Tarafului'' - Cod SMIS 128370 - mai 2020.
"Construire Centru Multifuncțional pentru Persoane din Zone Urbane Marginalizate: Zona Șezătorii-Pădurii" Cod SMIS 128371.

This is a high density neighbourhood with some visible advanced poverty issues and, according to Marian, with criminality problems (drugs, traffic). It is the largest semi-formal Roma quarter in Arad, half of the streets are not paved, the current state is that of a ghetto in which there is a mex of poverty and very recent wealth.

Interviews

M. B. – Roma rights NGO
He documented the eviction, tried to warn people about the imminent threat, but they did not listen. He still provides help for the most disadvantaged. He is a strong supporter of the top-down approach, he thinks that the EU level should control this sort of issues.

S. C. – architect in chief
Claims everything happened before his mandate, though he actually signed the eviction orders. He highlights the lack of cooperation between the City departments. He reveals the plans to build a large social housing quarter on Tarafului, which will lead to the demolish of a large number of Roma houses.

F. V. - architect in chief
The County Council does not have attributions in regards with housing, but they should centralize and include in the urban planning documentations the information provided by the local authorities about informal housing. Their request for data, according to the Law 151/2019, did not yield any result, there are no informal settlements in the county. He cannot force the local authorities to report, but hei s fully aware of the size and spread of the problem.

R. C. – project manager
According to her, the community was illegal and the conditions were miserable, so the people that are housed now in the segregated social neighbourhood are living in much better conditions. Does not admit any connection between the evictions and the project.

R. S. – minority expert, Prefecture
A short discussion over the phone in which she claims that on Marului there was a project of legalizing informal settlements and that people got into possession of the land. What she wants to tell is that at county level, Roma have no housing problems, all of them live in legality and all their houses are connected to utilities.

Roma neighborhood at the periphery - Catalin Berescu

New segregated social housing - Catalin Berescu

Roma neighborhood at the periphery - Catalin Berescu

Case 9 Slobozia – segregated social housing in containers

Objective: Building social complex “Bora” (together with a social cantina and road refurbishment)

Beneficiary: Slobozia Municipality

Costs: 18,621,708.97 lei, out of which the municipality contributed with 2% (322,911.94 RON)

Funds: ERDF funds under the CLLD mechanism

Period: 2022-2024.

Slobozia is a small city of around 40000 inhabitants situated at 130 km of Bucharest, and is the capital city of an agricultural county with the same name. It hosts a significant Roma population divided into several subgroups. In the wake of the economic rise of Romania’s GDP, that resulted into the classification of the country as “developed economy”, all major cities, and some of the secondary ones are engaged into a stronger process of urban renewal. This often results in renovictions, most of the victims being Roma individuals, and sometimes entire communities. It is the case also here, some 40 families were evicted from the center of the city and temporary relocated to a dormitory building that belongs to the school for children with special needs.

The local authorities are in an advanced stage of building new social housing for this group, and they are doing it within a European program dedicated to community led development. The program is created by the rules of CLLD, with several local and non-local stakeholders involved, and led by a person of Roma origin.

However, both the location of the houses, and the functional solution are an issue. First, the city is relatively small, but it has suburbs that have a very low density and are spread into territory. The former village Bora is situated across the river, also separated by a national road with heavy traffic.

The plot of land was previously used as a dumping area for construction materials, it is unclear if it was decontaminated, and in the vicinity, there is a poultry farm situated at the minimum legal distance. Moreover, the compound is situated at the very edge of the city and of the Bora neighborhood, which means that it is at the furthest possible point from any public service. In order to mitigate this, the municipality has two other social projects, also using European money, one close to completion, the second finished, the first being a canteen for vulnerable people, the second a playground. The end part of Bora is inhabited by ursari Roma, who will also be the beneficiaries of the canteen, therefore not having to travel to the center of the city for this service. This amounts to ethno-racial and class segregation.

Second, the houses are build of shipyard containers. Although highly accepted today as a method for temporary constructions, and certified by different standards, the houses do not meet the minimum requirements for thermal insulation, sound insulation, surface and sanitary equipment. Long-term housing in these conditions hampers the possibility of any sort of social and economical development and it will affect primarily the children. The infrastructure is under construction and appears to be able to support the formation of a cluster of houses that has a relatively low density and a decent amount of common space, but the place is still under construction, and we could not consult the design documentation.

Container housing for Roma - Catalin Berescu

Container housing for Roma - Catalin Berescu

Case 10 Segregated housing in Sfantu Gheorghe

Objective: Build segregated housing in Orko community, Sfantu Gheorghe.[63]

Target group: 100 persons in 50 social houses

Beneficiary: Sfantu Gheorghe Municipality

Total costs: 3,000,000 Euro out of which 736.388,49 Euro contribution of the municipality

Funds: ERDF under CLLD mechanism

Period: 2017-2022.

Human rights violation:
The new houses were exactly inside the segregated Roma community of Orko, which is equivalent to reinforcement of segregation.

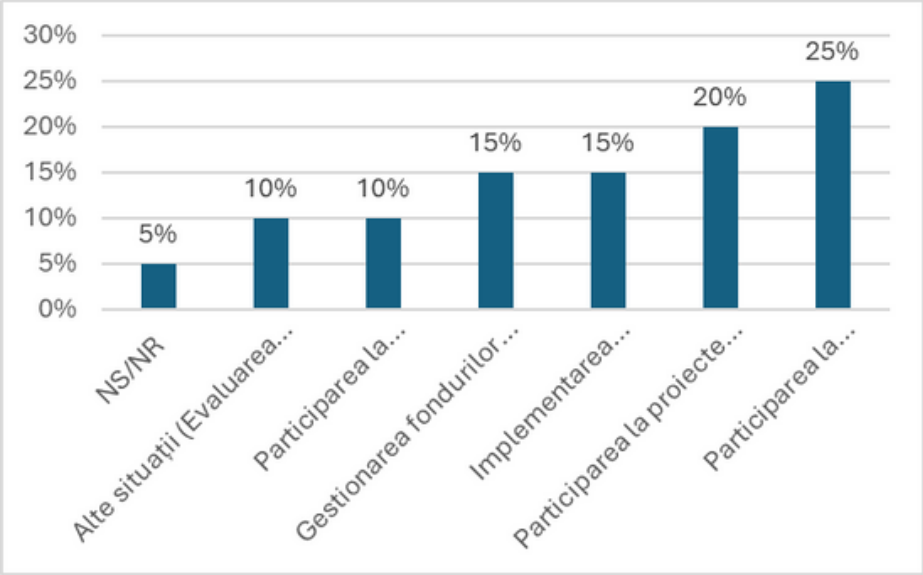
Due to big delays in the program only the foundation for a few houses has been built, but the intention is to finish building the houses in the new programming period of CLLD. Still there is the intention to continue to build these houses.

