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National Research Report

Antigypsyism in Romania: Lessons (not) learned

By Iulius Rostas &
Ciprian Nodis *

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CHACHIPEN

Remembrance, Recognition,
Justice and Trust-Building



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About the authors

* **Iulius Rostas and Ciprian Nodis** are a member of a CHACHIPEN Romanian Research team.

Dr. Iulius Rostas is a Visiting Professor at the National School of Political Studies and Administration (Romania) and teaches courses on racism at University of Stuttgart and Dortmund University of Applied Sciences. Between 2016 and 2019 he served as Chair of Romani Studies and Assistant Professor at Central European University. Previously, he was an Affiliated Fellow with the Institute for Advanced Studies at CEU and Visiting Lecturer at Corvinus University, Budapest. Dr Rostas is the editor of 'Ten Years After: A History of Roma School Desegregation in Central and Eastern Europe' (CEU Press, 2012) and in 2011 he published *Social Inclusion or Exclusion: the Rights of Persons Living with HIV in Moldova* (Cartier Publishing, 2011). He is the founding Editor-in Chief of the Critical Romani Studies journal (crs.ceu.edu). His latest book, *A Task for Sisyphus: Why Policies towards Roma in Europe Are Failing*, was published by CEU Press in 2019.

Ciprian Nodis is a Roma activist from Bistrita, Romania. He received a BA in environmental sciences from the Babes-Bolyai University of Cluj. In 2015, he obtained an MA in public administration from the School of Public Policy at Central European University in Budapest. Since 2007, Ciprian has been involved in many projects regarding the promotion of Roma rights and anti-discrimination at the grassroots level. In 2012, he had the opportunity to work with the European Roma Rights Center. Ciprian is one of the founders of the Interethnic Association in Dumitrita and has conducted research on environmental justice as a field researcher for the CEU Romani Studies Program and the Environmental Bureau in Brussels. He has dedicated his life to the promotion of Roma rights and the fight against racism.

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About the project

CEPS, together with the Central Council of German Sinti and Roma, the European Roma Grassroots Organisations (ERGO) Network, the Federación de Asociaciones Gitanas de Cataluña (FAGIC), and the Asociația Fast Forward (AFF) from Romania, has launched an EU Rights, Equality and Citizenship programme & German Ministry of Foreign Affairs funded project called 'Paving the way for Truth and Reconciliation Process to address antigypsyism in Europe: Remembrance, Recognition, Justice and Trust-Building', abbreviated as 'CHACHIPEN' for 'truth' in the Romani language.

This project aims to lay the foundations for transitional justice, via tools like Truth and Reconciliation processes as a way to address historically rooted antigypsyism in Europe. Using the experience of Swedish and German Independent commissions, the project will draw lessons on what has (not) worked. We elaborate what processes could be of relevance for Romania and Spain and at the EU level to combat antigypsyism, aiming to build a common narrative on Roma equality.

In this context, the project has produced four country reports that provide the evidence and baseline for the calls for a larger debate on transitional justice with Roma communities, civil society, external scholars, national and EU policy makers, as well as regional and international Human Rights bodies.

More about the project: <http://antigypsyism.eu/chachipen/>



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Abbreviations

Abbreviation	Full name
ERRC	European Roma Rights Center
GDPR	General Data Protection Regulation
NCCD	National Council for Combating Discrimination
INSHR	National Institute for the Study of Holocaust in Romania
CoE	Council of Europe
ENAR	European Network Against Racism
EU	European Union
IHRA	International Holocaust Remembrance Alliance
IRU	International Romani Union
IRES	Institutul Roman pentru Evaluare si Strategie
MEP	Member of the European Parliament
NCCD	The National Council for Combating Discrimination
NGO	Non-governmental Organisation
NRIS	National Roma Integration Strategy
ODIHR	Office for Democratic Institutions and Human Rights (under OSCE)
OHCHR	Office of the High Commissioner for Human Rights (UN)
OSCE	Organisation for Security and Co-operation in Europe
PACE	Parliamentary Assembly of the Council of Europe
RCM	Roma Civil Monitor
TRP	Truth and Reconciliation Process
UN	United Nations



Executive summary

1.1. Introduction

This paper represents an analysis of antigypsyism in Romania. It is part of the CHACHIPEN project, advancing the recognition of, and response to, antigypsyism to achieve justice, equality, non-discrimination, and the full participation of Roma as equal citizens across Europe.

Part one of this report examines historically rooted antigypsyism in Romania as related to Roma slavery and the Roma Holocaust. Part two presents the key manifestations of antigypsyism considered for this research. Part three analyses the most significant policies towards Roma adopted by successive Romanian governments. Finally, Part four presents lessons learned and suggests keys ways forward through the use of transitional justice tools.

1.2. Antigypsyism in Romania

A number of research projects and publications discuss historical events that are significant for Roma in Romania, such as slavery and/or the Holocaust. There is however, no comprehensive research focusing on antigypsyism.

In general, research on Roma in Romania has focused predominantly on the socio-economic situation of Roma. One of the most influential research projects from 1991-2, led by Profs. Elena Zamfir and Catalin Zamfir, focused on poverty and identified nine socio-economic challenges affecting the Roma in Romania. Using the concept of social integration, the authors proposed a set of measures meant to ameliorate the situation for Roma. This research in particular, significantly influenced the policy discourse and the measures adopted by subsequent Romanian governments to combat poverty among Roma.

After the collapse of the communist regime in 1989, a series of post-communist conflicts involving Roma and the majority population(s) (Romanians or, in some cases, Hungarians) broke out, resulting in several deaths, houses burned to the ground, and further damage. Experts and human rights activists have identified a total of 35 ethnic conflicts to which Roma fell victim in Romania between 1989 and 1995 (ERRC 1996; Haller 1998).

Any research on antigypsyism in Romania would be incomplete without an analysis of slavery and the Holocaust. While not all Roma were affected by slavery, slavery is part of a long history of exclusion and marginalization that brings together Roma from all over Europe and beyond. Similarly, not all Roma in Romania were directly

affected by the Holocaust, however, even Roma outside the jurisdiction of the Romanian government under Marshall Ion Antonescu feared deportation within Hungary or to Romania, as both borders and rulers changed frequently during this period¹.

In 2011, the Romanian Parliament adopted Law No. 28 to commemorate February 20 as the day of Roma liberation from slavery. The law, which includes only two articles, makes no reference to Roma suffering, reparations for victims, or reconciliation. The law allows state institutions to allocate resources for commemorating the day of liberation, without however awarding material or symbolic compensations to those enslaved and their descendants. The only public display of commemoration of slavery is a memorial plaque in the Tismana monastery, the place where Roma slavery was first documented in the fourteenth century².

A survey conducted by the Ellie Wiesel Institute in 2021 shows that the Holocaust is perceived as something that happened *outside* of Romania, in which the role of the Romanian authorities is downplayed (INSHR, 2021). Thus, when asked about where Holocaust happened, 65 % of respondents indicated Germany, 52 % other European countries and only 32 % mentioned Romania (See Annex 3, Figure 2). When asked who was mainly responsible for the outbreak of the Holocaust in Romania, 53 % of respondents indicated Nazi Germany and only 31 % indicated the Romanian government of Ion Antonescu (See Annex 3, Figure 3). Furthermore, 51 % believed that the Romanian government's decision to deport Roma was influenced by Nazi Germany and 48 % mentioned the racism of the Romanian government decision-makers (See Annex 3, Figure 4).

The term 'antigypsyism' ('antitiganism', in Romanian language) first appeared in Romania in one of the official documents of the Romanian Communist Party in 1949. The party file entitled 'The Gypsy problem in the Romanian People's Republic' analysed the situation of Roma in Romania after World War II and proposes several measures that should be adopted by the government to improve their situation. The analysis was inspired by earlier policies towards Roma that were adopted in the Soviet Union during a period of relative positive expression of ethnic identity and the authorities' approach towards the problems faced by the Roma in the Soviet Union.

¹ Ion Antonescu was a Romanian military officer and marshal who presided over two successive wartime dictatorships as Prime Minister and Conducător during most of World War II (6 September 1940 – 23 August 1944). Early in his rule, he brought the legionaries, Romanian fascists known as the Iron Guard, onto the Romanian Cabinet. Though not a member of the Iron Guard, he had antisemitic and anti-Roma ideas, and ultimately ordered the deportations of Romanian Jews and Roma to Transnistria.

² <https://evz.ro/damian-draghici-marcheaza-160-de-ani-de-la-dezrobirea-romilor-printr-o-placa-comemorativa.html>.

In Romania, the term 'antitiganism' did not however receive recognition from Roma, state institutions, and the society at large. Part of the problem rests with the term 'tigan', which Roma activists consider highly pejorative, but which the wider Romanian population, including some Roma, continue to use. The debate over the appropriate name of the ethnic group – 'Roma' or 'tigan' – plays an important role in the fight for recognition and respect for the rights of Roma in Romania.

To avoid confusion between 'Romania' and 'Roma', the Romanian Ministry of Foreign Affairs issued a Memorandum³ in 1995, approved by the Prime Minister, proposing the use of the term 'tigani' (Gypsies) by all Romanian state institutions and not Roma in all official and unofficial documents. Roma activists and NGOs mobilized against the Memorandum, writing petitions and organizing protests. It took the government four years to annul the 1995 Memorandum and to recognize that Roma, in accordance with international law, have the right to name themselves.

Ten years later, the Romanian government, through its Ministry of Foreign Affairs, found another way to shame the Roma minority by connecting it to criminality. On 4 August 2009, the Ministry issued Memorandum No. 5/6380⁴ – which was also approved by the Prime Minister. This Memorandum concerned the influence of Roma migration on the Romania's image in Western European countries and its relations with the countries of destination for migrants. The Memorandum summarized the perceptions of the migration of Roma to Western Europe as negatively influencing the 'external' (sic!) image of the country, linking Roma migration to criminality abroad. The main concern of the Romanian government was the wider image of the country, which the Memorandum mentions seven times.

Thus, ethnicity influences the way in which the Romanian Government reacts to migration and national belonging. Instead of striving to respect the rights of its citizens, including those accused of crimes, the Romanian government focuses on the image of the country and its perception by foreigners.

The most egregious manifestations of antigypsyism in Romania include school segregation, police violence, inequality in administration of justice, hate speech, lack of environmental justice, exclusion from knowledge production, and the absence of Roma cultural institutions. Roma are the least trusted persons in Romania,

³ Memorandum H (03)/169 of the Ministry of Foreign Affairs and registered at the Prime Minister's Office with No. 5/390/NV from 31 January 1995.

⁴ The document title is "NOTA privind implicatiile prezentei cetatenilor romani stabiliti ilegal pe teritoriul altor state europene asupra imaginii externe a Romaniei si asupra relatiilor bilaterale cu statele respective" [Note regarding the implications of the presence of Romanian citizens settled illegally on the territory of other European States on the external image of Romania and on the bilateral relations with those states]. The document was issued by the Ministry of Foreign Affairs no. C2-1/3316 and registered at the Prime Minister's Office with No. 5/6380/04.09.2009.



according to a survey conducted by the Institutul Roman pentru Evaluare si Strategie (IRES) in July 2020, with 70 % percent of respondents claiming not to trust Roma. Seven of the eight characteristics which respondents used to describe Roma were negative and only one was neutral (Europa Libera, 2020). These results are consistent with other polls assessing trust in Roma, indicating that distrust in Roma is widespread.

Racial segregation in education in Romania represents a clear manifestation of antigypsyism. A segregated setting prevents the right of the child to be educated to his/her fullest potential by denying equality of opportunity. Therefore, segregation is perceived to violate a range of fundamental rights, such as the right to education, the right of non-discrimination in the enjoyment of protected rights (i.e., education), the right to inclusive education, or the right not to be treated in a degrading manner. Besides the human rights violations, school segregation reproduces long-term inequalities between Roma and non-Roma. To date, no accurate data is available regarding the extent of school segregation; in spite of the legal obligation of the Ministry of Education to report annually on the state of education in Romania. A significant challenge seems to be accurate data collection. Currently, there is an integrated system of data collection through which every child is monitored once they enter the educational system. However, the data reported by school principals in different EU funded projects or when requested by the Ministry of Education differ from the integrated system data.

During the 1990s, only extremist parties and politicians engaged in hate speech against Roma. By contrast, in the past two decades, hate speech targeting Roma in Romania has become a mainstream phenomenon across leading politicians and officials of all political stripes. As one of our interviewees pointed out, three complaints for discriminatory speech against Roma were lodged each against the President of Romania, Traian Basescu, Prime Minister Calin Popescu Tariceanu, and Prime Minister Victor Ponta. The Ministers of Foreign Affairs Teodor Baconski and Adrian Cioroianu have also made racist remarks against Roma, though no complaints were registered with the National Council for Combating Discrimination (NCCD) or the courts. As a result of Romania's failure to effectively combat hate speech and hate crimes, the European Commission launched in 2020 an infringement procedure against Romania for its failure to implement the Framework Decision on combating racism and xenophobia by means of criminal law (Framework Decision 2008/913/JHA). Romania failed to define hate speech according to the EU decision, criminalizing only hate speech as inciting hatred when targeted a group of persons defined by reference to race, colour, religion, descent, or national or ethnic origin, but not when the target is an individual member of such groups.

Roma in Romania, as the population most affected by extreme poverty, are disproportionately subjected to environmental burdens or environmental racism. This

is due to systemic racism, a lack of interest on the part of the wider society, and occasionally to the inconsistency in decision making on the part of local authorities. According to a Roma activist interviewed for this research, their organization has documented more than 120 cases of forced evictions of Roma families, most of which were then placed in highly polluted areas.

As part of the EU Roma Strategic Framework for equality, inclusion, and participation for 2021-2030, the Romanian government adopted the Strategy for inclusion of Romanian citizens belonging to the Roma minority for 2022—2027⁵. The adoption of the strategy was protracted, and it took the government more than nine months to adopt the Decree, which was submitted for approval by the National Agency for Roma (NAR) on 15 July 2021 (European Commission, 2022: 8). The Strategy was elaborated after consultations with Roma civil society groups, local authorities, and academia, although Roma activists complained that some of their proposals were disregarded by the NAR (European Commission: 2022: 10).

On 4 January 2021, the Romanian Parliament adopted a law containing measures to combat antigypsyism (antitiganism)⁶. While the government promoted the law as an important step forward in tackling existing antigypsyism in Romanian society, the law's impact remains to be assessed. Most of the interviewees for the current research were sceptical about its capacity to achieve its aims.

The national strategy for preventing and combating antisemitism, xenophobia, radicalization, and hate speech for 2021-2023 and the related Action Plan were adopted by the Government Decision No. 539 on May 13, 2021, and published in the Official Gazette, Part I, No. 517 on May 19, 2021. The strategy is part of the EU plan to combat racism and racial discrimination during the period 2020-2025.

Not only are the manifestations of antigypsyism significantly broader than the legal definition of discrimination, there are other factors at play when analysing the capacity of antidiscrimination legislation to effectively combat antigypsyism.

1.3. Conclusions and Policy Recommendations

In Romania, there are several terms referring to racism against Roma: antitiganism, Romaphobia, antigypsyism, anti-Roma sentiment and attitudes, and anti-Roma racism. Among Roma activists there is a strong opposition to the use of term 'antitiganism', which is argued to re-institutionalize the highly pejorative term 'tigan',

⁵ Government Decree no. 560/2022 Regarding the adoption of the Strategy for inclusion of Romanian citizens belonging to the Roma minority for the period 2022—2027, published in *Official Gazette* No. 450 bis from 5 May 2022.

⁶ Law No. 2/04.01.2021 Regarding certain measures for preventing and combating antitiganism, published in *Monitorul Oficial* No. 8 from 5 January 2021.



the use of which generations of Roma activists have fought against. While some research sheds light on historical and important manifestations of antigypsyism, including slavery and the Holocaust, there exists no comprehensive research project on antigypsyism in Romania; its manifestations, the mechanisms which produce and reproduce it, and its consequences for Roma.

The impact of antidiscrimination legislation on Roma remains limited. Romanian law has thus far failed to tackle major, systemic issues including school segregation, forced evictions, and environmental racism, or even the label used in the public sphere; 'the minority'. Political influence over appointments to the equality body NCCD further limit the impact of the law. The new law on antigypsyism – Law No. 2/04.01.2021 - is a copy paste of the law on antisemitism in Romania and fails to define antigypsyism in coordination with Roma activists and scholars. The law was itself passed thanks to the incapacity of the Romanian courts to prosecute hate speech under a Government Ordinance banning Holocaust denial and the use of symbols associated with the National Socialist regime and its allies.

The present analysis identifies major gaps in the work of the International Commission on the Holocaust in Romania and the need to update its Final Report. The establishment of the Commission on the Studying of Roma Slavery⁷ further indicates that a number of prerequisites can help to advance the agenda on dealing with the Roma past:

- Involve Roma academics and scholars in Truth and Reconciliation Commissions or expert commissions on thematic topics, specific periods or specific geographic areas;
- Involve non-Roma academics who are knowledgeable and sensitive to issues of social justice for Roma. Their reputation and moral standing should be impeccable;
- Archival access, in Romania and other countries, should be ensured by the authorities;
- Adequate financial resources should be allocated in order to facilitate the work of these commissions;
- Work closely with Roma NGOs and communities as one of the primary constituencies and audiences of these commissions;
- The commissions should be followed by structures that supplement its work with additional research and/or by using other transitional justice tools – memorialization, commemoration, legislation adjustments, vetting, compensations, rewriting history textbooks, unofficial truth projects, etc

⁷ Government of Romania Decree No. 546/2007 regarding the establishment of the Commission for the study of Roma slavery, published in the Official Gazette on 8 June 2007.

- Establishing expert sub-commissions on specific events would lead to more efficiency, rather than having a single commission for the whole history of Roma.

Studies reveal that the broader Romanian society, as well as Roma, require further education on Roma history in Romania. The ongoing reform of mainstream curricula to include elements of Roma history and culture would benefit from the work of expert commissions on Roma historical events. Even Roma who have some pre-existing knowledge of these events would benefit from further study into the historical oppression and suffering of Roma, as well as their contributions to the history and culture of Romania.

The most significant risk in the use of transitional justice tools, including expert commissions, is that they will reproduce the existing dominant narrative on Roma and will be unable to break the current monopoly enjoyed by non-Roma academics in shaping the public discourse on Roma.

Working with Roma NGOs and activists is a precondition for the success of the commissions in regard to reconciliation. Grassroots mobilization is instrumental in building trust and putting pressure on state institutions to become transparent and accountable. Public hearings could allow the commission to invite Roma, victims, academics, students, non-Roma, foreign activists, even magistrates, police officers, and government officials to speak. If public hearings were set up weekly (as in the South African example) and broadcast publicly, then momentum could be further sustained.

Truth commissions have the potential to be unique in the region of Central and Eastern Europe. Working groups under the already constituted Commission for Studying the Roma slavery focused on limited time periods or specific issues (for instance, the experiences of enslaved Roma women, children, and elderly; or geographies such as Moldova and Transylvania, and differences across rural and urban settings, etc) could be easily established. A memory institute could follow the work of these commissions, to continue research into slavery and the Holocaust, and branch out into other fields.

Opportunities to use transitional justice tools across EU Member States as part of the new EU Strategic Framework for Roma, or as part of the EU antiracism program would facilitate the work of Roma and pro-Roma advocates. In presenting examples from other states, they will point out the synergy of these efforts at the EU level and the need to coordinate with other Member States. Additionally, Brussels-based advocacy with the European Commission and Parliament in putting pressure on Member States to use transitional justice tools in combating antigypsyism would increase the probability of creating a strong movement supporting transitional justice and its use for the Roma case in Europe.

Introduction and methodology

This paper represents an analysis of antigypsyism in Romania. It is part of the CHACHIPEN project advancing the recognition of, and response to, historically rooted and systemic antigypsyism to achieve justice, equality, non-discrimination, and the full participation of Roma as equal citizens across Europe.

The methodology used is based on:

- (1) A literature review of the most relevant sources for historical events for Roma in Romania, focused on slavery and the Holocaust;
- (2) A legal and policy analysis of primary (laws, strategies, government regulations, decrees, notifications, memoranda, etc.) and secondary sources (such as reports, surveys, impact assessments) regarding policies towards Roma in Romania;
- (3) Semi-structured interviews with independent experts from civil society, officials, and Roma activists who were involved in designing, implementing and/or monitoring policies towards Roma (see Annex 1);
- (4) Focus groups with members of the Roma community. The list of questions for the focus groups is attached in Annex 2. Three focus groups took place in three Roma communities located in the centre and north of Romania: Dumitrita (October 10, 2022) and Reteag (October 7, 2022), Bistrita Nasaud county; and Petelea (October 5, 2022), Mures county (see Annex 2).

The focus groups consisted of 5-7 participants, selected based on their degree of community engagement, and maintaining a gender and age balance. The focus groups were organized in safe spaces, all participants were invited to express their opinions and whenever some participants were less active, the moderator directed specific questions to these individuals to ensure that their voices were also heard (see Annex 2). All interviews and focus groups were anonymized in conformity with General Data Protection Regulation (GDPR) and research ethics guidelines. The interviewees and the focus group participants gave their verbal consent and agreed to anonymity rules to ensure consistency among the research papers produced within the CHACHIPEN project. The information gathered from interviews and focus groups informed background research and, wherever relevant, references and citations have been provided.

Part one of this report examines historically rooted antigypsyism in Romania as related to Roma slavery and the Roma Holocaust, as well as the debates around these concepts. Part two presents the key manifestations of antigypsyism considered for this research: the perception of Roma, school segregation, antigypsyism in knowledge production, antigypsyism in law enforcement and justice systems, as well as environmental racism. Part three investigates the efforts to recognize, remember,



and remedy historically rooted antigypsyism by analysing the most significant policies towards Roma adopted by successive Romanian governments. Finally, Part four presents lessons learned and suggests some of the ways forward in combating antigypsyism through the use of transitional justice tools.



PART 1. Historically rooted antigypsyism in Romania

A number of research projects and publications discuss historical events that are significant for Roma in Romania, such as slavery and/or the Holocaust. There is however, no comprehensive research focusing on antigypsyism, its manifestations, its psychological impact on Roma and society, the mechanisms that produce and reproduce it, and the policies able to tackle it as a societal issue.

One of the most important publications dealing with antigypsyism is the 2019 volume, edited by Oana Dorobantu and Carmen Gheorghe, *Problema romaneasca – o analiza a rasismului romanesc* (The Romanian Issue: An Analysis of Romanian Racism). The editors see racism as a problem of the majority, non-Roma population.. This transfer of responsibility away from the Roma community is further analysed by a number of Roma and non-Roma scholars and activists. Indeed, the 'politics of parity' of Roma and non-Roma contributors advocated for in this edited work was rejected by two non-Roma potential contributors⁸.

In general, research on Roma in Romania has focused predominantly on the socio-economic situation of Roma. One of the most influential research projects from 1991-2, led by Profs. Elena Zamfir and Catalin Zamfir, focused on poverty and identified nine socio-economic challenges affecting the Roma in Romania. Using the concept of social integration, the authors proposed a set of measures meant to ameliorate the situation for Roma targeting educational achievements and dropout rates, unemployment, health, and poverty. Due to Catalin Zamfir's sizeable political influence during the 1990s and early 2000s, this research significantly influenced the policy discourse and the measures adopted by subsequent Romanian governments to combat poverty among Roma.

However, this research did not consider some of the most important events marking the history of Roma in Romania; most notably their enslavement for more than five centuries and deportation during World War II by the Romanian government. Instead, this research team highlighted the role of social and economic conditions as the root causes of the problems faced by Roma. The following paragraph reveals the authors' general approach:

The issue effectively worrying the Romanian society is not the issue of the Roma as Roma. It is therefore not an ethnic issue...It does refer to Roma, but only to some Roma, difficult to say whether the majority of Roma

⁸ See Dragan, M., and Dorobantu, O. (2019), 'Preface,' in Dorobantu, O. and Gheorghe, C. (eds), *Problema romaneasca – o analiza a rasismului romanesc* [The Romanian Issue: An Analysis of the Romanian Racism], Hecate, Bucharest, p. 9.



focuses on social and economic aspects more than on ethnic ones. . . An ethnic issue, as a norm, is rooted in discrimination, in intolerance of one kind or another. Its solution lies in combating discriminatory behaviour wherever it comes from. To the extent that it is a social and economic issue, its solutions will be sought in social and economic phenomena. The ethnic issue cannot be overlooked, but this is secondary, mostly maintained and amplified by social and economic problems. (Zamfir and Zamfir: 1993: 156).

After the collapse of the communist regime in 1989, other Romanian sociologists also emphasized the utmost importance of socio-economic factors in analysing the situation of Roma in Romania. A series of post-communist conflicts involving Roma and the majority population(s) (Romanians or, in some cases, Hungarians) broke out, resulting in several deaths, houses burned to the ground, and other damage. Experts and human rights activists have identified a total of 35 ethnic conflicts to which Roma fell victim in Romania between 1989 and 1995 (ERRC 1996; Haller 1998). As a result, Romania acquired the reputation of a state facing significant challenges in accommodating its ethnic minorities.

In this context, a group of sociologists affiliated with the Romanian Academy, including Dorel Abraham, Ilie Badescu and Septimiu Chelcea, used data on public perception and the motivations behind these conflicts to point out their social dimensions. The sociologists analysed four conflicts that occurred in Târgu-Mureș, Mihail Kogălniceanu, and Ogrezeni și Hădăreni, and identified their sources as social, rather than ethnic: 'The ethnic explanation of the conflicts in Transylvania or the conflicts with the Roma in several villages is not confirmed by our investigation' (Abraham et al, 1995: 232). Such a conclusion contradicted the findings of several national and international human rights organizations – including Liga Pro-Europa, Ethnic Federation of Roma, Human Rights Watch, European Roma Rights Center – who categorized these conflicts as interethnic conflicts and determined ethnic differences to be their central cause⁹.

Any research on antigypsyism in Romania would be incomplete without an analysis of the two major events which significantly impacted the inequalities between Roma and the rest of Romanian society, and which remain vivid in the collective Roma memory in Romania today: namely, slavery and the Holocaust. While not all Roma

⁹ See Human Rights Watch (1992), 'Human Rights Watch World Report 1992 – Romania', 1 January, <https://www.refworld.org/docid/467fca56c.html>; European Roma Rights Center (1996), 'Country report on Romania Sudden Rage at Dawn', Budapest, http://www.errc.org/uploads/upload_en/file/00/18/m00000018.pdf.



were affected by slavery – as the condition of the Roma in Transylvania was slightly different from that of the Roma in the Romanian Principalities of Walachia and Moldova –, slavery is part of a long history of exclusion and marginalization that brings together Roma from all over Europe and beyond. Similarly, not all Roma in Romania were directly affected by the Holocaust, as northern Transylvania was under Hungarian rule between August 1940 and October 1944. However, even Roma outside the jurisdiction of the Romanian government under Marshall Ion Antonescu feared deportation within Hungary or to Romania, as both borders and rulers changed frequently during this period.

These two major historical events for Roma in Romania have and continue to significantly influence the status of Roma in Romania. The persistence of a strongly pejorative image of Roma; the widespread superiority that members of other ethnic groups in the Romanian society feel and display towards Roma; the limited access of Roma to land property, rights, and social services; the social inequalities faced by Roma; and the impunity enjoyed by perpetrators of Roma human rights violations, cannot be understood independent of these two historical events.

1.1. Roma Slavery

Slavery is the darkest chapter in the history of Roma in Romania. Roma slavery in the Romanian principalities of Walachia and Moldova goes back to the 14th century and lasted until 1855 in Moldova and 1856 in Walachia. There is a debate around the accuracy of calling the form of dependency Roma faced during these centuries of 'slavery', or whether the original Romanian word 'robi' should be preferred. As one of the experts interviewed for this research underlined, there is no difference between the two terms, given the conditions of the Roma resembled those of slaves elsewhere. In fact, the public understands the meaning of slave (*sclav*) while 'rob' is associated more with the language of the majority Romanian Orthodox Church.

It could be argued that the debate over the terminology used to describe this historical experience of Roma represents an attempt to diminish the suffering of Roma and to distort historical reality. Viorel Achim, a historian of Roma slavery, made this point convincingly during his interviews: "'Rob" in the old Romanian language meant "slave", and when in the first half of the 19th century the Romanian language was modernized, the Romanians called these people "slaves" [instead of robi]. I make this point because sometimes our slavery is presented as a milder, more humane form of slavery" (Achim, cited in Petcut, 2016: 9).

Roma were first mentioned in Romania in 1385, when a local ruler acknowledged that a donation to the Tismana monastery included 40 families of Roma slaves (Achim, 2000; Petcut, 2016). Thus by the fourteenth century, Roma were already



enslaved in the Principalities of Walachia and Moldova. The origins of Roma slavery remain unknown, as does the reason why they were so severely punished. The four theories on the origin of Roma slavery explain slavery as a result of the Tatar invasion of 1245; as a consequence of Byzantium/Ottoman domination over Wallachia and Moldova; as economic exploitation; and as the historical practice of taking prisoners of war. In the absence of further source materials, the debate remains open.

Roma slaves were divided into three categories: those belonging to the state, those belonging to private landlords or boyars, and those belonging to the Orthodox Church and its many monasteries. The conditions of the slaves varied, but those belonging to the state generally had more freedom to sell their goods. Unlike other forms of slavery that existed in the Middle Ages, the slavery of Roma was hereditary. Slaves could be sold, beaten, and abused, and for a large percentage of the slavery period, owners even had the right of life and death over their slaves. Slaves could not testify before a court of law and could be punished without a court decision. Even the Orthodox Church treated them as subhuman: who considered them as objects with no soul and no right to attend religious services (Petcut, 2016).

The term 'tigan' was partially institutionalized through the Calimach Code in Moldova in 1817 and the Caragea Code in 1818 in Walachia. These codes defined the hereditary conditions of the 'tigani' as slaves belonging to a master, and the conditions of their marriage. The two excerpts below detail the conditions of the slaves in the two Romanian Principalities.

Article 27 of the Calimach Code provides the following:

Slavery and everything that has to do with ownership, although they are against the natural right of human beings, have been common of old in this Principality, not as the Romans did for a while, but with one major difference. For here the power of the master can never be extended to the slave's life, under any pretext or circumstances; and to his property only when he has no lawful heirs, or when, fleeing without returning, he will not have any indisputable heirs (such as sons and parents), or when he will harm or damage his master by theft or other wicked deeds. Also, it is clearly known that the slave is not entirely considered as an object, and insofar his deeds, connections, rights and duties in relation to others but not to his master are concerned, he is considered to be a person; therefore, the slave is subject to and is protected by the laws of the land. (Furtuna si Turcitu, 2021: 69).

Chapter VII of the Caragea Code, 'For slaves and Gypsies', stipulated:

- 1. All slaves are somebody's property. This is the status of Gypsies in Wallachia.*
- 2. All people born from slaves shall become slaves.*



3. *All born even from a slave mother shall be slaves.*
4. *A Gypsy's master has no power over his life.*
5. *A Gypsy's master is free to sell or donate him.*
6. *All Gypsies in Wallachia who cannot prove who their master is, belong to the Prince.*
7. *He who will deliberately keep hold of a foreign Gypsy man or woman, shall return him/her to their master (paying 40 talers by year for a skilled Gypsy, and 20 talers by years for an unskilled Gypsy, 30 talers a year for a skilled Gypsy woman, and 15 talers for an unskilled one): the one who keep hold of them in ignorance of the fact shall return them to their master.*
8. *He/she who would wed a Gypsy with a foreign Gypsy woman knowingly or unknowingly, or against their master's will, shall lose that Gypsy man or woman and their children shall enter into the possession of their master. And if he would wed them unknowingly, an exchange shall be made in the sense that, the Gypsy woman shall always follow her husband. If the foreign slave practices a craft, he shall be exchanged with another skilled one; and if this cannot be fulfilled, then the talent of the skilled person shall be appreciated and compensated in coin. If the Gypsies who get married without their masters' consent or knowledge happen to have children, the boys shall remain with the master of the Gypsy man, while the girls shall belong to the woman's master and both shall be subjected to exchange.*
9. *Should any private owner lay claim in the court of law to a foreign Gypsy included in the category of princinary slaves (domnești) who had married in accordance with the law, an exchange between slaves is to be made, the wife following her husband in accordance with the aforementioned provision.*
10. *Any Gypsy who would marry a free woman or free man who would marry a Gypsy woman without the knowledge of their masters, shall be separated. However, should it be proven that the slave's master had allowed them to get marry, then they shall not be separated and shall remain together as free people and their master shall suffer the loss. (Furtuna si Turcitu, 2021: 71).*

Slavery was gradually abolished in the Romanian Principalities through the adoption of several laws from 1843 and 1856. The laws abolishing the last category of slaves were adopted in December 1855 in Moldova and on 20 February 1856, in Walachia. For that reason, 20 February became Liberation Day from Roma slavery, and is commemorated/celebrated by Roma activists in Romania as such.

The promoters of abolitionism were young, Western-educated noblemen, who regarded slavery as a relic of the feudal past and wanted to synchronize their

country with Western development. As historian Bogdan Chiriac notes, the thought of one of the leading figures behind the abolitionist drive, Mihail Kogalniceanu, was 'shaped deeply by his philanthropic values, Romantic curiosity, critical attitude towards the Moldavian ancien régime, and Western intellectual formation as a jurist and historian' (Chiriac, 2019: 30). Constantin Iordachi (2019) emphasized the role of Enlightenment ideas in the abolitionist discourse. The abolition of slavery was part of the 1848 revolutionary drive that engulfed the two Principalities, where it became a subject of public debate. However, abolitionism was not fuelled by a humanistic drive. As one historian interviewed for this research pointed out, there were ultimately two main reasons behind the abolition of slavery: social control, especially of nomadic Roma, and taxing former slaves to strengthen the economy.

The abolition of slavery did not lead to improved life conditions for Roma. On the contrary, their exploitation increased once freed Roma needed to find places to live and work (Achim, 2000; Woodcock, 2008). Abolition was not accompanied by measures to support former slaves in becoming active citizens in society (much like during the Reconstruction period in the United States of America)¹⁰. When the 1864 land reform was adopted in Romania, Roma were not included among those who qualified directly. As free people, they had to negotiate with their former owners to be allowed to live on the masters' land and for minimum subsistence. Rather than renegotiating relations with their former masters, freed Roma often preferred to migrate and seek a better life outside the Principalities.

The abolitionists had a limited vision with respect to ending slavery. Former slaves were compensated neither for their suffering nor for their labour. On the contrary, former slave owners were the ones who received compensation, as it was considered that they had suffered a property loss (Chiriac, 2018; Woodcock, 2008). Hence the question remains: what should compensation for Roma look like?

Determining both numbers of slaves and the price fluctuations of the period complicate the subject of compensation. Kogalniceanu has estimated the total number of Roma slaves in the two principalities at 250 000 (Chiriac, 2018). A historian interviewed for this research noted that this number was a rough estimate proposed by a young historian who, at the time, was studying abroad. Historian Venera Achim has conducted the most comprehensive archival research on Roma slavery in the Romanian principalities and estimates the number of liberated slaves to be rather 262 000 in 1860, of whom 162 000 were in Walachia and 100 000 in Moldova (Achim, 2005: 116). In 2012, Roma activist and scholar Ciprian Necula estimated the cost of Roma slavery to over 247 billion EUR based on the estimated number of slaves, years

¹⁰ Reconstruction in the United States lasted almost three decades after the abolition of slavery until 1896, when the US Supreme Court instituted the doctrine of 'separate but equal', legalizing racial segregation.

of slavery, and the minimum wage at the time in Romania (Necula, 2012: 36). While Necula's calculations could be regarded as simplistic, this is a courageous attempt to estimate the scale of compensation Roma could claim.

One argument against the issuance of an official State and Church apology for Roma slavery is the claim that available knowledge is yet insufficient. Given the success of the two history commissions established in 2004 and 2006 the atrocities of the Holocaust in Romania and under the communist regime, the Romanian government established in 2007 a Commission for the Study of Roma Slavery in Romania¹¹. Its mandate was to conduct in-depth and interdisciplinary research of Roma slavery in all Romanian territories. The Commission, which was placed under the National Agency for Roma, had a budget of some 75 000 EUR, and included 12 members appointed by the Prime Minister. It was expected to release a final report publicly by the end of 2007. To date, the Commission has produced no such report. It remains unclear as to whether the Commission was legally formed and no information about its activity is publicly available.