Housing for Roma in segregated neighborhood - Florin Botonogu

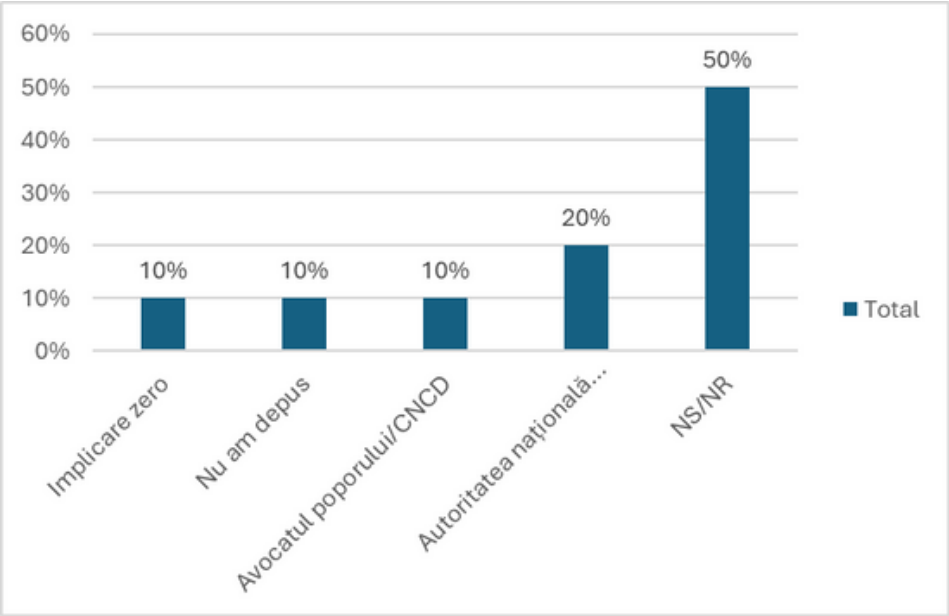
Housing for Roma in segregated neighborhood - Florin Botonogu

Kindergarten for Roma in segregated neighborhood - Florin Botonogu

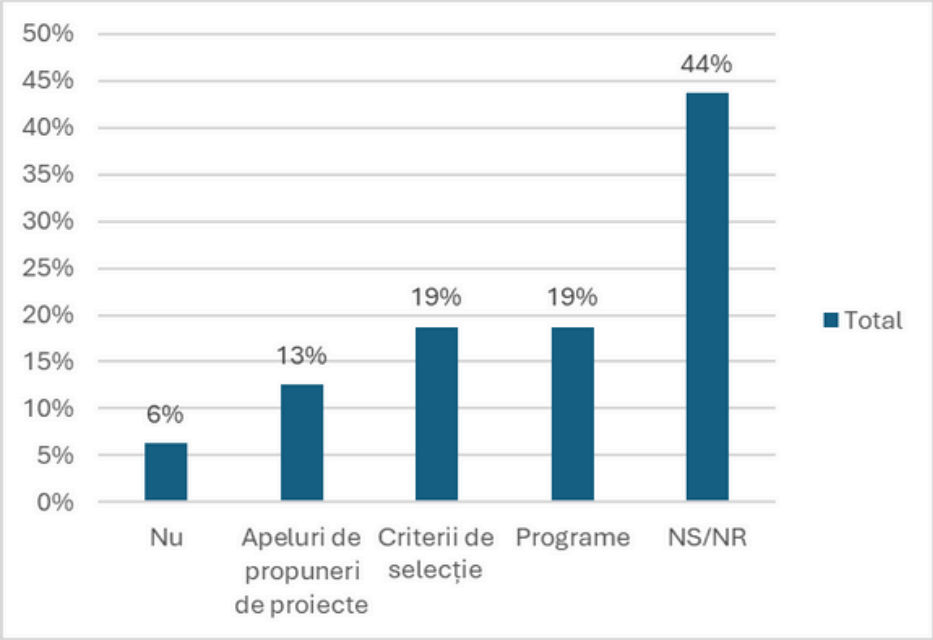
ANNEX 1
ANSWERS TO QUESTIONNAIRES AND INTERVIEWS



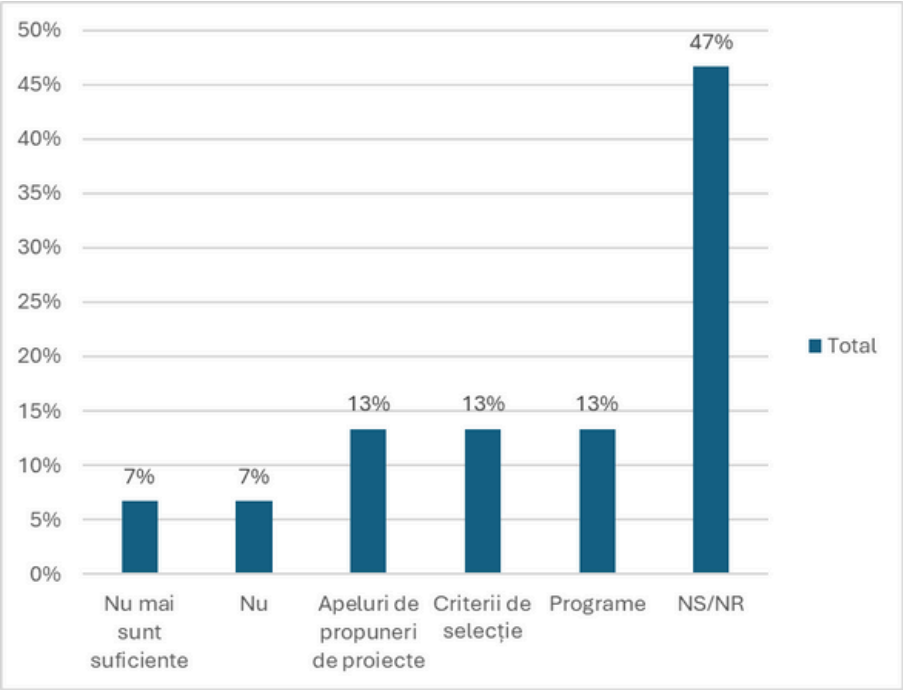
A quarter of respondents (25%) state that, regarding activities funded by European funds, they have participated in monitoring EU funds, while 5 percentage points fewer (20%) have participated in projects supported by EU funds as partners. In an equal percentage, 15%, they have been involved in implementing projects supported by EU funds as the main applicant and in managing EU funds, including programming, call for proposals, and operation selection. Fewer (10%) have participated in external monitoring, and to the same extent have specified under the category of "Other situations" that they have conducted evaluations of operational programs. Only 5% of respondents did not provide a response.