In 2011, the Romanian Parliament adopted Law No. 28¹² to commemorate 20 February as the day of Roma liberation from slavery. The law, which includes only two articles, makes no reference to Roma suffering, reparations for victims, or reconciliation. The law allows state institutions to allocate resources for commemorating the day of liberation, without however awarding material or symbolic compensations to those enslaved and their descendants. The only public display of commemoration of slavery is a memorial plaque in the Tismana monastery, the place where Roma slavery was first documented in the fourteenth century¹³.

1.2. Roma Holocaust

To date, there is no monograph published on the topic of the Roma Holocaust in Romania. Certainly, one of the most significant resources for the study of the Roma Holocaust in Romania is the Final Report of the International Commission on the Holocaust in Romania. This report, released in 2004, was elaborated by a presidential Commission and taken on by the Romanian authorities. Its most prolific scholar is historian Viorel Achim, the author of *The Roma in Romanian History*, a collection of documents on the deportation of Roma to Transnistria (published in 2004), and

¹¹ Government of Romania Decree No. 546/2007 regarding the establishment of the Commission for the study of Roma slavery, published in the Official Gazette on 8 June 2007.

¹² Published in Official Gazette on 15 March 2011.

¹³ <https://evz.ro/damian-draghici-marcheaza-160-de-ani-de-la-dezrobirea-romilor-printr-o-placa-comemorativa.html>.



several book chapters on the deportations, including the forced labour of Roma deportees. Several additional authors have made important contributions to the topic of Roma deportations to Transnistria, including Vasile Ionescu (2000), Lucian Nastasa and Andrea Varga (2001), Petre Matei (2001), and Adrian Nicolae Furtuna (2016). Radu Ioanid has also included a chapter on Roma deportations in his book, *The Holocaust in Romania: the destruction of Jews and Gypsies under the Antonescu regime, 1940-1944* (2000) and in the edited volume *Tragedia romilor deportați în Transnistria (1942-1945)* (2009). Adrian Nicolae Furtuna, a researcher with the National Roma Cultural Center Romano Kher, has published a number of book chapters and articles offering a new interpretation of the Roma deportations to Transnistria. Key among his writing is an edited volume on the deportation of the families of Roma soldiers enrolled in the Romanian Army (2020) and a chapter on Romani resistance to deportations (2021). Two further important to the historiography of the Holocaust in Romania are Dennis Deletant's *Hitler's Forgotten Ally* and Vladimir Solonari's *Purifying the Nation*.

A policy of ethnic cleansing under Antonescu's Cabinet targeted not only Jews, but Roma as well. In the 1930 national census, 262 501 persons were registered as Roma in Romania. As some historians pointed out, although Roma were not mentioned as targeted for deportations, migration and assimilation have been the two main causes behind the Roma population's stagnation since 1860 (Achim, 2000; International Commission, 2004). Thus, the actual number of Roma was perhaps much higher than the official figures suggest, factoring in assimilated Roma and those ashamed to declare their ethnic background.

Antonescu's policy of ethnic cleansing policy was legitimized at the time through the work of Romanian eugenicists. Although Roma did not constitute a similar 'question' as the Jewish minority (being numerically fewer and disorganized, lacking economic power and with no political voice), the 'Roma question' became an issue after 1940 (Turda, 2010), when Romania's territorial integrity was affected by the Vienna Treaty which leading Romanian intellectuals and politicians perceived as a treat to the very existence of the nation. There was increasing overlap between the concept of 'race' and the Romanian nationalist discourse, as 'race' was defined as a pre-condition for the existence of the nation (Turda, 2010: 249). Sabin Manuila, the Director of the Central Institute for Statistics and one of the most influential eugenicists of the period, considered Roma 'the most important, acute and grave racial problem of Romania', as they mingled with Romanians and endangered the purity of the nation even more so than Jews did (Turda: 2010: 258). Among those who made a similar point was Orthodox theologian Liviu Stan and sociologist Traian Herseni among others, mostly followers of the Iron Guard fascist movement. Below are the 'solutions' suggested by Gheorghe Facaoaru and Ion Chelchea, then leading Romanian sociologists:



Nomadic and semi-nomadic gypsies should be interned in forced labor camps. Their clothes should be changed there, they should be shaved, their hair should be cut and all of them sterilized. To cover the expenses of their maintenance, they must be put to forced labor. With the first generation we would get rid of them. Their place will be occupied by national elements, capable of orderly and creative work. The stable will be sterilized at home. In this way, the outskirts of villages and towns will no longer be a shame and a source of infection for all social diseases, but an ethnic wall useful for the nation. (Facaoaru, 1941: 17-8).

The Gypsies of the tent and those of the village remain. The question that arises is whether we continue slow assimilation or we lift the total or partial ban. However, we notice that the problem is not the same for village Gypsies as for those in tents. The tent ones are impossible to assimilate. And even if their assimilation were to occur through who knows what means, it would produce a serious disturbance in the constitution of the Romanian blood. For this reason, we favor the total isolation of the tent Gypsies. Of these, some must be reserved for a nature park, so that the country does not lose a rare species among us. The rest doesn't matter. They must be absolutely removed from the lives of our people. They could be moved somewhere in Transnistria or beyond the Bug [river]. (Chelcea: 1944: 100).

As a percentage of the inhabitants, they remain put and the ballast, the large number of village Gypsies, settled in the country or in the cities especially, will have to be colonized in a bordering part of the country, across the Dniester [river], sterilized so as not to reproduce but instead lose the race that threatens to suppress the good qualities of our population. (Chelcea: 1944: 101).

As Turda points out, while the Antonescu government sympathized with Romanian eugenicists, their 'solutions' were not fully implemented by the authorities (Turda: 2010: 264). Ion Antonescu and his government ordered the deportation of 'undesirable' Roma to the newly occupied territory of Transnistria, while the Ministry of Interior, through the Gendarmerie and the Police, executed the orders. On 25 May 1942, these two institutions conducted a census among Roma in Romania to identify 'undesirable' Roma. They identified 40 909 such persons to be deported; 9,471 nomad Roma as well as 31 438 sedentary Roma who were jailed, stole, or had no means of subsistence. These individuals were then banned from leaving the counties in which they were registered by the census, and placed under the strict supervision of the police (International Commission, 2004: 230).

The deportations of the Roma took place in two stages. On 1 June 1942, the deportations of nomad Roma started and lasted until 15 August 1942. On 1 September 1942, the sedentary Roma were deported by train. According to the



International Commission, 11 441 nomad Roma (including 2 352 men, 2 375 women and 6 714 children) were deported in the first phase. In the second phase, between 12-20 September 1942, 13 176 sedentary Roma were deported (a figure higher than initially anticipated) with the help of nine trains. There was also a third phase of deportations, from October 1942 to December 1943, but the International Commission does not provide the number of deportees, mentioning only an estimate of a few hundred, and concluding that the total number of Roma deported to Transnistria was a little over 25 000 individuals (International Commission, 2004: 234).

The Roma deportees lost everything they had. As mentioned by the International Commission, the horses and carts of the nomad Roma were confiscated by the authorities, while the sedentary Roma could take with them only a small handbag. They had no time to sell their goods and properties, and instead all their possessions were taken over by the National Center for Romanianizing (International Commission, 2004: 233-34).

The Roma deportees were settled under supervision largely in four counties near the river Bug: Golta, Oceacov, Berezovca and Balta. They were placed in parts of the villages freed by local Ukrainians or in the so-called colonies, that is, villages formed by deportees only. Their freedom of movement was restricted, and, in some cases, they were subjected to forced labour. The International Commission notes the 'positive' role of forced labour only in the sense that the deportees who worked were better off because they had more resources. The Commission failed to describe the working conditions and any wages paid for the work (International Commission, 2004: 238).

The conditions faced by deportees were extreme. As the Final Report states:

The deportees were not distributed enough food, and they could not procure it. The portion provided by the Government was not respected; sometimes, it did not distribute food for weeks. They did not provide wood for heating and cooking. Clothing was also a big problem, especially since the evicted Roma were not allowed to take a change of clothes and personal items. The deportees were deprived of the most basic objects, including cooking pots. Medical care was almost non-existent, and medicines were missing. Those who had gold, Romanian currency and various objects sold them to the locals to make a living. This terrible situation was reflected in the reports and other materials drawn up even by the authorities that dealt with the deportees (the gendarmerie posts and legions, district prices, county prefectures, etc.). (International Commission: 2004: 236).

A measure that seriously affected the nomads was the confiscation of horses and carts, not only because it deprived them of the possibility of earning a



living, but also because for many the cart served as a dwelling. (International Commission: 2004: 237).

According to the Final Report, more than 25 000 Roma were deported, 11 000 Roma died and 14 000 returned to Romania (International Commission, 2004: 234-240). Most of the Roma victims died of hunger, cold, diseases, especially typhus, and lack of medical care. The International Commission mentions the shooting of Roma who in May 1943 came to look for work in Trihati, Oceacov county, without specifying the number of victims. According to the Commission, no official documents indicated 'organized executions by Romanian military or civil authorities in Transnistria' (International Commission, 2004: 239-240), but it seems clear that there were shootings and massacres of Roma deportees. Brigitte Mihok, who analysed archival documents on Roma deportations to Transnistria, questions such statements and points to known incidents in which thousands of Roma were killed in Transnistria, but were not investigated by the International Commission (Mihok, 2010: 283).

Mihok refers to witness testimonies before the 1946 Martial Court trials of former members of the Antonescu cabinet, who alleged that at the order of the Prefect Modest Isopescu 6 000 to 8 000 Roma were executed in Goltă county. Mihok also indicates other possible mass shootings of Roma such as one at the Trihati railway station, where SS troops reportedly shot 11 500 Roma; the shootings of Roma by Romanian gendarmes at Trihati in May 1943 (which are briefly mentioned in the Final Report); and other shootings organized by local Germans (Mihok, 2010: 283). These sources were known to some members of the International Commission, who used them in other publications or as part of the collection of documents they published¹⁴.

It remains unclear why the International Commission did not investigate these events. As reported by Alexandru Florian, an International Commission member who later became the Director of the Elie Wiesel National Institute for the Study of Holocaust in Romania, 'the report was based on existing historiography works up to that time, 2003, on the history of Romania and on access to archives' As some experts interviewed for this research emphasized, the chapter on Roma in the Final Report reiterated many of Viorel Achims' ideas and positions on Roma Holocaust, already presented in his works.

The Final Report only makes brief mention of the internment camps that were located in Romania and were used by Gendarmery and Police to gather Roma. No

¹⁴ The information about the shooting of 11 500 Roma by SS troops, according to Mihok, was published first in 1991 and then mentioned by Radu Ioanid, a member of the International Commission, in 1998 in his publication *Evrei sub regimul Antonescu* (Bucharest). For the Trihati shootings by Romanian gendarmes in May 1943 and other shootings by local Germans, Mihok refers to two archival documents published in a collection of documents by Viorel Achim in 2004. See Mihok, footnotes 50, 51, and 52 (p. 283)



analysis of these camps, the inmates' conditions, the camps' jurisdiction, or the way they operated was included. It does not specify the number of Roma who were in those camps, the length of their stay, and the treatment they received. Such information would provide a better understanding of the whole operation.

Based on a limited number of sources, the International Commission's Final Report does not represent a complete examination of Roma deportation to Transnistria but did construct strict narratives about the Roma and their sufferings. Whereas the number of Jewish deportees and victims was estimated to be between 280 000 and 380 000, the number of Roma victims estimated by the International Commission was much more precise at 25 000 deportees and 11 000 deaths (Clej, 2020).

The reason for the precision in this case, as stated by the Elie Wiesel Institute and former International Commission members, apparently rests with the archival documents on Roma deportations being considered trustworthy and complete. Note, however, that the number of 11 000 Roma victims of deportations to Transnistria is an estimate of the International Commission. The lists found in the archive indicate a figure of 6 439 Roma returnees from Transnistria (International Commission, 2004: 240). The 12 083 Roma reportedly in the custody of the Gendarmery Office in Odessa on 15 March 1944 were all counted as survivors, although no supporting documents suggest that any of them returned to Romania. Moreover, the Commission cast doubt on its own estimate by mentioning, in the same paragraph, the difficult war conditions in Romania, the occupation by the Red Army, and the fact that some of the Roma deportees ended up in the Soviet Union (International Commission, 2004: 240). No inquiry was conducted by the International Commission on Roma deportees who ended up in Soviet Union and never returned to Romania.

Referring to official archival documents published by the International Commission before the Final Report, Brigitte Mihok claims that in the Oceaov and Berezovca counties only, over 10000 Roma died by spring 1943 (Mihok, 2010: 284). When this figure is added to the deaths registered in other counties in the winter of 1942-1943; the total deaths in the winter of 1943-1944; the victims of shootings; and those who died on their way back to Romania, it becomes clear that the number of Roma victims exceeds the 11 000 specified in the Final Report. Mihok suggests that the number of Roma survivors ranges from between 1 500 (the figure mentioned in one of the archival documents published by Viorel Achim); 6 000 as mentioned by Michelle Kelso; or 14 000 as indicated by Viorel Achim in the Introduction to his collection of sources (Mihok, 2010: 283).

As experts interviewed for this research emphasized, the Final Report did not offer the possibility for Roma to make their voice heard. The Commission's aimed at establishing the truth, presenting objective findings, and using scientific methods of data collection and data interpretation. While the International Commission had limited sources at its disposal, its interpretation of archival documents risk

reproducing the truth of the perpetrator – in this case, the Romanian Gendarmery, Police, Army, and Government – rather than balancing official documents and reports with valid information obtained from Roma survivors of deportations and other oral history sources. As Mihok pointed out, the research on Roma deportations must be deepened so as to elucidate the role of Romanian scholars and academics in 1920-1960, use local and regional archival sources, identify perpetrators and institutional responsibilities, and to thoroughly investigate the shootings and the number of Roma survivors (Mihok, 2010: 279-84).

In a recent comparison of eleven countries, the Auschwitz Institute and the François-Xavier Bagnoud Centre for Health and Human Rights at Harvard University identified several ways in which the Roma Holocaust is denied or distorted:

- *hardcore and softcore denial;*
- *historical silence and obliteration of the Roma Holocaust/Roma Genocide;*
- *minimization of the Roma Holocaust/Roma Genocide;*
- *misrepresentation of the racialization of Roma during the Holocaust and dismissal of its function in the genocide;*
- *hierarchies of victims and genocides;*
- *glorification, whitewashing, and honouring of perpetrators, acts, and symbols of the Roma Holocaust/Roma Genocide;*
- *endorsement of the vocabulary, extermination mechanisms, and symbols of the Holocaust to threaten or terrify Roma;*
- *demeaning the memory of the Samudaripen/Porrajmos, its victims and survivors;*
- *mockery of the Roma Holocaust/Roma Genocide;*
- *deflection of the Roma Holocaust/ Roma Genocide to evade or deny national responsibility or complicity (Auschwitz Institute, 2022: 9).*

The Roma Holocaust continues to constitute an insignificant or marginal topic for historians in Romania (Mihok, 2010). Dinu Giurescu, a member of the Romanian Academy, in his *Romania in al Doilea Razboi Mondial 1939-1945*, makes only brief mention of the deportations of Roma, considering the event as insignificant for the war effort (Giurescu, 1999: 170-1). Historians who approach the subject, as a rule, adopt the easy approach by failing to question the official discourse of the authorities surrounding these events. For example, the motivations behind the deportations of Roma are taken for at their word from the official documents, without critical examination of the data and the context. Viorel Achim, the leading scholar on Roma deportations, struggles to balance the official discourse and the logical conclusions that can be drawn from the archival evidence. For example, in his history of Roma in Romania, he concludes that 'the deportation of Gypsies, like that of the Jews, in Transnistria is in essence a racial policy' (p. 153). However, in a chapter on the policies of the Antonescu government towards the Roma, Achim repeatedly emphasizes the social undesirability of the deportation of Roma: 'Gypsies who were



not classified as dangerous and undesirable, i.e. their vast majority, were not affected by the policy of the Antonescu regime' (Achim, 1998: 139). Regarding the number of victims, Achim uses the Gendarmerie archival documents to arrive at a figure of 25 000 Roma deportees and suggests that the figure advanced by the Romanian Commission for War Victims of 36 000 is exaggerated. However, the Gendarmerie archive is not considered reliable with respect to the number of returnees (6 000), thus leading him to a total loss of 19 000 victims. Without solid foundation, he declares that 'half of the approximately 25,000 gypsies from Romania who were deported to Transnistria met their death there' (Achim, 1998: 146-47).

In the Introduction to a volume of documents on Roma in interwar Romania, Lucian Nastasa reproduces the official discourse regarding deportations without questioning the authorities' presentation of the events: 'Therefore, the "Gypsy problem" does not appear as a strictly racial one, as in the case of the Jews, reinforced by discriminatory laws and provisions based on ethnicity, but it is primarily a matter of defending public order and moral improvement by imposing the requirement to work' (Nastasa, 2001: 19). Nastasa's ambiguity regarding the reasons for the deportations is compounded by his limited knowledge of what happened with the deportees in Transnistria. He claims that there were no massacres or shootings of Roma deportees: 'Regarding the Gypsies deported east of the Dniester [river], there is no case of a killing committed by the Romanian and German law enforcement or military authorities, not to mention a pogrom or a massacre' (Nastasa, 2011: 18). His conclusions could have been better documented by consulting the few publications and oral testimonies of survivors available at the time when he conducted his research.

Two important clarifications are needed when discussing Roma deportations to Transnistria. First, the racial motivations of deportations cannot be denied. Recent research by Marius Turda reveals a strong connection between eugenics discourse and the nationalist circles in Romania (Turda, 2010). The policies of the Antonescu government leave no doubt that the motivation of deportations was to purify the nation of the perceived danger represented by Roma as framed by Romanian eugenicists, sociologists, and other scholars (Turda and Furtuna, 2021). Second, Ion Antonescu assumed responsibility for the deportation of Roma and Jews during his trial, organized by the communist regime in 1946. However, the deportations were executed by a number of institutions of the Romanian state which acted against its own citizens. The Ministry of Internal Affairs, the Gendarmery, the Police, the Army, the National Railway Company CFR aided the deportation of citizens whose only crime was their ethnicity. Additionally, the Romanian state benefited from the assets and properties seized from Roma deportees and the survivors and the victims' families were never compensated for their losses and suffering (International Commission, 2004: 244-45). Responsibility cannot thus be attributed solely to

Antonescu, but is shared among all those individuals and institutions that contributed to the crime of deportation.