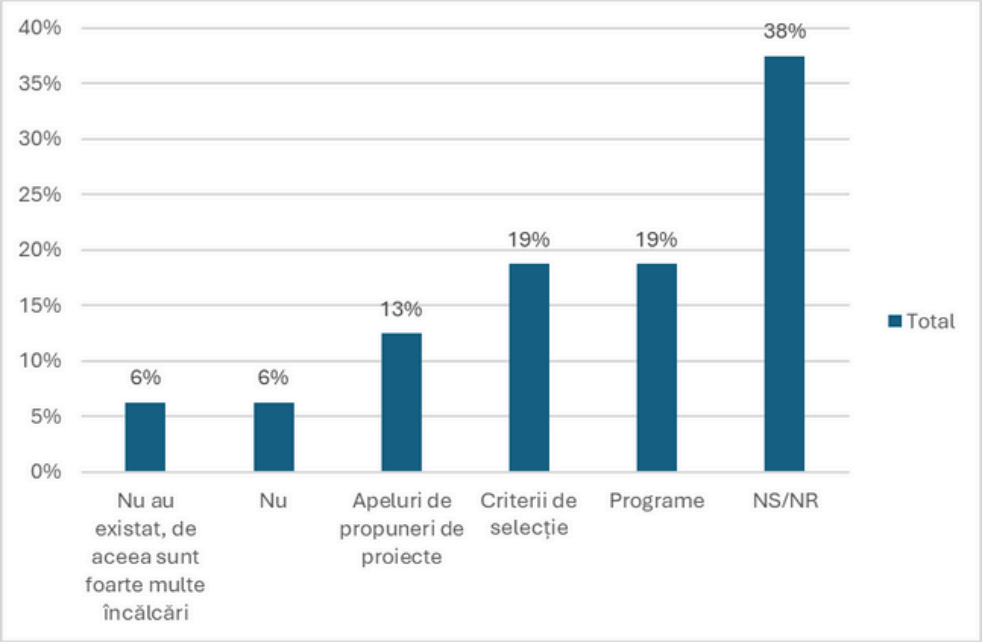
Regarding the management of complaints, it is observed that 20% of respondents view the involvement of the National Authority (management authority) positively, while only 10% perceive the Ombudsman as being involved in this activity. It is noteworthy that the responses "I have not filed a complaint" and "Zero involvement from public authorities" are in the same position (10%). Half of the respondents did not know or refused to answer this question (50%).



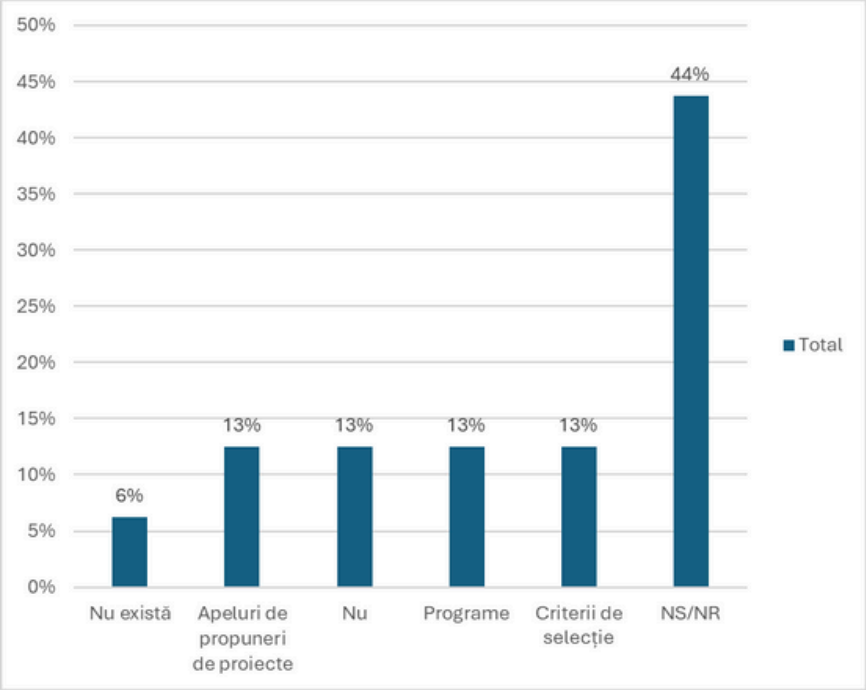
Regarding the protective measures aimed at preventing violations of fundamental rights during the period 2014-2020, in the same proportion, it is noted that these existed in programs and selection criteria (19%) and in project proposal calls (13%). 6% of respondents indicate the absence of such measures, while nearly half of them did not respond (44%).