The 'altering' of the Holocaust by blaming others for the actions of the Romanian government is a widely accepted fallacy in Romania (Rusu, 2020). In spite of the evidence presented by the International Commission on the Holocaust in Romania in its 2004 Final Report, as well as numerous archival documents and oral history testimonies, the Holocaust continues to be presented and to be perceived by the public in Romania as an atrocity committed by the German Nazis rather than being inclusive of the Romanian authorities. A survey conducted by the Ellie Wiesel Institute in 2021 shows that the Holocaust is perceived as something that happened *outside* of Romania, in which the role of the Romanian authorities is downplayed (INSHR, 2021). Thus, when asked about where Holocaust happened, 65 % of respondents indicated Germany, 52 % other European countries and only 32 % mentioned Romania (See Annex 3, Figure 2). When asked who was mainly responsible for the outbreak of the Holocaust in Romania, 53 % of respondents indicated Nazi Germany and only 31 % indicated the Romanian government of Ion Antonescu (See Annex 3, Figure 3). Furthermore, 51 % believed that the Romanian government's decision to deport Roma was influenced by Nazi Germany and 48 % mentioned the racism of the Romanian government decision-makers (See Annex 3, Figure 4).

1.3. Definition of antigypsyism in Romania

The term 'antigypsyism' ('antitiganism', in Romanian language) first appeared in Romania in one of the official documents of the Romanian Communist Party. The document, which dates from 1949, was preserved as part of the party file entitled 'The Gypsy problem in the Romanian People's Republic'.¹⁵ The document described the situation of Roma in Romania after World War II and the measures that should be adopted by the government to improve their situation. This document was inspired by earlier policies towards Roma that were adopted in the Soviet Union during a period of relative positive expression of ethnic identity and the authorities' approach towards the problems faced by the Roma in the Soviet Union.

In Romania, the term 'antitiganism' did not however receive recognition from Roma, state institutions, and the society at large. Part of the problem rests with the term 'tigan', which Roma activists consider highly pejorative, but which the wider Romanian population, including some Roma, continue to use. The debate over the

¹⁵ Arhivele Nationale, Fond Comitetul Central al Partidului Comunist Roman, Sectia Organizatorica, dosar 93/1949, fila 3/ National Archives, Central Committee of the Romanian Communist Party, Organizational Section, file 93/1949, page 3.

appropriate name of the ethnic group – ‘Roma’ or ‘tigan’ – plays an important role in the fight for recognition and respect for the rights of Roma in Romania.

The term ‘tigan’ designated Roma slaves in 1385 in the Romanian principalities. It was later institutionalized in legislation so that ‘tigan’ became equivalent to a slave, designating both a social category and an ethnic group. After the abolition of slavery in the Romanian Principalities, the term ‘tigan’ continued to designate the ethnic group. Hence, the message sent to the larger society and the state institutions was clear: ‘tigan’ is synonymous to someone with a lower social status, a former slave, who cannot enjoy equal status with other categories of the population. Even after the abolition of slavery, the condition of ‘tigani’ (the plural of ‘tigan’) was determined by the historical conditions of slaves.

Another factor that should be considered when discussing the term ‘tigan’ and its highly pejorative meaning is the attitude of the Romanian elites and government authorities towards it. The Romanian public and authorities feared that foreigners, especially Western Europeans, would associate and confuse Romania/Romanians and Roma. In their efforts to establish a nation-state, the Romanian intellectuals of the eighteenth and nineteenth centuries justified the Romanians’ uninterrupted presence on those territories and chose to present ‘Rumanians’ as the descendants of ancient Romans. They emphasized their link with the Roman Empire by adopting many Latin words in their language and naming their country Romania (Mitu, 1997: 273-282; Oprescu, 2005: 225-229). By feeling compelled to clarify the distinctions between Roma and Romans/Romanians, Romanian nationalists incorporated antigypsyism in their agenda.

To avoid confusion between Romania and Roma, the Romanian Ministry of Foreign Affairs issued a Memorandum¹⁶ in 1995, approved by the Prime Minister, that proposed the use of the term ‘tigani’ (Gypsies) by all Romanian state institutions and not ‘romi’ in all official and unofficial documents. Roma activists and NGOs mobilized against this initiative, writing petitions, and organizing protests. It took the government four years to annul the 1995 Memorandum and to recognize that Roma, in accordance with international law, have the right to name themselves.

Ten years later, the Romanian government, through its Ministry of Foreign Affairs, found another way to shame the Roma minority by connecting it to criminality. On 4 August 2009, the Ministry issued Memorandum No. 5/6380¹⁷ –

¹⁶ Memorandum H (03)/169 of the Ministry of Foreign Affairs and registered at the Prime Minister Office with No. 5/390/NV from 31 January 1995.

¹⁷ The document is titled ‘NOTA privind implicatiile prezentei cetatenilor romani stabiliti ilegal pe teritoriul altor state europene asupra imaginii externe a Romaniei si asupra relatiilor bilaterale cu statele respective’ [Note regarding the implications of the presence of Romanian citizens settled illegally on the territory of other European States on the external image of Romania and on the

– which was also approved by the Prime Minister. This Memorandum concerned the influence of Roma migration on the Romania's image in Western European countries and its relations with the countries of destination for migrants. The Memorandum summarized the perceptions of the migration of Roma to Western Europe as negatively influencing the 'external' (sic!) image of the country, linking Roma migration to criminality abroad. The main concern of the Romanian government was the wider image of the country, which the Memorandum mentions seven times.

By singling out the Roma in relation to criminal acts allegedly committed by Romanian migrants in Western EU, the Memorandum discriminated the Roma as a group and not only condoned but also effectively promoted racial profiling practices¹⁸, that is, the use of ethnicity and physical appearance in the decisions of law enforcement and government agencies related to potential involvement in criminal activities. In addition to the discriminatory character of the document, the government committed 'discriminatory omission'¹⁹ by failing to mention that crimes are also committed by other Romanian citizens. Moreover, the document did not consider the activities of other governments, such as the French government engaging in illegal evictions and expulsions and co-creating crime as a result of improper policies.

Thus, ethnicity influences the way in which the Romanian Government reacts to migration and national belonging. Instead of seeking to respect the rights of its citizens, including those accused of crimes, the Romanian government focuses on the image of the country and its perception by foreigners.

1.3.1. Preferred terminology among different stakeholders

Within the national strategy for preventing and combating antisemitism, xenophobia, radicalization, and hate speech, the Romanian Government uses the

bilateral relations with those states'. The document was issued by the Ministry of Foreign Affairs no C2-1/3316 and registered at the Prime Minister Office with No. 5/6380/04.09.2009.

¹⁸ American Civil Liberties Union (ACLU) defines racial profiling as 'the discriminatory practice by law enforcement officials of targeting individuals for suspicion of crime based on the individual's race, ethnicity, religion or national origin. Criminal profiling, generally, as practiced by police, is the reliance on a group of characteristics they believe to be associated with crime', <http://www.aclu.org/racial-justice/racial-profiling-definition>. For racial profiling and Roma, see Rostas's analysis of different police practices that fall under this concept (Rostas, 2005).

¹⁹ ACLU, referring to the importance of the discriminatory omissions, states that 'Any definition of racial profiling must include, in addition to racially or ethnically discriminatory acts, DISCRIMINATORY OMISSIONS on the part of law enforcement as well.' <http://www.aclu.org/racial-justice/racial-profiling-definition>.

term 'anti-Roma racism', although the strategy is focused on antisemitism more than on racism.

The National Agency for Roma (NAR) uses in its work and within the national strategy for Roma the formula 'anti-Roma attitudes,' although the NAR formally adopted the definition of antigypsyism proposed by the Alliance against Antigypsyism.

Roma civil society prefers to avoid the negative term 'tigan' and instead prefers 'anti-Roma racism', although 'Romaphobia' was also mentioned by some activists interviewed during this research. Some of the interviewees pointed out that to use the term 'anti-tiganism' suggests a 'pro-tiganism' (civil society expert 2). These questions around terminology came up during focus groups discussion: 'if we say anti-tiganism, this means that tiganism exists and we are defending it' (participant 2 focus group Reteag). Evidently, this is a false syllogism but might be accepted by many individuals.

The participants in the three focus groups we conducted for this report rejected the label 'tigan' even as a legal term. 'This law title is using the term "tigan" and that is a mistake' (participant 3 focus group Petelea, Mures county). Some participants pointed out that the labelling is not neutral: 'Call me Roma or Gypsy, no problem, but do not hate me and do not marginalize me' (participant 4 focus group Dumitrita, Bistrita Nasaud county). Other participants emphasized that 'tigan' is a foreign term: 'It leads us to think of the word gypsy, and we are gypsies but, in our language, we are Roma, we do not have this word gypsy, even if many call us gypsies in other countries such as Italy where many Roma from our community have migrated' (participant 1 focus group Reteag, Bistria Nasaud county).

The majority of Romania's population does not understand what is at stake. Besides a slim group of intellectuals who are active in the NGO sector and are aware of the Roma predicament, the rest of the society is largely ignorant of the racism and discrimination Roma face in their everyday life. As one of the interviewees pointed out 'no highly-visible public intellectual in Romania spoke out against racism and discrimination of Roma' (civil society expert 5). During the focus groups the participants expressed similar opinions:

The Gadze do not care about us, why should they. (Participant 5 focus group Reteag).

The Gadze are happy to get rid of us; they think that if we go to other countries, they will have more for themselves. (Participant 1 focus group Petelea).



They are happy when we, Roma, are poor and have nothing... because then we would work for them for some food only. They do not care about us, about our problems and our wellbeing. (Participant 6, focus group Dumitrita).

1.3.2. The key controversies regarding the term 'antigypsyism' and its usage

The main objections to the use of the term 'antitiganism' in the Romanian cultural context are the following:

A. The highly symbolic negative values attached to the term 'tigan'. Considering the particular conditions of Roma in Romania, including slavery and its aftermath, the attempts to assimilate Roma, and the attempts to exterminate them, a significant group of Roma activists opposes the use of the term 'antitiganism' because it includes the term 'tigan'.

B. Given the opposition to the use of the term 'Roma' by the government and political elite, the Romanian Academy and academic institutions, and the public at large, the position of Roma activists has a strong moral standing. In fact, the dispute over the use of the term 'tigan' led to the mobilization of Roma activists throughout Romania. Thus, it is a matter of self-determination for Roma to enjoy the right to name themselves as they wish without interference. It is a matter of consistency for them to defend their position over the use of any formula that makes reference to the term 'tigan' and a matter of power relations for them to reject a term imposed by non-Roma for centuries.

C. As some of the historians interviewed for this research emphasized, the use of the term 'antitiganism' is re-institutionalizing the term 'tigan' which represents a strong reminder to many Roma of their history of slavery.

PART 2. Manifestations of antigypsyism in Romania

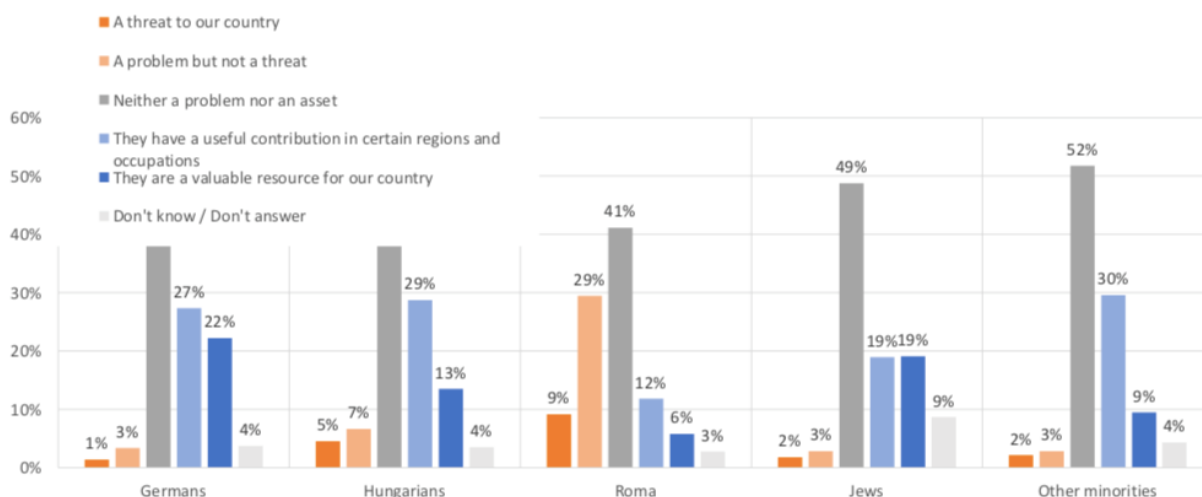
The most egregious manifestations of antigypsyism in Romania include school segregation, police violence, inequality in administration of justice, hate speech, lack of environmental justice, exclusion from knowledge production, and the absence of Roma cultural institutions. The sections below present brief analyses of these manifestations of antigypsyism.

2.1. Perceptions of the Roma and social inequalities

Roma are the least trusted persons in Romania, according to a survey conducted by the Institutul Roman pentru Evaluare si Strategii (IRES) in July 2020, with 70 % percent of respondents claiming not to trust Roma. Seven of the eight characteristics which respondents used to describe Roma were negative and only one was neutral (Europa Libera, 2020). These results are consistent with other polls assessing trust in Roma, indicating that distrust in Roma is widespread.

FIGURE 1. PERCEPTION OF DIFFERENT MINORITIES IN ROMANIA

Q1 – If you consider the minorities in our country, you would say that ... [APPLIES TO EACH MINORITY] in our country are a threat, a problem but not a threat, neither a problem nor an asset, have a useful contribution in certain regions and occupations, or are a valuable resource to our country?



Source: INSHR: 2021: 6

The Roma are regarded as a 'problem' by almost one-third of the Romanian population, with almost one in ten people considering them a 'threat', according to

a 2021 survey (INSHR, 2021:6). In a 2020 survey, three out of four respondents believed that Roma enjoy sufficient rights or too many rights, and almost two thirds believe that Roma have a negative impact on Romania's image, Roma are dangerous, and police use of force against Roma is justified (Europa Libera, 2020).

There exists almost no data on the structural discrimination and racism Roma face in Romania. Almost all reports on discrimination mention that Roma are discriminated against, but structural discrimination and racism are yet to be investigated thoroughly to reveal subtle and not-easily-observable forms of discrimination and racism. For example, a 2013 longitudinal research in education revealed that the probability of a Roma child dropping out of school was six times higher than that of a non-Roma pupil with the same social and economic family background; a result indicating systemic discrimination against Roma (Ivan and Rostas, 2013: 5). There is the need for complex investigations into racism and discrimination to reveal and understand the extend of the oppression Roma face.

When analysing long-term social inequalities, one must consider that studies evaluating equity in education show major differences between vulnerable children, many of whom are Roma, and other non-Roma children. According to the National Census results of 2011, as many as 27.4 % (67480) of the 220 721 illiterate people living in Romania declared themselves Roma, although the Roma minority represents only 3.3 % of all Romanian citizens. This discrepancy finds its roots in the school dropout/early school leaving rate which is significantly higher among Roma children. The large gaps in school attainment and educational achievement between Roma and the rest of the society continues to grow, as the following table shows.

TABLE 1: EDUCATIONAL STRUCTURE OF THE TOP THREE ETHNIC GROUPS IN ROMANIA

	Higher education	%	Post-secondary and upper secondary	%	Lower-secondary	%	Primary education	%	No graduate, yet literate	%	No graduate and illiterate	%	Total
Romanian	2,254,966	14.8	6,442,610	42.3	4,043,714	26.6	2,101,700	13.8	225,858	1.5	153,221	1.0	15,222,069
Hungarian	114,470	10.2	517,794	46.2	341,661	30.5	122,939	11.1	14,104	1.3	9,020	0.8	1,119,988
Roma	3,397	0.7	44,111	9.2	170,465	35.7	163,231	34.2	29,031	6.1	67,480	14.1	477,715
Total	2,372,833		7,004,515		4,555,840		2,387,870		268,993		229,721		16,819,772

Source: The Romanian Government Strategy for the Inclusion of Romanian citizens

belonging to Roma minority - calculations of the Directorate for Governmental Strategies (Government of Romania) based on the National Census of 2011. According to census data reporting standards, the number of persons per educational levels is indicated for the overall population aged over 10.

According to the 2011 census, among persons who declared themselves Romanian, those with higher education represent 14.8 % (and 10.2 % among persons who declared themselves Hungarians). Among persons who declared themselves Roma, the share is only 0.7 % (i.e., 3 397 Romanian citizens of Roma minority had higher education degrees).

The participants in the focus groups all emphasized that Roma face greater challenges than majority Romanian population or the Hungarian minority:

It's difficult, because we Roma are always seen as "tigani" and we always have to do our best and more or even double our best, at school, at work... to be appreciated like the others. (Participant 2 focus group Petelea).

The Roma are certainly no better off than other groups or the majority in Romania. Because we are not organized like the Hungarians – [who are] very well organized at all levels including politically, which matters most. But the Roma have very few genuine leaders and they are not effective anyway. (Participant 1 focus group Dumitrita).

When asked about the causes behind these challenges, the focus group participants singled out racism and discrimination:

Unfortunately, there is racism that does not go away, after all we are seen as "tigani"; whether they say it to our face or especially behind our back. (Participant 5 focus group Reteag).

We believe that clearly the Roma in our country are not looked upon kindly by those around us, especially because they do not really know us. (Participant 2 focus group Petelea).

Most of them only know negative things about Roma, promoted in the media or taught by their parents. (Participant 5 focus group Petelea).

2.2. School segregation

Racial segregation in education in Romania represents a clear manifestation of antigypsyism. A segregated setting prevents the right of the child to be educated to his/her fullest potential by denying equality of opportunity. Therefore, segregation is perceived to violate a range of fundamental rights, such as the right to education, the right of non-discrimination in the enjoyment of protected rights (i.e., education), the right to inclusive education, or the right not to be treated in a degrading manner.

Besides the human rights violations, school segregation reproduces long-term inequalities between Roma and non-Roma. Hence, irrespective of the millions or billions of Euros invested by governments and donors in education for Roma, as long as the educational system is largely segregated, inequalities between Roma and non-Roma will be maintained for future generations.

In Romania, the following forms of segregation still exist: segregation in schools attended mostly by Roma students (the so-called 'Gypsy schools'); classes consisting mostly of Roma children in 'integrated' schools; classes consisting of Roma children placed in separate buildings; classes mostly made of Roma children whose curriculum is tailored for children with mental disabilities; and a disproportionate presence of Roma children in special needs schools.

Irrespective of the extent of segregation, the practice of separating children in education establishments on the basis of their ethnicity infringes international and national human rights laws. Segregation of Roma children in education violates the EU Race Equality Directive EC/43/2000 prohibiting racial discrimination, the UN covenants and conventions, and the European Convention on Human Rights (Danka and Rostas, 2012). Segregation negatively impacts quality of education and effectively limiting Roma childrens' socialization with their peers of another ethnicity.

Various authors provide different estimates of the extent of segregation, in the absence of official or large-scale data collection efforts at the national level. Different figures regarding the segregation of Roma in Romania thus result from the different data collection methods and definitions of segregation used by different authors. Nevertheless, school segregation research conducted over the past fifteen years shows that Roma school segregation is a constant within the Romanian educational system.

A 2008 study conducted on a sample of 90 schools found that 67 % of schools were facing the problem of segregation (Surdu, 2011). In addition, graduation rates among Roma pupils attending segregated schools, measured as the rate of successfully passing schools' graduation exams in the previous school year, was only 14 %. In 28% of segregated schools, the graduation rate after the school graduation exam was 0 %. A survey conducted by the UNDP, the World Bank and the European Commission in 2011 revealed that in Romania, 22 % of Roma respondents aged 7 to 15 attended segregated schools (Brueggemann, 2012: 63). Another study conducted in 2010 noted that the higher percentage of Roma children enrolled in a particular school, the lower the school's material endowment (Duminica and Ivasiuc, 2010). According to a 2011 analysis, Roma women faced significantly higher rates of school dropout or early school leaving compared to Roma men (Preoteasa, Serban and Tarnovschi, 2011: 36-39). This is reflected in a significantly higher illiteracy rate



among Roma women: 10 % more Roma women than Roma men stated they do not know how to read or write (Preoteasa, Serban and Tarnovschi, 2011: 36-39).

A 2016 school segregation monitoring report revealed that 82 of 507 schools based in 112 cities and towns practiced some form of segregation (Crai et al, 2016: 5), equal to 20.1 % of schools. In addition, almost 20 % of the 507 schools under examination refused to report data aggregated by ethnicity that would have made it possible to assess segregation.

The Romanian Ministry of Education has taken steps in combating school segregation. In 2004, it adopted an internal document²⁰ banning the segregation of Roma in education, instructing school inspectorates to collect data and design desegregation plans wherever such situations existed, and providing a three-year deadline for ending segregation. Through the Phare Program, 'Access to education for disadvantaged children with a focus on Roma' desegregation strategies should be developed and implemented by all school inspectorates, but progress was minimal. In 2007, the Ministry of Education adopted a ministerial order banning school segregation, reiterating the same definition of segregation, and providing guidance to schools by adding inclusion indicators²¹. However, in 2010 the Ministry again identified the tendency to segregate Roma children in schools and adopted yet another notification banning segregation²². The repeated adoption of administrative regulations indicates the persistence of segregation in the Romanian education system.

The Ministry of Education documents define segregation as a form of discrimination and underline the direct correlation between school segregation and the quality of education. 'Segregation is a severe form of discrimination. Within the educational system, with the exception of those schools or classes where Romani is the teaching language, segregation consists of physical separation, whether intentionally or not, of Roma children from non-Roma children in schools, classes buildings and other facilities in which the number of Roma students compared to the number of non-Roma students is disproportionately higher as compared to the percentage of Roma children of school age within the total school age population in a territorial administrative unit, i.e. city or town. Segregation as a direct consequence creates unequal access to quality education. Separation in kindergartens and schools leads

²⁰ Notification No. 29323/20.04.2004.

²¹ Ministerial Order 1540/2007.

²² Notification 28463/3.03.2010.

always to a lower quality education than in those cohorts, classes or schools with another ethnic majority of school population²³.

Unfortunately, this definition has not been included in the 2011 National Education Law, and thus, the Government and the Parliament failed to send a strong signal that segregation is an unacceptable practice within the education system. Nevertheless, in December 2016, the Ministry of Education adopted another ministerial order prohibiting school segregation²⁴. This time, the legal framework on school desegregation was revised to include five criteria: ethnicity, disability, family socio-economic status (SES), students' school performance, and area of residence. Ministerial Order No. 6134/2016 has yet to be enforced, as its implementation is conditioned on the adoption of two methodologies: school segregation monitoring and on the prevention and intervention in cases of school segregation. While the first strategy was adopted in December 2019 (Order No. 5633), a prevention methodology has not yet been finalized. The Order of the Minister of Education No. 1540/2007 on Prohibiting School Segregation of Roma Children remains in effect but has limited application.

Statistical data included in the European Commission Education and Training Monitor of 2015 and 2017, citing data from the Agency for Fundamental Rights (FRA), shows an increase in the segregation of Roma children in education (European Commission, 2016; European Commission, 2018). In 2015 the share of Roma children receiving education in schools where all or most students were Roma was 26 %, while in 2017 the share increased to 29 %. A report released by the Fundamental Rights Agency in October 2022 and presenting the results of the 2021 FRA Roma Survey, indicates that 51 % of Roma children study in segregated schools (FRA, 2022: 38).

To date, no accurate data is available regarding the extent of school segregation; in spite of the legal obligation of the Ministry of Education to report annually on the state of education in Romania. A significant challenge seems to be accurate data collection. Currently, there is an integrated system of data collection through which every child is monitored once they enter the educational system. However, this data differs significantly from the data reported by schools within EU funded projects or when required by the Ministry of Education, as an expert interviewed for this research explained.

A draft law on combating Roma school segregation, initiated by the Roma MP Catalin Manea and already approved by the Senate, is before the Chamber of

²³ Notification No 29323/20.04.2004 and Ministerial Order 1540/2007

²⁴ Order of the Minister of Education (MoE) No. 6134 of 21st of December 2016 on Prohibiting School Segregation in Pre-university Education School Units.



Deputies, according to the information provided by an interviewee for this research (interview policymaker 1). Unfortunately, a copy of the draft is not available and there were no public debates about its provisions. According to the interviewee, 'the law provides for sanctions for those that do not take actions to combat segregation' (interview policymaker 1).

2.3. Law enforcement and administration of justice

On 18 April 2020, a video posted on a social network showed police officers and officers from special force units carrying rifles and wearing masks verbally and physically abusing several Roma men in the village of Bolintin Vale, 30 km south of Bucharest. The video reveals two uniformed officers beating Roma, while a third officer rested a shoe on another man's neck. The third officer, dressed in plainclothes, was later identified as the local police chief. Racial slurs, cursing with sexual expletives, including threats of demolishing their house, accompanied the physical abuse. The police accused eight Roma men of breaking the curfew imposed during the COVID pandemic by gathering in a private courtyard, drinking, and listening to music. Following a police internal investigation, the chief of local police was relocated for two months to a nearby village where he remained chief of local police. While the abused Roma filed a complaint in a court of law, with the support of NGOs, the case was stalled over efforts to identify the masked officers involved.

On 25 April 2019, a 25-year-old Romani mother, Florica Moldovan, was severely beaten while attempting to board a minibus with two of her children. The driver, former policeman Marius Filip, refused to let her on the bus. When she protested, Filip jumped off the bus and proceeded to beat the woman with a mop, while she was holding one child in her arms. The beating occurred in front of all the other passengers. When she tried to complain to the police for abuse and ask for protection, the phone operator at the 112-emergency line used racial slurs and refused to register Mrs Moldovan's complaint. With the support of Roma NGOs, Moldovan filed two lawsuits against the driver and the special service operating the emergency line. The ex-policeman received a suspended sentence as he pledged guilty, while the Romani victim was found guilty of disturbing public order and was fined 1 800 RON, with the possibility to be sentenced to 180 days in prison if failing to pay the fine, and was forced to pay 800 RON in court costs. In the separate civil trial against the 112 Special Service, the Special Service was found guilty and was ordered to pay 2 000 Euros to Mrs Moldovan as damages. According to an activist interviewed for this research, in both cases, appeals were lodged.

The two cases illustrate the serious challenges Roma face in achieving equality of treatment from the police and in the administration of justice. The impunity enjoyed by perpetrators, one of the historic characteristics of antigypsyism, has been



perpetuated since the early 1990s. While in the 1990s, mob violence was perpetrated against Roma with the support of the police and the authorities and was compounded by the failure of the state to properly investigate such incidents, more recently violence has been inflicted against Roma by law enforcement officials. Investigations are prolonged or flawed, ending with no or symbolic penalties for the perpetrators. One of the experts interviewed for this research indicated several practices that severely limits Roma access to justice, including the refusal of the police to register complaints when Roma are victims, the reluctance of the victims to submit complaints (as the complaint will not be taken seriously), or threats against the victims and their families.

In the past three decades, Roma CRISS, a Bucharest-based human rights non-governmental organization that defends the rights of Roma in Romania, has documented several hundred cases of abuse, violence, and torture committed by Romanian state officials with law enforcement duties against the Roma (Romani Criss, 2016). During the period 2006-2015, Romani CRISS documented 48 cases of police abuse against Roma in Romania, including 7 people killed and 187 beaten and/or tortured, requiring a total of 650 days of medical care. In absolutely all cases, the Prosecutor's Office and the Romanian courts rejected the complaints of Roma victims, who felt the need to petition the European Court of Human Rights (ECHR). The Court found Romania guilty of violating the human rights of Roma. Romania is one of the countries with a high number of cases decided by the ECHR in which the victims are Roma.

A 2017 survey on minorities and discrimination conducted by the European Union Agency for Fundamental Rights found that 'discriminatory police practices affect certain immigrant and ethnic minority groups more than others' (FRA, 2017: 18). Among Roma respondents, 42 percent believed that police stops were due to their Roma ethnicity; 'Roma women and men believe to the same extent that the most recent police stop they experienced was of discriminatory nature' (FRA, 2017: 8). The report also found a relatively even distribution of Roma across different age groups with 24 % of those aged 16-24; 22 % of those aged 24-34; 21 % of those aged 35-44; and 20 % of those aged 45-54 considering that ethnicity played a significant role in a police stop-and-search. Around three quarters of Roma respondents identified disrespectful police behaviour during stop-and-search events (FRA, 2017: 68-75).

There exists almost no data on the extent of discrimination of Roma during the administration of justice. A study by Durnescu, Lazar and Shaw (2002, 237-244) found that Roma comprised 17.2 % of the prison population in Romania in 2002; in the case of juvenile inmates, the proportion was even higher, as Roma children represented 39.5 % of underaged inmates. When these proportions are compared with the proportion of Roma in the country's total population reported in the 2001 census (535

140 self-declared Roma, that is, 2.46 % of Romania's population) one understands the extent of discrimination²⁵.

According to a European Roma Rights Center (ERRC) report, Roma are at a greater risk of being racially profiled, being victims of physical abuse by police, and being overrepresented in the prison population. This situation is a result of interrelated and reciprocally reinforcing factors. The report, issued in 2021, clearly states that,

Roma are overrepresented in the criminal justice system for a combination of reasons which include persistent racial profiling and over-policing of Romani communities, social marginalization and higher rates of poverty, lack of eligibility for alternatives to sentencing, and a presumption of guilt rooted in wider racist narratives around so-called Gypsy crime'. (ERRC, 2021: p. 19).

Racism against Roma among judges and prosecutors is not exceptional. It certainly does not impede career advancement despite the fact that appointments to such positions require ethical and moral probity. The case of judge Mirela Stancu is extreme when it comes to impunity for antigypsyism, although it is not unique among Romanian judges and prosecutors. In 2017, Stancu was accused of racism by an employee of the Superior Council of Magistrates²⁶. While working on a project funded by Norway on access to justice of vulnerable groups, Stancu made the following statement on Roma, claiming she 'she would tie the gypsies' fallopian tubes so they wouldn't have children'. In spite of the formal complaint against her, no investigation was launched, and she incurred no penalty for her racist statement. When contacted by the media, she declined to comment on the incident. Eventually, Stancu was proposed by the Romanian Ministry of Justice and accepted as a judge on the European Court of Justice. Stancu has also enjoyed an academic career at the University of Bucharest in addition to being a judge.

²⁵ Estimations by the Council of Europe put the figure much higher at 1.5-1.8 million, cca 8-9 % of the population. See Council of Europe Estimates on Roma Population in European Countries (2012), <https://www.coe.int/en/web/roma-and-travellers/publications>.

²⁶ The case of Mirela Stancu became public in 2018, a year after the racist incident, when she was proposed by the Ministry of Justice as a judge to the European Court of Justice ahead of other more competent judges. Two independent portals reported the case - G4 media and ziare.com and the articles can be accessed at <https://www.g4media.ro/judecatoarea-mirela-stancu-propunerea-lui-tudorel-si-melescanu-pentru-tribunalul-ue-acuzata-de-rasism-consilier-csm-a-spus-ca-ar-lega-trompele-uterine-ale-tiganilor-ca-sa-nu-mai-faca-copi.html> and https://ziare.com/stiri/csm/acuzatii-de-rasism-in-cazul-judecatorului-roman-propus-la-tribunalul-ue-a-spus-ca-ar-lega-trompele-uterine-ale-tiganilor-sa-nu-mai-faca-copii-1529976?fbclid=IwAR3R46oCBTqF2NrVope67O9QgmhXzQZIYJ71L7JMd6uLRnAfMTkf_oPk5yA.



2.4. Hate speech

During the 1990s, only extremist parties and politicians engaged in hate speech against Roma. By contrast, in the past two decades, hate speech targeting Roma in Romania has become a mainstream phenomenon across leading politicians and officials of all political stripes. As one of our interviewees pointed out, three complaints for discriminatory speech against Roma were lodged each against the President of Romania, Traian Basescu, Prime Minister Calin Popescu Tariceanu, and Prime Minister Victor Ponta. The Ministers of Foreign Affairs Teodor Baconski and Adrian Cioroianu have also made racist remarks against Roma, though no complaints were registered with the National Council for Combating Discrimination (NCCD) or the courts.

One should also notice the revival of the eugenics discourse on Roma within mainstream politics. In February 2013, the leader of the Youth Liberal Party Organization of Alba County and a local councillor in Alba Iulia used social media to propose as a 'solution' to the high natality rate among Roma the sterilization of Roma women²⁷. Sterilization of Romani women was promoted by the eugenics movement in Romania during the interwar period and became a medical practice in some communist and post-communist countries, designed to limit the Roma population. Roma are presented by the leader of the Youth Liberal Party Organization of Alba County as a danger for the nation, who claims 'the birth rate within this ethnic group is out of control'. Several weeks earlier, a far-right group in Timisoara offered 300 RON (cca 70 EUR) online to every Roma woman who would accept to be sterilized (Totok, 2013).

In its 2019 report on Romania, the European Commission against Racism and Intolerance (ECRI) expressed concern over racist and intolerant hate speech, the inadequate response of the criminal justice system to hate crimes, and discrimination against Roma. It further recommended the authorities to develop a data collection methodology for cases of hate speech and hate crimes and to provide training for police, prosecutors, and judges on how to deal with violence against vulnerable groups (ECRI, 2019).

As a result of Romania's failure to effectively combat hate speech and hate crimes, the European Commission launched an infringement procedure against Romania for its failure to implement the Framework Decision on combating racism and

²⁷ The statement was reported widely by media in Romania. See for example, <https://stirileprotv.ro/stiri/politic/mesajul-presedintelui-tnl-alba-ares-buglea-sustin-sterilizarea-femeii-rome-in-anumite-conditii.html>.

xenophobia by means of criminal law (Framework Decision 2008/913/JHA)²⁸. Romania failed to define hate speech according to the EU decision, criminalizing only hate speech as incited hatred when this conduct targets a group of persons defined by reference to race, color, religion, descent, or national or ethnic origin, but not when the target is an individual member of such groups.

2.5. Environmental justice

Roma in Romania, as a population affected by extreme poverty more than other ethnic groups, are disproportionately subjected to environmental burdens or environmental racism. According to the World Economic Forum, environmental racism is 'a form of systemic racism whereby communities of colour are disproportionately burdened with health hazards through policies and practices that force them to live in proximity to sources of toxic waste such as sewage works, mines, landfills, power stations, major roads and emitters of airborne particulate matter. As a result, these communities suffer greater rates of health problems attendant on hazardous pollutants.' (Beech, 2020)

While undoubtedly one of the most prevalent forms of antigypsyism, environmental racism is a complex phenomenon with even activists and other civil society members finding it difficult to frame. Some consider it connected to the right to proper housing, others believe it mainly concerns pollution and environmental degradation. Still others see it as a public health issue (since health is affected by the high pollution level in the areas affected by environmental racism), or as mainly a problem of human rights violations and forced evictions. All these positions are supported by solid arguments and it is clear that environmental racism, especially in the Pata-Rat case (below) encompasses all of these issues, making it both difficult to frame and combat.

There is a pattern of forced evictions of Roma people in Romania. As a rule, the evicted Roma families are not provided alternative housing and are placed at the outskirts of cities and towns, in proximity of highly polluted areas such are garbage dumps and wastewater treatment stations, etc. These living conditions are hard to imagine, as Roma lack the most basic housing utilities and infrastructure, and pollution affects their health and endangers their life. This prevents Roma from enjoying the most basic human rights, namely the right to live in a clean environment and the right to live in a house with the necessary utilities, protecting them from the effects of climate change.

²⁸ See European Commission (2020), 'October infringements package: key decisions', 30 October Brussels, https://ec.europa.eu/commission/presscorner/detail/EN/INF_20_1687.