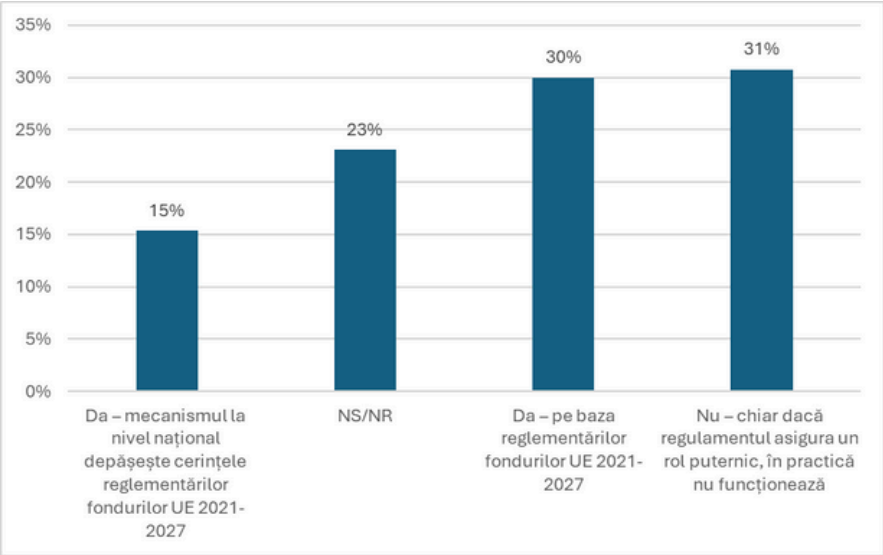
Equally, respondents believe that there are sufficient protective measures to prevent violations of fundamental rights during the period 2021-2027, especially regarding programs, selection criteria, and project proposal calls (13%). The same percentage is allocated for the "No" and "Not enough" responses (7%). Nearly half (47%) did not answer this question.



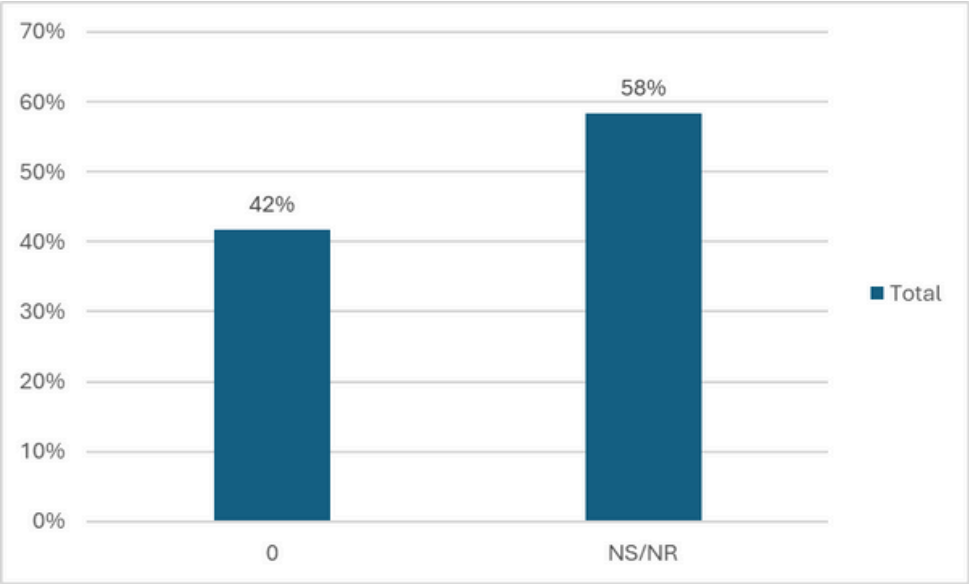
When asked whether there were enough protective measures to address violations of fundamental rights during the period 2014-2020, respondents equally agree that there were measures for programs and selection criteria (19%). Fewer (13%) believe that there were protective measures for project proposal calls, while an equal percentage of 6% specify that there were none and that is why there are many violations. A large portion (38%) preferred not to provide an answer.



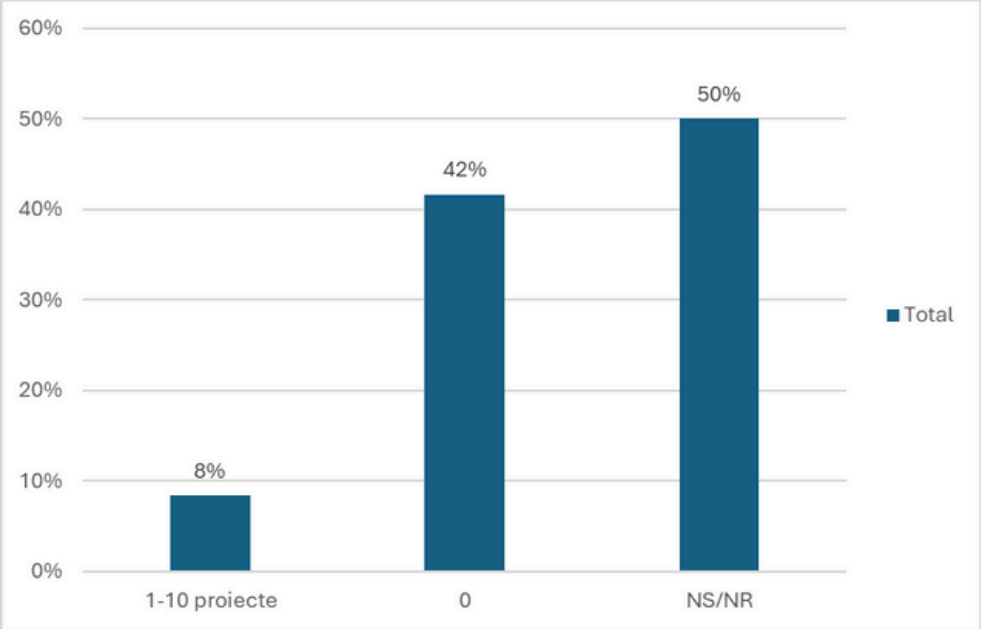
For the question regarding the existence of protective measures aimed at addressing fundamental rights violations in the period 2021-2027, it is interesting to note that respondents ranked all tools at the same level. 13% believe that there are sufficient measures for selection criteria, programs, and project proposal calls. The remaining 13% said they are not sufficient, and 6% said they do not exist. Nearly half of the respondents did not want to answer the question (44%).