The environmental racism actions to which the Roma in Romania are subjected are due to the racism of the authorities, a lack of interest on the part of the larger society, and occasionally to the inconsistency in decision making of the local authorities. According to a Roma activist interviewed for this research, its organizations has documented most than 120 cases of forced evictions of Roma families, most of them being placed in highly polluted areas. The cases below are illustrative of the situation²⁹:

a. Pata-Rat

Pata Rat, which is often understood as unitary by the authorities and other stakeholders, is actually composed of 4 different Roma communities with different histories and needs. First is the Dallas community, the oldest of the four. It was established in the 1960s by poor Roma families who came to the garbage dump to make a living from selecting recyclable materials from the industrial area and the landfill. After many years, new generations are still in the same place practicing the same type of work. Second is the Cantonului community, which was created by a group of Roma families who were evicted, in the late 1990s, from different quarters of the Cluj-Napoca city (Transylvania) and temporarily relocated in Pata Rat. The community continues to live in Pata Rat, more than 20 years after arriving there. Many of them do not work in the landfill but have informal jobs in Cluj-Napoca in construction or at the sanitation company. For this reason, some of them consider the Cantonului community to be apart from Pata Rat, because they are better off. Third is the community of the landfill, including the poorest and the most discriminated Roma in Pata Rat. Almost all of them are illiterate, their only source of income being recyclable waste from the landfill, which they can collect only to the extent that the other Roma from Pata Rat allow them to do. Sometimes they go to the city to beg for money and food in order to survive. Fourth is the Coastei community, which consists of 80 Roma families that lived on Coastei Street in Cluj-Napoca, but who were forcibly evicted in December 2010 and relocated to Pata Rat by the authorities. They have better living conditions than the other Roma in Pata Rat and live in modular houses (1 small room/family) constructed by the authorities as social houses. The Roma from Coastei had been formerly integrated in the life of the city, they had jobs and access to utilities and infrastructure, while their children went to schools in the city. Forty families that used to pay rent on Coastei Street received one room each in these social modular homes, but 40 other families received nothing.

²⁹ These cases and others have been documented by Ciprian Nodis in his research on environmental racism 'PUPushed to the Wastelands. Environmental racism against Roma communities in Central and Eastern Europe', European Environmental Bureau, Brussels.

b. Turda

The Turda case concerns Roma families that live on the former site of a chemicals factory contaminated with mercury. The Roma have limited access to basic utilities including water. According to a survey of the European Environmental Bureau, the community arrived in the industrial part of the city at the beginning of the 20th century when Belgian chemicals giant Solvay established a chemicals factory there. Production at the site ended in 1988. Most of the non-Roma population left the site due to the health issues related to mercury contamination, but the Roma families remained there because the rents were cheap and they had no other place to go. After the fall of communism, most of the industrial area of Turda went bankrupt and the area was abandoned. As a result, only the poor and unemployed Roma remained. In Turda the Roma from the industrial region are spread in two communities: Szolvany, where about 100 families live on the former industrial site, and Armatei Rosii, where more than 500 families live in proximity of the former factories. Many of them make a living by collecting iron from the abandoned buildings.

c. Baia Mare

Baia Mare is a Roma community from the city of Baia Mare that was forcibly evicted and relocated to a former chemical factory building. At first, a wall was built, according to the decision of Catalin Chereches (Baia Mare's Mayor), around a Roma community from Horea Street. In 2012 however, local authorities decided to forcibly evict and relocate around 100 Roma families to a former chemical factory of Cuprom Company. Thus, Roma were moved from a ghetto (with low access to basic utilities, geographically segregated from the rest of the society) into an even worse location; a highly polluted and contaminated area. It is hard to imagine how anyone can live in such conditions, given this is one of the most contaminated sites in Romania.

d. Miercurea Ciuc

In August 2004, Roma families including over 100 individuals were evicted by local authorities from a building in the centre of Miercurea Ciuc city. The families were relocated to an area near a wastewater treatment station, a highly polluted place due to the presence of toxic substances used in the treatment of waste waters. The authorities only provided eight metal barracks for the Roma families to live in, electricity and a shared water pump, while the plot was surrounded by a barbed wire fence. The barracks, thus, are based on the contaminated field. The eight provisional shelters were not enough for 100 people; therefore, the Roma built another 14 houses from wood and other materials they could find nearby. The settlement was connected to electricity and only one water pump. When the



community runs out of wood, the Roma heat the barracks with solid fuel. The provisional shelters and barracks do not offer sufficient protection from cold or rain.

e. Eforie-Sud

In October 2013, the homes of a number of Roma families who had a combined 55 children were demolished by local authorities without any previous warning. All of the Roma remained homeless, until some of them moved to an abandoned building of a former school, without electricity or basic infrastructure. One year later the families were forcibly evicted from the abandoned school and relocated in some containers, living once again in unimaginable conditions, in a smaller space with no access to drinkable water, electricity, or sewage. This area was located in the proximity of an excavation site. Three families, having 14 children, remained without any accommodation. All of these changes were instituted in order to improve the image of the seaside resort, according to the local authorities.

One can easily notice a pattern of abuse by public authorities. Marginalized Roma communities, with low levels of education, low economic status, and no possibility to defend themselves, stand no chance in front of the local authorities or the national government. Unfortunately, no Romanian legislation currently allows people to combat or to counter environmental racism. Even the legislation and policies that are meant to protect and promote the rights of Roma – the national Roma integration strategy, the antiracism strategy, or the law on antifiganism – lack provisions related to environmental racism. One possible way to prevent and combat environmental racism is to rely on housing legislation to prove that the places where Roma are relocated do not comply with this legislation.

2.6. Exclusion from knowledge production

Partly due to affirmative action policy in higher education, Romania has one of the largest pools of Roma who obtained Bas, Mas, PhDs from Romanian universities or abroad. However, except for two junior academics (asistent si lector) at the Romani Language Chair of the University of Bucharest, no other Roma scholars serve as full-time senior professors (conferentiar or universitar). There is no Roma hired by the National Institute for Studying the Holocaust in Romania and there are only two Roma out of 29 employees hired by the National Institute for Research on National Minorities – a vice-President and a junior researcher. Unsurprisingly in these conditions, the narrative on Roma in Romania is monopolized by non-Roma academics.

In addition, there is no major research project on Roma funded by the state budget or EU funds in which Roma form part of the research team. Even when such projects



are funded, Roma are not included. For example, through EEA grants, a 750 000 EUR project on a Roma virtual museum was awarded in 2014 to the History Department of the “Babeş-Bolyai” University of Cluj-Napoca³⁰. To date, there is no museum, and no information is available to the public about the project’s results. Another example is the “SocioRoMap” project funded by (SEE) 2009-2014 grants with 1 000 000 EUR budget, implemented by the National Institute for Research on National Minority, which had no Roma in its team, according to the activists interviewed for this research.³¹

2.7. Lack of cultural institutions

Roma in Romania do not have a state-funded museum of their history and culture. They do not have a state funded theatre (although there are several successful theatre groups), and Romani artists rarely penetrate mainstream cultural spaces. Romania does well generally in terms of minority cultural institutions supported by the state. There are presently nine theatres, a lyrical theatre, five puppet theatres and three dance and folklore ensembles for the influential Hungarian minority. The German minority has two theatres and a puppet theatre. The Jewish minority has a theatre in Bucharest. A complete list of the cultural institutions in the languages of national minorities that are supported by the state is included in Annex 4. It is striking that minorities that are significantly smaller in terms of population have their cultural institutions funded by the state, while no equivalent institutions exist for Roma.

³⁰ Project title: The Untold Story. An Oral History of the Roma People in Romania, (SEE) 2009-2014 grants contract No. 14SEE/30.06.2014, https://www.realitatea.net/stiri/actual/povestea-nespusa-a-romilor-din-romania-proiectul-inedit-al-unei-echipe-de-cercetatori-din-cluj_5dcc91cf406af85273ccf6ed.

³¹ For details about the project see <https://ispmn.gov.ro/node/socioromap>.



PART 3. Efforts to recognize, remember, and remedy historically rooted antigypsyism in Romania

There are several initiatives that recognize, acknowledge, remember, commemorate, and redress antigypsyism in the Romanian society. The following initiatives are the most relevant:

3.1. The national strategy for Roma inclusion

As part of the EU Roma Strategic Framework for equality, inclusion and participation for 2021-2030, the Romanian government adopted the Strategy for inclusion of Romanian citizens belonging to Roma minority for 2022-2027³². The adoption of the strategy was protracted, and it took the government more than nine months to adopt the Decree which was submitted for approval by the National Agency for Roma (NAR) on 15 July 2021 (European Commission, 2022: 8). The Strategy was elaborated after consultations with Roma civil society groups, local authorities, and academia, although Roma activists complained that some of their proposals, although important, were disregarded by the NAR (European Commission, 2022: 10).

The new Strategy recognizes the key role of antigypsyism in the current marginal and vulnerable position of Roma in Romania. It even uses the definition of antigypsyism provided by the Alliance against Antigypsyism, but prefers to refer to 'anti-Roma attitudes', rather than antigypsyism or anti-Roma racism. By replacing antigypsyism with 'anti-Roma attitudes', the authorities seem unaware that antigypsyism/racism is more than merely attitudes and its manifestations are significantly broader.

The Strategy acknowledges that antigypsyism can be combatted by strengthening the antidiscrimination legal framework with penal legislation against hate speech and hate crimes; by operationalizing the antigypsyism definition provided by the Alliance against Antigypsyism within the antidiscrimination legislation; by providing training to judges, prosecutors, and civil servants; and by organizing awareness campaigns for the public at large on the issue of anti-Roma racism. In addition, there is a need to go beyond the legal venues provided by the antidiscrimination law to

³² Government Decree No. 560/2022 regarding the adoption of the Strategy for inclusion of Romanian citizens belonging to Roma minority for the period 2022—2027, published in Official Gazette No. 450 bis from May 5, 2022.

promote a positive discourse on Roma, to educate the majority population and to raise awareness of the long history of discrimination that Roma in Romania have been subjected to. Another important element in combating antigypsyism is the support for Romani language teaching, the establishment of cultural representation institutions, and the development of an inclusive and egalitarian institutional culture. The budgeting for the Strategy, one of the weak points of the previous strategies for Roma of the Romanian Government, remains unclear, with estimates that 'budgetary implications for the period 2022-2027 will remain in principle at the same level to the precedent period'. (Government of Romania, 2022: 43).

According to the Strategy, a Working Group on Combating Discrimination should be set up at the first meeting of the Inter-ministerial Committee supervising the implementation of the Strategy. At the level of each Ministry, a commission on Roma should be set up. In order to effectively combat antigypsyism, such commissions, especially those in the Ministries of Interior and Justice, could play a significant role in identifying legislative gaps, providing specialized training, and proposing additional measures to combat antigypsyism.

The Strategy aims at setting up cultural representation institutions such as a Roma State Theatre, a Museum of Roma History and Culture, a National Institute for Research and Conservation of Roma Culture and History, a monument commemorating Roma slavery and other measures to promote Romani language teaching and the Romani culture. The fulfilment of these objectives is measured with two indicators: the signing of a partnership between relevant institutions and their establishment. It is envisioned that a partnership will take two to three years to be signed by the relevant institutions – 2024 is the date indicated - and then all of these institutions are to be established only in 2027. No additional funding is included for these measures. Thus, Roma rights activists have doubted these objectives will be met in the given timeframe: 'it will need budgetary allocations and in the current context, such measures may not be considered priorities on the public agenda while the political influence of the Roma is weak'. (European Commission, 2022: 29).

Segregation is mentioned among other challenges faced by Roma in education, but not defined as a priority for the authorities. No concrete measures to combat it or indicators to assess progress towards its eradication are specified. As an independent report states, 'the strategy's failure to address racial discrimination in education is a fundamental obstacle in protecting Roma children against various forms of discrimination (segregation, ethnic bullying, etc.), in empowering institutions with a role in preventing and combating it and raising awareness among Roma and non-Roma parents about their role in preventing this phenomenon.' (European Commission: 2022: 17).



Environmental racism is not mentioned as part of the strategy, although the National Agency for Roma is seemingly aware of the forced evictions that Roma is subjected to without being provided alternative accommodation. Moreover, the NAR is also aware of the existence of informal settlements but there are currently no plans to deal with such cases.

As the Strategy was adopted later than the European Commission requested, the Romanian authorities did not report on its implementation. However, the fact that no methodology for data collection is foreseen within the strategy, the expectations from civil society experts and members of the Roma communities are that any monitoring and evaluation would be a window-dressing exercise typical of the government whenever Roma policies and programs are at stake. 'The strategy lacks a monitoring mechanism. The evaluations will be positive, and everyone will be happy, and the Roma will continue to live in poverty, to be discriminated and subjected to racism'. (civil society expert 2 interview).

One participant concludes: 'The strategy will not change anything. This is not the first and, like before, they will report positive results, but we will continue to live in similar conditions'. Participant 3 focus group Reteag)

3.2. The law on combating antitiganism

On 4 January 2021, the Romanian Parliament adopted a law containing measures to combat antigypsyism ('antitiganism')³³. The law, initiated by two Roma MPs, defines antitiganism as 'the perception of Roma expressed as hatred against them, as well as verbal or physical manifestations, motivated by hatred against Roma, directed against Roma or their property, against institutions/NGOs, leaders of Roma communities or their places of worship, traditions and Romani language³⁴.' The law also defines organizations with an antitiganist ambition as 'any group consisting of 3 or more people, who carry out their activity temporarily or permanently, in order to promote antitiganist ideas, conceptions or doctrines³⁵'. Such groups could be political parties, NGOs, formal or informal networks, and any other legal entity.

Antitiganist symbols – defined by the law as 'flags, emblems, badges, uniforms, slogans, salutations, as well as any other such signs, which convey ideas, conceptions

³³ Law No. 2/04.01.2021 regarding certain measures for preventing and combating antitiganism, published in Monitorul Oficial No. 8 on 5 January 2021.

³⁴ Law No. 2/04.01.2021, art 2 a.

³⁵ Law No. 2/04.01.2021, art 2 b.



or doctrines that promote antitiganism³⁶ – are banned, as are antitiganist propaganda materials, defined as ‘images, text messages, audio-video content, as well as any other such representations, which convey ideas, concepts or doctrines that promote antitiganism³⁷’. The law punishes the promotion, distribution, creation, and possession of antitiganist symbols, materials and ideas with imprisonment from 3 months to 5 years and the suspension of certain rights, going up to 10 years imprisonment for initiating or establishing, joining or supporting an antitiganist organization. The law provides for an exception from punishing the creation, possession, and distribution of antitiganist propaganda materials and symbols if this is done ‘in the interest of art or science, research or education or for the purpose of debating issues of public interest³⁸’.

While the government promoted the law as an important step forward in tackling existing antigypsyism in Romanian society, the law’s impact remains to be assessed. Most of the interviewees for the current research were sceptical about its capacity to achieve its aims. One of the interviewees saw the adoption of this law as ‘an attempt on the part of the government to improve its record in combating racism without bringing significant changes in the way racism, specifically racism against Roma, operates within the society and fuels social inequality between Roma and non-Roma’ (interview independent legal expert 2).

Romania has had a legislative framework on combating racial discrimination, hate speech and Holocaust denial since 2000 and its Penal Code regulates the punishment of such acts. Romanian antidiscrimination law has been amended several times to align it with EU legislation on racial discrimination. The European Convention on Human Rights and Fundamental Freedoms has been applied since Romani became members of the Council of Europe in 1993. However, under the current legislation, only one case of involving one individual has been prosecuted under Holocaust denial, and no physical or legal persons have been sentenced under the criminal offence of racism or Holocaust denial. An expert interviewed for the purpose of this research expressed their doubts on the implementation of the law, ‘as most probable the prosecutors and judges will invoke the social danger argument in analysing complaints under the law on combating antitiganism’ (interview independent legal expert 1).

³⁶ Law No. 2/04.01.2021, art 2 c.

³⁷ Law No. 2/04.01.2021, art 2 d.

³⁸ Law No. 2/04.01.2021, art 5 para 3.



The current law on combating antitiganism is a copy paste of the law combating antisemitism. In fact, as mentioned by the Legislative Council in its opinion on the bill, antitiganism is defined in the same way as antisemitism, replacing just the names of the ethnic groups targeted by such measures³⁹. However, whereas the antisemitism definition was provided by the International Holocaust Remembrance Alliance, corresponding to historical realities that have been subject to inquiries by academics and scholars for a significant period of time, the term 'antitiganism' is relatively new in the Romanian and international context and may differ in content and manifestation in society. Moreover, the definition used by the law differs from the definition of antigypsyism provided by the European Commission on Racism and Intolerance, the European Parliament, the European Commission, the Expert Group on Roma of the Council of Europe, or Romani Studies scholars and Roma activists. None of the interviewees for this research were aware of any consultations with these organizations preceding the elaboration of the law.

Broader consultations with Roma scholars and activists could have ensured that the law, once adopted, would advance Roma rights and promote equality. While antisemitism is clearly defined and closely monitored, and lobby groups push for state institutions to react to any unlawful acts, that is not the case for the Roma. Very few watch-dog organizations and human rights groups are interested in litigation on Roma rights. The historical oppression of Roma, the extreme poverty and exclusion affecting many Roma communities, and the limited solidarity among Roma groups have decreased the capacity of Roma to defend their rights and to fight for equality. Hence, the importance of litigators and human rights groups in fighting antitiganism is crucial, and close cooperation with groups fighting antisemitism could strengthen the impact of their actions.

The three independent legal experts interviewed questioned the commitment of the government to implement the law against antitiganism. The law's adoption was determined not so much by the government's concern over the Roma's situation, as by international pressure. Had the government been interested in improving the situation of Roma, it could have adopted the draft strategy proposed by the National Agency for Roma after extensive consultations with Roma organizations and local authorities, instead of delaying the law's adoption for more than a year. The real reason behind government's willingness to adopt the law was international scrutiny of Romania's legislation on hate speech. On 30 October 2020, the European Commission launched an infringement procedure against Romania for its failure to implement the Framework Decision on combating racism and xenophobia by means of criminal law (Framework Decision 2008/913/JHA). The Decision aims at

³⁹ Consiliul Legislativ, Aviz nr 863/09.10.2019.



ensuring that serious manifestations of racism and xenophobia are punishable by effective, proportionate and dissuasive criminal penalties in all EU member states⁴⁰. As previously mentioned, Romania did not define hate speech according to the EU decision, criminalizing only hate speech which targets a group of persons defined by reference to race, colour, religion, descent or national or ethnic origin, but not when the target is an individual member of such groups. Clearly, laws against antigypsyism and antisemitism have been designed to boost the positive image of the Romanian Government.