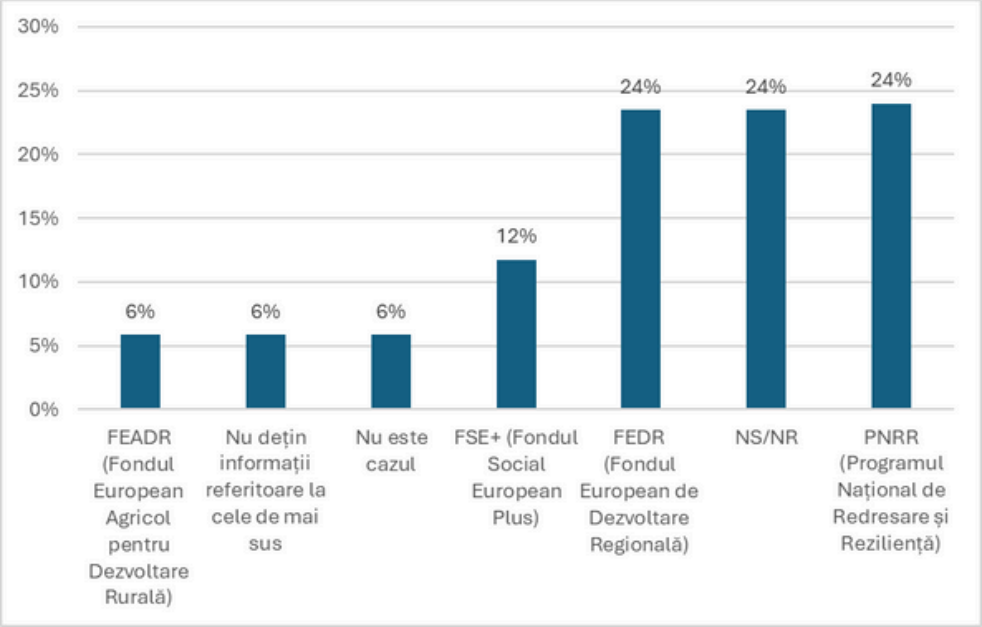
When asked if monitoring committees play a strong role in preventing and combating violations of fundamental rights in EU funds, with only a one percent difference between responses, respondents specified that Yes, based on the regulations of EU funds 2021-2027 (30%) and that No, even though the regulation ensures a strong role, it does not work in practice (31%). Fewer (15%) opted for the existing mechanism at the national level. Nearly a quarter did not answer this question.



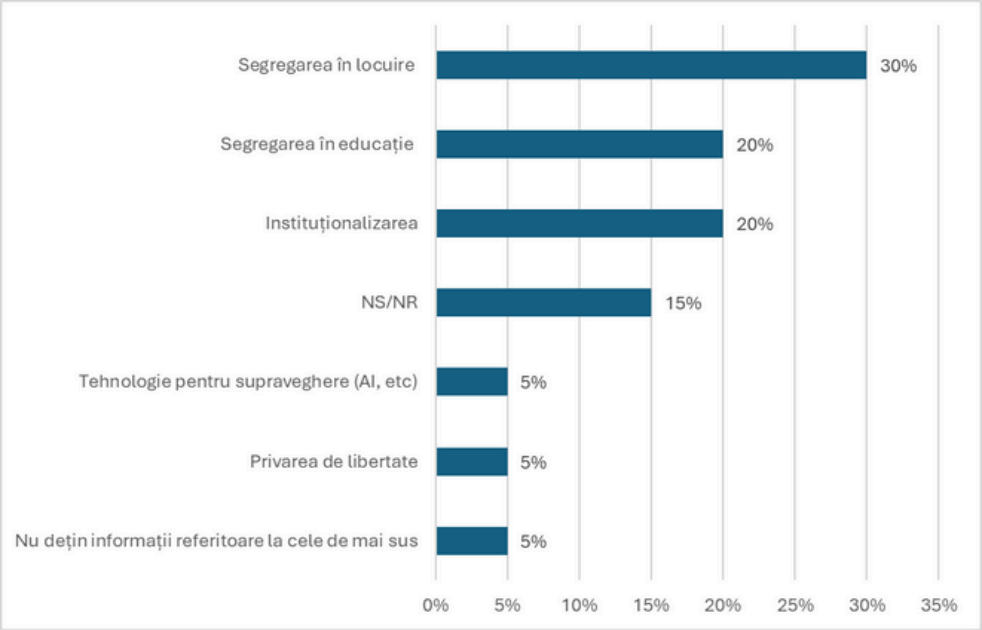
In response to the question "How many projects do you know that would violate fundamental rights during the period 2014-2020," 42% responded with zero, while over half did not want to answer (58%).



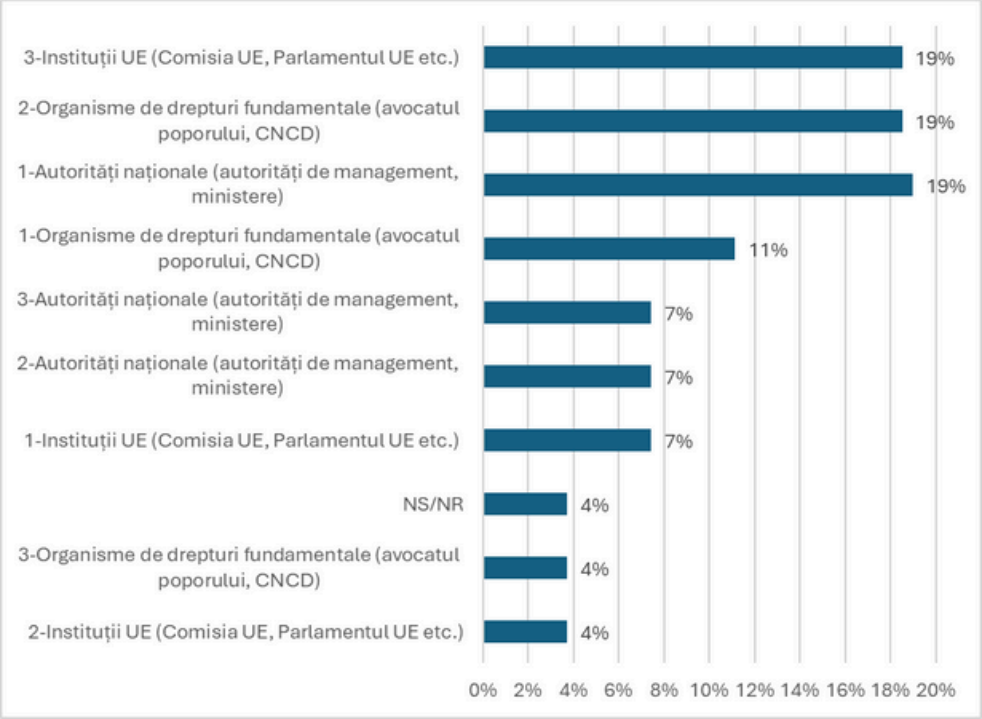
In response to the question "How many projects do you know that would violate fundamental rights during the period of 2021-2027," 42% answered zero, 8% between 1 and 10 projects, and half did not want to respond (50%).