The adoption of the law was unexpected. The final vote in Parliament and the law's promulgation by the President of Romania contradicted most of the written opinions of the various parliamentary commissions and other legal entities, which were broadly negative. The Social and Economic Council issued a negative opinion on the bill for three reasons: the proposed measures (1) would constitute positive discrimination; (2) would amount to excessive regulations as the provisions of the antidiscrimination law are sufficient and covering all these acts; and (3) the bill uses a pejorative terminology⁴¹.

The government of Ludovic Orban, the leader of the National Liberal Party, similarly criticized the bill for several reasons. First, the proposed measures contradicted constitutional provisions on equality by introducing a special favourable treatment for Roma. Second, the same aspects are regulated by two other legislative measures, the Government Ordinance 31/2002 banning fascist organizations, symbols and activities and the Government Ordinance 137/2000 banning racial discrimination. Thus, the existing national legislation was in full compliance with international legal standards regarding racism and xenophobia. Third, the proposed measures against antigypsyism were already covered by the Penal Code. Fourth, the government saw the bill's motivation as unsatisfactory as it did not focus on the effects of the regulation, the impact on existing legislation or fundamental human rights and freedoms, as required by law⁴². Paradoxically, at the time of the vote on the bill, Ludovic Orban was the President of the Chamber of Deputies and his majority voted for the adoption of the bill; although as Prime Minister, his Cabinet rejected the bill.

⁴⁰ See European Commission (2020), 'October infringements package: key decisions', October 30, Brussels, https://ec.europa.eu/commission/presscorner/detail/EN/INF_20_1687.

⁴¹ Consiliul Economic si Social, Aviz Nr. 4920/24.09.2019.

⁴² Guvernul Romaniei - Prim Ministru No. 811/ 20.05.2020.

The procedural venues of the laws on combating antisemitism⁴³ and antigitanism are the same. Although the laws are similar and they use similar terminology and definitions, the legal opinions of the entities involved in the adoption procedures differ substantially. While the law on antigypsyism received negative opinions from parliamentary commissions, the Social and Economic Council and the government, and some technical objections from the Legislative Council, the law on combating antisemitism received only positive opinions⁴⁴. Even the Prime Minister, though sceptical about the constitutionality of the law on combating antisemitism due to overlapping regulations, still provided a positive opinion. Although the constitutionality of the law on antisemitism was not challenged, when it came to Roma and antigitanism, the Prime Minister offered a negative opinion on behalf of the government rooted in overlapping regulations. It is difficult to ignore the different treatment received by similar laws – the difference being only the target groups – while talking about racism.

3.3. The national strategy for preventing and combating antisemitism, xenophobia, radicalization, and hate speech

The national strategy for preventing and combating antisemitism, xenophobia, radicalization, and hate speech for 2021-2023 and the related Action Plan were adopted by Government Decision No. 539 o 13 May 13 2021, and published in the Official Gazette, Part I, No. 517 on 19 May 2021. The strategy is part of the EU plan to combat racism and racial discrimination during the 2020-2025 period.

The main actions proposed under the national strategy for preventing and combating antisemitism, xenophobia, radicalization, and hate speech are:

- improved collection of data about these phenomena in Romania;
- evaluation of current legislation to identify possible gaps and preparation of proposals for their coverage;
- evaluation of the professional training programs of the actors involved in preventing and combating anti-Semitism, xenophobia, radicalization and hate speech (police officers, prosecutors, judges) and updating these programs;
- evaluation of current school programs and their revision;
- development of pilot cultural programs aimed at preventing proliferation of these phenomena in Romanian society;

⁴³ Law No. 157 from July 2, 2018 regarding certain measures for preventing and combating antisemitism, published in Monitorul Oficial No. 561 on 4 July 2018.

⁴⁴ The opinions regarding the law on combating antisemitism are available at http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?idp=17193.



- intensification of Romania's involvement in international efforts aimed at combat anti-Semitism, xenophobia, radicalization and hate speech.

As one of the independent legal experts interviewed for this research observed, 'the strategy and the plan are rather a response to the diplomatic pressure related to combating antisemitism and has almost nothing to do with racism and antigypsyism' (interview independent legal expert 2). In fact, the two documents focus primarily on antisemitism and the activities of the government as part of the International Holocaust Remembrance Alliance, rather than on combating racism more generally. The supposedly anti-racism strategy completely ignored the guiding principles of the European Commission on national action plans against racism and racial discrimination⁴⁵. The Romanian national strategy does not include racism among the problems which justify its adoption, does not mention structural racism and its impact on the Romanian society, fails to propose measures to tackle racism in society or provide for multi-level coordination between policies at the national, regional, and local level. Curiously, the strategy needs no funding as all the foreseen measures are already funded through the national budget of the involved governmental structures.

Among the few measures that specifically target Roma are: (1) the development by the National Agency for Roma (NAR) of a unified methodology for identifying and reporting incidents associated with xenophobia, anti-Roma racism, radicalization and hate speech against the Roma community in Romania; (2) the development

⁴⁵ The European Commission defined eight guiding principles to assist the Member States in designing their national action plans to combat racism and racial discrimination, which are complementary and interlinked:

1. *Recognise and encourage diversity, equity and equality.*
2. *Ensure that EU legal and policy frameworks and other commitments derived from international obligations are fully embedded and implemented at national level.*
3. *Identify and tackle potential manifestations of structural racism and their impact.*
4. *Set specific and achievable objectives in national action plans.*
5. *Establish measures tackling racism in a holistic approach by ensuring coordination and mainstreaming of anti-racism actions in policies at national, regional and local levels.*
6. *Ensure that engagement, active participation and transparency are guiding principles and inform the design and implementation of national action plans.*
7. *Collect and use equality and hate crime data to ensure evidence-based policymaking.*
8. *Duly consider proper monitoring and/or evaluation of national action plans.*

See European Commission, 'Common guiding principles for national action plans against racism and racial discrimination', https://ec.europa.eu/info/sites/default/files/common_guiding_principles_for_national_action_plans_against_racism_and_racial_discrimination.pdf.

and implementation of the pilot project "Holocaust against the Roma – Samudaripen"; and (3) the elaboration of a feasibility study for establishing a museum of Roma history and culture.

The Government report on the implementation of the strategy, issued in May 2022, shows that one year after its inception, the strategy on racism against Roma in Romania had insignificant results. The National Agency for Roma has reportedly elaborated an internal methodology for online media monitoring that will serve as the basis for a unified methodology identifying cases of hatred against Roma⁴⁶. The methodology is not publicly available on the NAR website nor is any information made available regarding the media monitoring. The report provides an account of the progress made in so far and it is assessed as a 'partially implemented measure with positive tendency'⁴⁷.

The report sheds light on the pilot project. The strategy provides for the possibility that in the mainstream curricula for grade VIII, Roma slavery and Holocaust represent case studies⁴⁸ with the Roma Holocaust as the pilot project. The latter, the 'Holocaust against the Roma – Samudaripen' intends to raise awareness among Bucharest pupils about the Roma deportations to Transnistria during World War II through participation in the commemoration ceremony of the victims of the Holocaust against the Roma - Samudaripen, which takes place every year on 2 August, at the Holocaust Memorial in Bucharest. On this occasion, a student briefly presents one of the victims of Samudaripen. According to the report, this activity is in its incipient

⁴⁶ Guvernul Romaniei (2022), 'Raportul anual cu privire la progresul înregistrat în implementarea strategiei naționale pentru prevenirea și combaterea antisemitismului, xenofobiei, radicalizării și discursului instigator la ură, aferentă perioadei 2021-2023', Bucharest, 19 May, p. 26 / Government of Romania (2022) Annual Report regarding the progress in implementing the national strategy for preventing and combating antisemitism, xenophobia, radicalization and hate speech, for the period 2021-2023

https://gov.ro/ro/obiective/strategii-politici-programe/raportul-anual-cu-privire-la-progresul-inregistrat-in-implementarea-strategiei-naționale-pentru-prevenirea-i-combaterea-antisemitismului-xenofobiei-radicalizării-i-discursului-instigator-la-ura-aferenta-perioadei-2021-2023&page=1?fbclid=IwAR2fVf0Lnf0r7clwJGVS7RmcSwVi2pami3Ll6QQYeGo1FeR_suC4Fw4r3mq.

⁴⁷ Ibidem.

⁴⁸ Guvernul Romaniei (2022), 'Raportul anual cu privire la progresul înregistrat în implementarea strategiei naționale pentru prevenirea și combaterea antisemitismului, xenofobiei, radicalizării și discursului instigator la ură, aferentă perioadei 2021-2023', Bucharest, 19 May, p. 37. / Government of Romania (2022) Annual Report regarding the progress in implementing the national strategy for preventing and combating antisemitism, xenophobia, radicalization and hate speech, for the period 2021-2023



phase, i.e., nothing has yet been done, although it should have been finalized within six months of the adoption of the strategy⁴⁹.

3.4. The anti-discrimination legal framework

More than 21 years since its adoption, the capacity of the Romanian antidiscrimination law to combat racial discrimination remains very limited. This capacity also depends on EU law on anti-discrimination. As Pinar Sayan has shown, EU antidiscrimination legislation has a limited capacity to combat antigypsyism due, among other reasons, to the other means employed by the European Commission, which are not open to the public:

The low number of infringement cases on the basis of the Race Directive and no referral to the ECJ also show that the Commission prefers to deal with the issue with other means, which are mostly not open to public. As a result, the EU's use of the enforcement mechanisms for effective implementation of the anti-racism regime, therefore against antigypsyism, is limited and rarely public. Making the system transparent and public will not only strengthen the Commission's efforts to deal with the issue, but it will also make it easier for the public to hold member states' accountable for their actions violating the EU law. (Sayan, 2018: 14).

It is not only that antigypsyism manifestations are much broader than the legal definition of discrimination, but there are other factors at play when analysing the capacity of antidiscrimination legislation to effectively combat antigypsyism: The independence of and the capacity of the equality body to process antidiscrimination complaints; the strategy the equality body develops to promote equality and inclusion; the capacity of the NGOs to build strategic legal cases before the equality body and the courts; the government adoption and implementation of comprehensive policies to promote equality and inclusion and to effectively combat racism; the capacity of the judiciary to limit racial bias in its work and to interpret and apply the laws in a non-discriminatory way; the recruitment and training offered to civil servants; the transformative capacity of the leadership style to create an institutional culture based on equality and respect for diversity; and the commitment

⁴⁹ Guvernul Romaniei (2022), 'Raportul anual cu privire la progresul înregistrat în implementarea strategiei naționale pentru prevenirea și combaterea antisemitismului, xenofobiei, radicalizării și discursului instigator la ură, aferentă perioadei 2021-2023', Bucharest, 19 May, p. 51. / Government of Romania (2022) Annual Report regarding the progress in implementing the national strategy for preventing and combating antisemitism, xenophobia, radicalization and hate speech, for the period 2021-2023

of the political forces to bring an end to racism and discrimination are among some of the most important factors.

The antidiscrimination legal framework provides for two venues for victims to seek justice. A victim of discrimination could file a petition with the NCCD on the administrative track and/or file a civil complaint with civil courts for damages or use both options at the same time. The complaint must be filled within one year of the occurrence of the alleged discrimination. The NCCD may also investigate cases *ex officio*, but it cannot decide on compensation claims coming from victims. In this case, the victims must file complaints with civil courts and the NCCD is called in as an expert, its decision on the alleged discrimination being unnecessary.

Since its establishment in 2002, the NCCD has received over 13 189 complaints, of which 1 226 concerned cases of alleged ethnic discrimination against Roma (NCCD, 2022: 8). In 2021, of the 25 decisions handed down in cases of alleged discrimination based on ethnicity referring to Roma, the NCCD sanctioned perpetrators with fines in only 12 cases, issued a warning in four cases, made recommendations in another four cases, and in five cases asked perpetrators to publish a summary of the decision in a newspaper with a large circulation (NCCD, 2022: 26). These sanctions clearly lack a deterrent effect. There were cases when the courts significantly decreased the fines applied by the NCCD; for example, in the case 'Satele romanesti sub teroare' the High Court decreased the sentences applied by the NCCD tenfold (Haller, lordache and Kadar, 2016: 16-8). Since the courts can lower NCCD sanctions once an appeal is lodged, the antidiscrimination law fails to compensate the victims or adequately sanction the perpetrators. The lengthy procedure to obtain compensations to which victims are submitted to, is another dissuasive factor given it might take several years until a final court decision awards compensation to the victim. As one legal scholar noted, 'the NCCD has not so far developed an operational mechanism to monitor infringements of the legislation or to monitor compliance with its decisions, hence it is difficult to assess the effectiveness of its mandate and remedies' (lordache, 2021: 13).

As regards the independence of the NCCD, the political appointments of the Steering Board members have negatively influenced its capacity to process complaints. Politics has impacted its decisions in cases involving politicians especially, as pointed out by experts and activists interviewed for this research. One of the interviewed experts emphasized the NCCD's lack of a strategy to promote equality and non-discrimination, and its relatively passive role in discrimination cases with a systemic impact, such is school segregation, forced evictions, and environmental racism. Nothing prevents the NCCD from starting investigations itself,

to partner with academic institutions to conduct research, or to propose policy adjustments to promote equality and non-discrimination.

The NCCD did not use the definition of segregation provided by the Ministry of Education in deciding cases regarding Roma school segregation and did not include segregation in education in the definition of discrimination discussed during the numerous amendments to the anti-discrimination law (Rostas, 2012). An analysis of jurisprudence reveals that the NCCD has no clear assessment and monitoring benchmarks for investigating segregation cases (Rostas, 2012). Moreover, the different interpretations of, and conclusions reached in, similar cases of alleged segregation further impeded the impact of the NCCD on combating school segregation, as it failed to define legal standards applicable to particular situations of alleged segregation cases as precedents.

The NCCD's passivity is compounded by a lack of resources in providing training to prosecutors, judges, police officers, and civil servants. Hence, the leadership style and the strong assimilationist tendencies, especially with respect to the Roma minority, within state institutions represent still a major challenge for reform and the development of an inclusive culture based on equality, non-discrimination, and respect for diversity (Iordache, 2021: 5).

A report of the European Commission on the antidiscrimination legal framework in Romania identified eight major gaps: (1) a failure to ensure adequate sanctions which are dissuasive, proportionate and effective; (2) the NCCD and the courts cannot find and sanction discrimination in cases of discriminatory norms (*de jure* discrimination); (3) legal concepts such as reasonable accommodation, instruction to discriminate, and intersectional discrimination still need clarification and interpretation; (4) institutional limitations affect the national equality body; (5) lack of equality data; (6) emerging practice of asking for evidence of intention to discriminate when infringing the right to dignity; (7) freedom of expression used as a justification in cases of discriminatory speech; and (8) failure to adopt a national strategy for equality (Iordache, 2021: 12-4).

3.5. Other laws

There are other laws dealing with Roma and their past in Romania, recognizing and strengthening their status as a national minority. This section briefly presents these laws and the only attempt of the Romanian authorities to deal with the Roma past through the establishment of the Commission for the Study of Slavery.



A law establishing April 8 as 'The Festivity of Roma Ethnicity in Romania' was adopted by Parliament on 22 March 2006, celebrating the International Day of Roma⁵⁰. The law has two articles only, article one being the declaration itself and article two allowing authorities to organize and fund events celebrating April 8 and for public radio and tv stations to cover these events during their broadcasting time.

Law No. 28/2011 commemorates Roma liberation from slavery. It includes two articles only⁵¹ and makes no reference to Roma suffering, reparations for victims, and reconciliation. Its merit is that it provides for the opportunity for state institutions to allocate resources for commemorating the day of liberation.

On 8 January 2019, Parliament adopted a law declaring 16 June as the Day of Romani Language⁵². Local authorities in cities and towns where Roma live could allocate financial resources for organizing public events. Additionally, public radio and tv stations may include in their broadcasting time coverage of these events.

On 10 July 2020, Parliament adopted a law declaring 2 August as the National Day of Commemoration of Roma Holocaust Samudaripen⁵³. The law does not refer to the role of the Romanian authorities in the Holocaust, includes no apologies for the deportations, and offers no reparations. Its three articles allow authorities to allocate funds for public events and the public radio and TV stations to cover such events during their broadcasting time.

Law 189/2000 offers benefits to persons who, for political reasons and due to their ethnicity, were persecuted during World War II and after the instillation of communism in Romania on 6 March 1945. Among the categories that enjoy these benefits were Roma survivors of deportations to Transnistria. Roma survivors of the Holocaust qualify for a monthly allowance of 400 RON (cca 80 Euro) for every two years of deportation, medical insurance, and a free burial plot. However, Ministry of

⁵⁰ Law No. 66 from 22 March 2006 for instituting the day of April 8 as "The Festivity of Roma Ethnicity in Romania", published in the Official Gazette no 276 from 28 March 2006.

⁵¹ Art. 1. – The emancipation of the Roma from Romania is commemorated, on the date of February 20 of each year.

Art. 2. – The Ministry of Culture and National Heritage, the authorities central and local public administration can support materially and financially, the organization of public events and dedicated social-cultural actions the commemoration of this day.

⁵² Law no 20 of January 8, 2019, regarding the establishment of Romani Language Day, published on Official Gazette no. 29 from 10 January 2019.

⁵³ Law no 124/2020 for instituting the day of august 2 as the National Day for Commemorating the Holocaust against Roma – Samudaripen, published in the Official Gazette, Part I no 610 on July 10, 2020.



Labour bureaucrats have systematically denied these benefits to Roma survivors of Holocaust by an arbitrary and discretionary interpretation of the law; asking for additional archival documents impossible to access or for legal testimonies of witnesses that were at least 10 years old at the time of deportation, on the grounds that these would increase the credibility of the claim. These aspects were revealed through an online petition initiated by Petre Matei, a scholar who closely worked with Roma Holocaust survivors. According to the petition, the requirement for testimonies makes it almost impossible for Roma survivors to access these benefits as at the time of deportation in 1942 they were children and very few children (and no adults) could testify⁵⁴.