Regarding the types of programs funded by EU funds and tainted by human rights violations, both the National Recovery and Resilience Plan (PNRR) and the European Regional Development Fund (ERDF) (24%) are mentioned equally. Other programs include the European Social Fund (ESF) (12%) and the European Agricultural Fund for Rural Development (EAFRD) (6%). In the same percentage, 6%, it is specified that this information is not available or not applicable. Nearly a quarter (24%) of respondents did not want to answer this question.



When asked which they consider to be the most relevant violations of fundamental rights with the use of EU funds, the respondents, in the highest proportion of 30%, opted for housing segregation, and to the same extent, for segregation in education and institutionalization (20%). Equally, at 5%, technology for surveillance, deprivation of liberty, and the fact that they have no information on this.



When asked who should take on more responsibility in preventing and combating violations of fundamental rights in EU funds, respondents are equally of the opinion that the first to take on more responsibilities should be National Authorities (managing authorities, ministries) (19%), Fundamental Rights Bodies (ombudsman, CNCD), and EU Institutions (EU Commission, EU Parliament, etc.). 4% of respondents did not want to answer this question.

Main ideas from the interviews

The Romanian Ombudsman:

"We do not have the authority to notify European bodies about these issues regarding the breach of the Charter in the process of accessing funds. We only have the authority to receive and address petitions that could have such an object and also, as of last year, we have some competencies that derive from our position as a member of the Committee for the Charter of Fundamental Rights of the EU, coordinated by Ministry of Investments and European Projects, a committee we are part of together with CNCD, OIR, ANES, and which, in principle, ensures the full compliance of the Charter in the implementation of European funds" (M.A., advisor).
In a similar situation is also the General Directorate for Social Assistance of the Municipality of Bucharest (D.G.A.S.M.B.), which, although does not have the competence to forward such complaints, works directly to resolve cases of human rights violations:
"We are not directly involved in evaluating complaints, but we deal with many cases of violations that have appealed to EU protection mechanisms for the prevention of human rights and they seem a bit cumbersome, cumbersome and with a very long duration in terms of resolution"

Regarding the measures provided at the European level for the prevention and combating of violations of fundamental rights, included in programs financed in the period 2014-2020, respondents generally consider that these have been insufficient.
"I don't think there was any sufficient mechanism neither at the level of the applicants nor at the level of the partners to assess violations of fundamental rights. There is no instrument at all, nothing, nothing, nothing. There were some grids, a few questions, but nothing substantiated" (C.S., D.G.A.S.M.B.)

"They were not enough for the prevention and combating of human rights violations. Once again, protective measures are included at the level of state policies and the Romanian state will always tell you, sir, that we do not violate, because we do not have policies that violate. Yes, that's correct, because in his policies, meaning in what remains written, he does not violate. He violates through all representatives of central or local authorities. He does not violate through the legislation or regulations that he self-writes or are imposed through belonging to the civilized world" (M.V., independent activist).

A different perspective belongs to the representative of the National Agency for Roma, in whose opinion there is a discrepancy between the measures provided and what actually happens:
"Yes, I believe that they have been sufficiently addressed and documented. I mean, we have an institutional framework and we have regulations in Romania, specialized institutions that are responsible for combating these phenomena, but they end up being very little known in the social circles where such phenomena occur. Institutional mechanisms need to respond to these needs. Otherwise, we are talking about the discrepancy between what the institutional level means and social reality" (I.P., N.A.R.).

According to the interviewees, there are a series of legal requirements and standards that can be introduced into post-27 programs in order to prevent and address violations of fundamental rights: "The reporting mechanisms for violations need to be more clearly defined in law and more accessible so that those implementing projects or other target audiences or indirectly benefiting can use those mechanisms" (C.S., D.G.A.S.M.B.).

A more specific point of view refers to the implementation of European programs under the direct supervision of independent auditors. In the respondent's opinion, this is the only viable measure that can substantially reduce human rights violations or potential inappropriate uses of European funds accessed by Romania.
"There must be auditors involved who are actually experts from various socio-professional backgrounds. They need to thoroughly check the activities and give their approval if they meet all moral, economic, and human rights conditions" (M.V., independent activist).

Moreover, there are reported situations where fundamental rights organizations in Romania do not fulfill their obligations in a timely manner or adequately: "I, let's say, see a fundamental violation of human rights through the presence of a segregating wall in Baia Mare. First, I write an open letter, explaining to everyone what needs to be done. No one wants to do anything for 7 years. The National Council for Combating Discrimination (CNCD), every year, says that nothing more can be done. I am forced to establish an association in order to have legal standing, so you see, what do you see with us, how do you see the role? So, they don't do their job. They have roles, but they don't do their job, so I am forced from the street to establish an association so that I can take action, even though they already had legal standing, and we reach a court, a supreme court, and it definitively and irrevocably decides that the wall must be demolished. Is it demolished by anyone? No, because you see, it is not the role of fundamental organizations. They did their job, and I did mine. What does the Romanian state do with the decision? It just looks at it. And if you go and ask, they will say, 'Sir, we don't do it, we don't bring human rights violations.' If you don't, with a final demolition decision, implement it. And they wait for me to demolish it myself" (M.V., independent activist).

Regarding the intention to file complaints for possible human rights violations in European funds, at least at a declarative level, this is a viable option. Of course, it is conditional on the rights and obligations of each institution. Additionally, this intention depends on the perspective of the respondents. For example, from the perspective of some providers of social services, the focus should be on a detailed understanding of human rights rather than just reporting their violation:

"I think that many of us working in this area, whether it's European funds, social cohesion, or anything else, do not know exactly what the fundamental human rights are and how we can ensure that they are not just protected, as you said, but that we do not... I mean, this should be the minimal step, the minimum standard, to protect them, and not violate them. I think at the beginning, many years ago, when Romania's democratic story began, various training sessions were held, everyone learned that there is a convention, but I don't think we have delved deep. If you take 10 public officials working in a Ministry, in some local authority service somewhere, implementing, I don't think they can name 5 fundamental rights for you. I have my doubts, and I believe we should start to see what the level of perception is and how much the Romanian state understands, well, through its workers, what this means" (C.S., D.G.A.S.M.B.).

One Roma activist (CN) says that relocating the children to a different school under the process of desegregation can lead to bullying and the educational performance will not be improved. There is racism in these schools and children will not be involved in activities. Busing can be a method of proving that the state does something for desegregation, but in fact, it is counterproductive. There are no examples of children who succeeded after being relocated from their community. The problem is not school segregation but geographical segregation and the quality of education. Another problem is the inclusion of Roma children in the schools for children with special needs.

Ministry of Investments and European Projects:

- EU Charter of Fundamental Rights and UNCRPD are in the responsibility of the communication and international cooperation department.
- For the Charter there is an inter-institutional Committee. They had the first meeting in 2023 and they established the functioning mechanisms. In 2024 they had the second meeting but they have not received any complaints in 2024. The role in this committee is double: to receive complaints and to offer advise on how to treat possible human rights violation.
- For the UNCRPD the mechanism is different – members of this department participate in all monitoring committees; in 4 committees their status is of an observer: ESF+, PEO (Operational Program on Education and Employment) PIDS (Operational Program on Inclusion and Social Dignity) and Operational Program on Health. They can make comments on all comments received by monitoring committee.
- This department analyses the eligibility criteria and makes sure that the following criteria are there: non-discrimination, equality of chances (for the Charter) and accessibility (UNCRPD).
- They are waiting for recommendations to improve the evaluation process – how to develop an efficient verification of possible human rights violation.
- There is a special page dedicated to the Charter on the website of the Ministry of Investments and European Projects[64], a guide for the implementation of the Charter[65] and a guide for implementation of the UNCRPD.[66]
- Romania would appreciate an exchange of experience with other countries in this field – possible facilitated by the EC (in the form of organizing a working group on this topic).
- The evaluation methods of the project should comprise also issues related to human rights.
- There are evaluation plans of the projects for each program and horizontal principles are included in these plans.

Education Ministry

- In the projects managed by the ministry, non-segregation and desegregation are transversal priorities.
- There are good safeguards against segregation in education; every complaint should be carefully researched.
- A special call released by the ministry addressed to Roma (at the recommendation of the EC) was regarded by some of the colleagues in the ministry as a segregation measure (or positive discrimination).
- The Ministry of Education acts as an intermediary body for the implementation of EU funds and there is a need for a special body inside the ministry to deal with the issue of segregation, with people very well trained – with branches at the level of the counties (similar to the position of inspector for Roma issues).

National Council for Combating Discrimination

- Cases for human rights violation have not been very well documented.
- We proposed in 2014 a system of offering points in the selection of the projects, based on human rights profile of the applicant for every applicant (Hungarian model) and then sanction the applicant if they violate basic human rights.
- We have trained the people from management authorities for 2 years on ex-ante conditionalities.
- For a new task (monitoring human rights violation in the use of EU funds) there is a need for more human and financial resources.

NGO working on disability issues

- Human rights bodies should have much more visits in the field to document cases of discrimination.
- UNCRPD should be considered before national legislation is considered; in Romania art. 19 of the UNCRPD (the right to independent life) is not very much taken into account by the Romanian authorities.

REFERENCES

[1] f5ba8a43b695501e5128b7969d04de4a.pdf
[2] Partnership Agreement_2014RO16M8PA001_1_2_ro.pdf
[3] MFE 2014-2020 - Program operațional Capital Uman (POCU)
[4] adea42c5c2c33651663c6f34fada0c69.pdf
[5] Prioritatea 6
[6] PEO: Ghidul Solicitantului Măsuri integrate pentru comunitatea roma – Ministerul Investițiilor și Proiectelor Europene
[7] Anexa-2-Ghidul-Solicitantului_Conditii-Specifice-5.1_20190912-1.pdf
[8] PoIDS: Ghidul Solicitantului Condiții Specifice „Sprijin pentru autoritățile publice locale în vederea gestionării situației așezărilor informale și asigurarea de locuințe sociale pentru persoanele vulnerabile cu accent pe persoanele provenite din așezările informale" – Ministerul Investițiilor și Proiectelor Europene
[9] Europe's Hidden Shame | Human Rights | Al Jazeera
[10] Europe's Recurring Shame | Human Rights | Al Jazeera
[11] Romania, the only EU State that did not report to the UN Committee on the Rights of Persons with Disabilities. What are we risking? – Centrul de Resurse Juridice
[12] Statistici – Autoritatea Națională pentru Protecția Drepturilor Persoanelor cu Dizabilități
[13] Deinstitutionalization | UNICEF Romania
[14] METODOLOGIE 30/10/2018 - Portal Legislativ
[15] Persoane cu dizabilități – tranziția de la servicii rezidențiale la servicii în comunitate – Autoritatea Națională pentru Protecția Drepturilor Persoanelor cu Dizabilități
[16] Livrabil-A-2.2_EN.pdf
[17] idem
[18] LEGE 7 04/01/2023 - Portal Legislativ
[19]Centrul de Resurse Juridice – Justiție. Demnitate. Egalitate.
[20] Written-report-by-CENTER-FOR-LEGAL-RESOURCES_for-European-Union.pdf
[21] Idem
[22] Doc-13-18-11-2021-Adresa-raspuns-MIPE-to-CRJ.pdf
[23] Funding - ENIL
[24] Ordin-cadru 6.134_2016 interzicere segregare.pdf
[25] ORDIN 5633 23/12/2019 - Portal Legislativ
[26] ORDIN 6832 20/12/2023 - Portal Legislativ
[27] CADO – Centru de Advocacy si Drepturile Omului
[28] Raport-privind-segregarea-in-Romania.pdf
[29] 04 SocioRoMap brosura Ancheta expertilor - 09.pdf
[30] 0450 BIS BT:Macheta P1 pepi.qxd
[31] HOTĂRÂRE nr. 884 din 19 august 2021

[32] Statewatch | Deportations: New role for Frontex as EU pushes for more “voluntary” returns
[33] Microsoft Word - 2023 10 18 Pilot-DRAFT progress report with RO- latest version with Charmaine comments addressed clean (002)
[34] Beyond-walls-and-fences_EU-funding-used-for-a-complex-and-digitalised-border-surveillance-system.pdf
[35] follow-the-money_AMIF_UNHCR_ECRE_23-11-2018.pdf
[36] Statewatch | Deportations: New role for Frontex as EU pushes for more “voluntary” returns
[37] 0450 BIS BT:Macheta P1 pepi.qxd
[38] 5284_file1_blighted-lives-romani-children-in-state-care.pdf
[39] https://www.presshub.ro/cado-cncd-a-sanctionat-institutiile-responsabile-pentru-segregarea-de-la-scoala-gimnaziala-paltinoasa-348317/
[40] https://www.digi24.ro/stiri/actualitate/educatie/o-scoala-din-suceava-amendata-pentru-segregarea-unor-elevi-romi-pe-care-i-a-trimis-sa-invete-in-sala-de-sport-2955625
[41] https://www.edupedu.ro/elevi-impartiti-in-clase-dupa-etnie-la-scoala-paltinoasa-din-judetul-suceava-cu-aprobarea-inspectoratului-scolar-potrivit-consiliului-pentru-combaterea-discriminarii-care-a-amendat-institutiile/
[42] https://www.digi24.ro/stiri/actualitate/educatie/o-scoala-din-suceava-amendata-pentru-segregarea-unor-elevi-romi-pe-care-i-a-trimis-sa-invete-in-sala-de-sport-2955625
[43] https://www.facebook.com/story.php?story_fbid=961602852676706&id=100064809995995&__rdr[1] https://www.edupedu.ro/breaking-scoala-din-vaideeni-judetul-valcea-amendata-pentru-segregare-de-consiliul-pentru-combaterea-discriminarii-dupa-ce-a-impartit-elevii-in-clase-in-functie-de-etnie-si-domiciliu/
[44] https://www.edupedu.ro/breaking-scoala-din-vaideeni-judetul-valcea-amendata-pentru-segregare-de-consiliul-pentru-combaterea-discriminarii-dupa-ce-a-impartit-elevii-in-clase-in-functie-de-etnie-si-domiciliu/
[45] Hotarare-438-2023.pdf
[46] Proiect F-PNRAS-1-2022-2191 PNRR – SCOALA GIMNAZIALA LUCA SOLOMON VAIDEENI
[47] AGENDA INSTITUŢIEI 11-15 MAI 2015
[48] https://www.ziaruldeiasi.ro/stiri/update-amenzi-pentru-isj-iasi-si-directorul-scolii-din-dagata-de-la-cncd--255866.html
[49] https://partidaromilor.ro/control-al-ministerului-educatiei-la-iasi-in-urma-acuzatiilor-de-discriminare-formulate-de-catre-presedintele-prpe-iasi-elena-motas/
[50] Anunt_CRED.pdf
[51] 5-Anunt-selectie-responsabil-financiar-proiect-106616.pdf
[52] https://www.cncd.ro/wp-content/uploads/2021/03/Hotarare-172-2021.pdf
[53] https://www.wall-street.ro/articol/Social/246461/acuzatii-de-segregare-la-o-scoala-din-iasi-ce-spun-autoritatile-si-cncd.html
[54] https://partidaromilor.ro/elevii-romi-de-la-scoala-ion-neculce-din-iasi-au-pauze-diferite-fata-de-ceilalti-elevi/
[55]https://salvaticopiii-iasi.ro/educatie/scoala-da/
[56] UNDE SUNT BANII EUROPENI PENTRU DEZINSTITUȚIONALIZAREA PERSOANELOR CU DIZABILITĂȚI? – Centrul de Resurse Juridice
[57] Fisa-de-proiect-Periam-actualizata-30.08.2021.pdf
[58] Comunicat de presă finalizare proiect ”Construirea a 2 case de tip familial și reamenajare și extindere Centru de zi de recuperare pentru copii cu dizabilități Lugoj” - Ziua de Vest
[59] Cel mai modern centru de zi pentru recuperare a copiilor cu probleme s-a deschis la Lugoj | FOTO – VIDEO
[60] Finalizarea proiectului „Servicii sociale integrate prin dezinstituționalizarea persoanelor adulte cu dizabilități si crearea centrului de zi Smârdan cu 3 locuințe protejate” – Tulcea noastra

[61] Comunicat_de_presa_finalizare_proiect_Smardan_cod_120109.pdf
[62] UNDE SUNT BANII EUROPENI PENTRU DEZINSTITUȚIONALIZAREA PERSOANELOR CU DIZABILITĂȚI? – Centrul de Resurse Juridice
[63] Anexa-21_Fisa-interventiei_Document-K-fisa-proiect-FINAL.docx.pdf
[64]Carta drepturilor fundamentale a Uniunii Europene – Ministerul Investițiilor și Proiectelor Europene
[65] 0289aed9bcb174a18d17d7badb94816f.pdf
[66] Punctul de contact pentru implementarea Convenției privind drepturile persoanelor cu dizabilități – Ministerul Investițiilor și Proiectelor Europene

FURI
EU FUNDS FOR FUNDAMENTAL RIGHTS