In 2007, the Government established a Commission for the Study of Roma Slavery in Romania⁵⁵ to conduct in-depth and interdisciplinary research of the slavery of Roma within Romanian territory. The Commission was formed by 12 members appointed by the Prime Minister and placed under the National Agency for Roma with a budget of cca 75 000 EUR. It was expected to release a final report publicly by the end of 2007. To date, the Commission has produced no such report. It remains unclear as to whether the Commission was legally formed and no information about its activity is publicly available.

⁵⁴ The text of the petition is available at <https://campaniamea.declie.ro/petitions/supravietuitorii-romi-ai-deportarilor-in-transnistria-nu-au-drepturi>.

⁵⁵ Government of Romania Decree No. 546/2007 regarding the establishment of the Commission for the study of Roma slavery, published in the Official Gazette on 8 June 2007.



PART 4. Lessons learned and recommendations

- **The recognition of the concept of antigypsyism in Romania**

In Romania, there are several terms referring to racism against Roma: antitiganism, Romaphobia, antigypsyism, anti-Roma sentiment and attitudes, and anti-Roma racism. Among Roma activists there is a strong opposition to the use of term 'antitiganism', which is argued to re-institutionalize the highly pejorative term 'tigan', the use of which generations of Roma activists have fought against.

While a few initiatives touch upon important manifestations of antigypsyism, such as slavery and the Holocaust, there is no comprehensive research project on antigypsyism, its manifestations, the mechanism which produce and reproduce it, and its consequences for Roma.

Several publications focus on the deportations of Roma by the Romanian government from 1942-1944, on slavery and on the archival documents about these events. There are even some publications analysing the impact of these events on the current situation of Roma. The most relevant publication on antigypsyism in Romania is a volume bringing together Roma and non-Roma activists and scholars; *Problema romaneasca: o analiza a rasismului romanesc*.

The impact of antidiscrimination legislation on Roma remains limited. The law has failed to tackle major, systemic issues such as school segregation, forced evictions, and environmental racism. Although NCCD had several cases regarding the use of the pejorative label 'tigan', it failed to make a significant contribution to raising awareness of the fact that this is an unacceptable term for designating the Roma minority. The political influence on appointments of the members of the equality body further limit the impact of the law.

The new law on antigypsyism is a copy paste of the law on antisemitism in Romania. It fails to define antigypsyism in coordination with Roma activists and scholars. The law was itself passed thanks to the incapacity of the Romanian courts to prosecute hate speech under a Government Ordinance banning Holocaust denial and the use of symbols associated with the National Socialist regime and its allies. It expected that the law on antigypsyism will fail to affect major change, as prosecutors will likely not use it to evidence the social danger of the incriminating facts of cases.

- **The main manifestations of antigypsyism in the national context**

In Romania, the legacies of slavery and the Holocaust continue to negatively affect the status and living conditions of the Roma. In addition, police violence,



discrimination within the administration of justice, hate speech and hate crimes reveal not only that Roma are treated as second-hand citizens in Romania, but also that these practices are meant to intimidate Roma and dissuade them from making claims for equality and rights. School segregation, forced evictions, and exposure to hazardous environments are widespread practices that affect the long-term potential of Roma to improve their status and well-being. The lack of information on Roma history and culture in mainstream school curricula, the exclusion of Roma from knowledge production, and the lack of identity representation institutions strengthens the negative perception of Roma, feeds the public imaginary with prejudices and stereotypical thinking and images, and further impedes the formulation and effective implementation of policy benefiting Roma.

While Roma slavery and the Roma Holocaust were formally recognized by the Romanian authorities, this recognition has led to no remedies or compensations for Roma. Other symbolic measures recognize 8 April as International Roma Day, 2 August as Roma Holocaust Day, and 5 November as Romani Language Day. The impact of these measures on the status of Roma in Romania is negligible, as racism and discrimination continue to affect the everyday experiences of Roma in Romania with tolerant authorities only contributing to this climate.

- **Lessons learned from Antigypsyism Commissions/ other similar transitional justice tools**

The present analysis identifies major gaps in the work of the International Commission for the Study of Holocaust and the need to update its Final Report. The establishment of the Commission on the Studying of Roma Slavery further illustrates that a few prerequisites would help advance the agenda on dealing with Roma past. Based on our research, the following recommendations should be considered by the authorities as a way to combat antigypsyism in Romania:

- Involve Roma academics and scholars in these commissions, whether Truth and Reconciliation Commissions or expert commissions on thematic topics, specific periods or specific geographic areas;
- Involve non-Roma academics who are knowledgeable and sensitive to issues of social justice for Roma. Their reputation and moral standing should be impeccable;
- Archival access, in Romania and other countries, should be ensured by the authorities;
- Adequate financial resources should be allocated in order to facilitate the work of these commissions;
- Work closely with Roma NGOs and communities as one of the primary constituencies and audiences of these commissions;
- The commissions should be followed by structures that supplement its work with additional research and/or by using other transitional justice tools –



- memorialization, commemoration, legislation adjustments, vetting, compensations, rewriting history textbooks, unofficial truth projects, etc
- Establishing expert sub-commissions on specific events would lead to more efficiency, rather than having a single commission for the whole history of Roma.

- **The risks and opportunities coming with transitional justice tools to address the needs and grievances among Roma communities**

In Romania, several transitional justice tools have dealt with the past. The best-known are the International Commission on the Holocaust in Romania and the Presidential Commission for Analysing the Communist Dictatorship in Romania. Establishing an expert commission on the Roma Holocaust, Roma slavery, or Roma under communism would help continue the work of these historical commissions. The European Commission is aware of the importance of antigypsyism in dealing with the Roma predicament and the use of transitional justice tools in combating antigypsyism. It recommended Member States to consider such tools in addressing antigypsyism within their national strategies on Roma.

Studies reveal that the broader Romanian society, as well as Roma, require further education on Roma history in Romania. The ongoing reform of mainstream curricula to include elements of Roma history and culture would benefit from the work of expert commissions on Roma historical events. Even Roma who have some pre-existing knowledge of these events would benefit from further study into the historical oppression and suffering of Roma, as well as their contributions to the history and culture of Romania.

The most significant risk in the use of transitional justice tools, including expert commissions, is that they will reproduce the existing dominant narrative on Roma and will be unable to break the current monopoly enjoyed by non-Roma academics in shaping the public discourse on Roma. Another risk regards the quality of the work of such commissions. The commissions should produce knowledge on Roma through rigorous research, using multiple methodologies and sharing their high-quality work across different sectors of Romanian society. For this to happen, the commissions should have access to national, government, and secret archives (which remain partially opened in Romania) and should have support from specialized staff in accessing a wide range of sources.

- **Generating trust-building and reconciliation through grass-roots mobilizations using different goals, such as right to know, right to truth, right to justice, and right to remedy and compensation**

Working with Roma NGOs and activists is a precondition for the success of the commissions. Co-interested Roma from the very beginning of the process as a

primary audience of the work of the commissions is key to ensuring that the work of the commission reaches large segments of the society. Grassroots mobilization is instrumental in building trust and putting pressure on state institutions to become transparent and accountable. Public hearings should be included in the work of commissions, to generate public awareness. In this way, the commission(s) would be less isolated and closer to truth commissions that aim at educating the public (if not achieving reconciliation). Public hearings could allow the commission to invite Roma, victims, academics, students, non-Roma, foreign activists, even magistrates, police officers, and government officials to speak. If public hearings were set up weekly (as in the South African example) and broadcast publicly, then momentum could be further sustained. Given that Central and Eastern Europe had no truth commission, these commissions have the potential to be unique in the region.

Smaller focused groups for limited time periods or specific issues (for instance, the experiences of enslaved Roma women, children, and elderly; or geographies such as Moldova and Transylvania, and differences across rural and urban settings, etc) could be easily established. The working groups could combine activists, academics and Roma leaders. Access to state archives, church archives, oral history projects and the establishment of Romani Studies Chairs in selected state universities could help document the situation. A collection of the copies of all documents, including the file on Roma from CNSAS, should be hosted by at least one of the Romani Studies Chairs. A memory institute could follow the work of the existing commissions, to continue research into slavery and the Holocaust, and branch out into other fields.

- **Opportunities at the EU or international level**

Opportunities to use transitional justice tools across EU Member States as part of the new EU Strategic Framework for Roma, or as part of the EU antiracism program would facilitate the work of Roma and pro-Roma advocates. In presenting examples from other states, they will point out the synergy of these efforts at the EU level and the need to coordinate with other Member States. Additionally, Brussels-based advocacy with the European Commission and Parliament in putting pressure on Member States to use transitional justice tools in combating antigypsyism would increase the probability of creating a strong movement supporting transitional justice and its use for the Roma case in Europe.



References

a. Manuscripts and academic articles

Abraham, D., Bădescu, I., Septimiu, C. (1995), *Interethnic Relations in Romania – Sociological Diagnosis and Evaluation Tendencies*, Editura Carpatica, Cluj.

Achim, V. (2005), 'Statistica Tiganilor in Principatele Romane in perioada 1830-1860', *Revista Istorică*, S.N., XIV (S-6), pp. 97-122.

Achim, V. (1998), *Tiganiii în istoria României*, Editura Enciclopedica, Bucharest; translated in English Achim, V. (2000), *The Roma in Romanian History*, CEU Press, Budapest.

Achim, V. (ed.) (2004), *Documente privind deportarea tiganilor in Transnistria*, Editura Enciclopedica, Bucharest.

Beech, P. (2020), 'What is environmental racism and how can we fight it?', World Economic Forum, July 31.

Brueggemann, C. (2012), 'Roma Education in Comparative Perspective. Analysis of the UNDP/World Bank/EC Regional Roma Survey 2011', Roma Inclusion Working Papers. United Nations Development Programme, Bratislava.

Chelcea, I. (1944), *Țiganiii din România*, Institutul Central de Statistică, Bucharest.

Chiriac, B. (2019), 'Mihail Kogălniceanu's Historical Inquiry into the Question of Roma Slavery in Mid-Nineteenth-Century Romanian Principalities', *Critical Romanian Studies*, Vol. 2, No. 2, pp. 24- 40.

Clej, P. (2020), 'Raportul Comisiei Wiesel - contestat, dar foarte puțin cunoscut', Radio France International, 10 July, <https://www.rfi.ro/social-122915-raportul-comisiei-wiesel-contestat-dar-foarte-putin-cunoscut>.

Crai, E., Ivan, C., Bănică, C., Prisăcariu, R. (2016), *Segregare sau incluziune școlară? Raport de monitorizare privind segregarea/ incluziunea școlară a elevilor romi în Regiunea Nord-Est*, Centrul de Advocacy și Drepturile Omului, Bucharest.

Danka, A. and Rostas, I. (2012), 'Setting the Roma Policy Agenda: the Role of International Organizations in Combating School Segregation', in Rostas, I. (ed.), *Ten Years After: A History of Roma School Desegregation in Central and Eastern Europe*, CEU Press, Budapest.



Dorobantu, O. and Gheorghe, C. (2019), *Problema romaneasca – o analiza a rasismului romanesc* [The Romanian Issue: An Analysis of the Romanian Racism], Hecate Publishing, Bucharest.

Duminica, G., Ivasiuc, A. (2010), *O școală pentru toți*, Agentia Impreuna si UNICEF, Bucharest.

Facaoaru, G. (1941), *Câteva date în jurul familiei și statului*, Biopolitics, Bucharest.

Durnescu, I., Lazar, C. and Shaw, R. (2002), 'Incidence and characteristics of Roma men in Romanian prison', *The Howard Journal of Crime and Justice*, Vol. 41, No 3, pp. 237-244.

Ioanid, R. (2000), *The Holocaust in Romania: the destruction of Jews and Gypsies under the Antonescu regime, 1940-1944*, Ivan R. Dee, Chicago.

Ioanid, R., Kelso, M., Cioba, L. M. (eds) (2009), *Tragedia romilor deportați în Transnistria (1942-1945)*, Polirom, Iasi.

Facaoaru, G. (1941), *Câteva date în jurul familiei și statului biopolitics*, Bucharest.

Furtună, A-N. and Turcitu, V-C. (2021), *Sclavia romilor și locurile memoriei - album de istorie socială / Roma Slavery and the Places of Memory Album of Social History*, Dykhta! Publishing House, Bucharest.

Furtună, A-N., Giurgea, F., Negoii, V., and Chiriac, B. (2020), *Deportarea în Transnistria a familiilor soldatilor romi. Intre "greseli" administrative si imperative biopolitice. Studii de caz si documente de arhiva*, Dykhta! Publishing House, Bucharest.

Furtună, A-N. (2020), 'From Roma Slavery to World War II – Roma Resistance in Romani', in Mirga-Kruszelnicka, A. and Dunajeva, J. (eds), *Re-thinking Roma Resistance throughout History: Recounting Stories of Strength and Bravery*, ERIAC, Berlin.

Giurescu. D. C. (1999), *Romania in al Doilea Razboi Mondial 1939-1945*, All Educational, Bucharest.

Holler, M. (2015), 'Historical Predecessors of the Term "Anti-Gypsyism"', in Selling, J., End, M., Kyuchukov, H., Laskar, P. and Templer, B. (eds.), *Antiziganism: What's in a Word?*, Cambridge Scholars Publishing, Newcastle upon Tyne.

Haller, I. (1998), 'Lynching Is Not a Crime: Mob Violence Against Roma in Post-Ceaușescu Romania', *Roma Rights*, May.



Haller, I., Iordache, R. and Kádár, A. (2016), 'Using anti-discrimination remedies for discriminatory speech – the Hungarian and Romanian experiences', *European Equality Law Review*, No 2, pp. 1-22.

Iordache, R. (2021), 'Romania Country report Non-discrimination - Transposition and implementation at national level of Council Directives 2000/43 and 2000/78', European Commission Directorate-General for Justice and Consumers, Brussels.

Iordachi, C. (2019), *Liberalism, Constitutional Nationalism, and Minorities: The Making of Romanian Citizenship, c. 1750–1918*. Brill, Leiden and Boston.

Ivan, C. and Rostas, I. (2013), *Early School Leaving: causes and consequences*, Roma Education Fund, Bucharest.

Matei, P. (ed.) (2001), *Deportarea rromilor in Transnistria. Documente de arhiva*, Editura centrului pentru politici publice 'Aven amentza', Bucharest.

Mihok, B. (2010), 'Transferul unilateral: deportarea rromilor români', in Benz, W. and Mihok, B. (eds), *Holocaust la periferie. Persecutarea și nimicirea evreilor în România și Transnistria în 1940-1944*, Cartier, Chisinau.

Mitu, S. (1997), *Geneza identității naționale la românii ardeleni*, Editura Humanitas, Bucharest.

Nastasă, L. and Varga, A. (eds) (2001), *Minorități etnoculturale. Mărturii documentare: Țigarii din România (1919-1944)*. Fundația Centrul de Resurse pentru Diversitate Etnoculturală din România, Cluj-Napoca.

Necula, C. (2012), 'The Cost of Roma Slavery', *Perspective Politice*, Vol. V, No 2.

Oprescu, D. (2005), *Un pas gresit in directia cea buna: minoritățile naționale din Romania 1990-2005*, Editura Universității București, Bucharest.

Petcuț, P. (2008), 'Preturile sclavilor rromi in Tara Romaneasca 1593-1653', *Anuarul Centrului de Studii Rome I/2008*, Editura Universității București, Bucharest.

Petcuț, P. (2016), *Rromii. Sclavie și Libertate: Constituirea și emanciparea unei noi categorii etnice și sociale la nord de Dunăre 1370 – 1914*, Editura Centrului Național de Cultura a Rromilor Romano Kher, Bucharest.

Preoteasa, A. M., Șerban, M., Tarnovschi, D. (2011), *Situația rromilor în România - Între incluziune socială și migrație*, Fundația Soros România, Bucharest.



Rostas, I. (2005), 'ID checks and police raids: Ethnic profiling in Central Europe', *Ethnic Profiling by Police in Europe*, Justice Initiatives, New York.

Rostas, I. (2012) 'Judicial Policy Making: the Role of the Courts in Promoting School Desegregation', in Rostas, I. (ed.) *Ten Years After: A History of Roma School Desegregation in Central and Eastern Europe*, CEU Press, Budapest.

Rusu, M. (2020), 'Geographies of Remembrance: Observing the National Day of Commemorating the Holocaust in Romania's Educational System', in Catrina, S. (ed.), *Holocaust Memoryscapes: Contemporary Memorialisation of the Holocaust in Central and Eastern European Countries*, Editura Universitară, Bucharest, pp. 278–306.

Sayan, P. (2018), 'Enforcement of the anti-Racism legislation of the European Union against antigypsyism', *Ethnic and Racial Studies*, Vol. 42, No 5, pp. 763-781.

Surdu, L. (2011), *Roma school participation, non-attendance and discrimination in Romania*, Vanemonde, Bucharest.

Totok, W. (2013), 'Cine sunt Naționaliștii Autonomi din Timișoara?', RFI, 14 January, <https://www.rfi.ro/politic-59952-cine-sunt-na-ionali-tii-autonomi-din-timi-oara>.

Turda, M. (2010), '"Rasa", eugenie si nationalism in Romania anilor '40 ai secolului al XX-lea', in Benz, W. and Mihok, B. (eds.) (2010), *Holocaust la periferie. Persecutarea și nimicirea evreilor în România și Transnistria în 1940-1944*, Cartier, Chisinau.

Turda, M. and Furtuna, A. (2021), 'The Roma and the Question of Ethnic Origin in Romania during the Holocaust', *Critical Romani Studies*, Vol. 4, No 2, pp. 8-32.

Woodcock, S. (2008), *The Tigan Other as Catalyst for the Creation of Modern Romania*, in *Anuarul Centrului de Studii Rome I/2008*, Editura Universitatii Bucuresti, Bucharest.

Zamfir, E. and Zamfir, C. (eds) (1993), *Tiganiii intre ignorare si imgrijorare*, Editura Alternative, Bucharest.

b. Reports by various institutions and civil society

The Auschwitz Institute for the Prevention of Genocide and Mass Atrocities and The François-Xavier Bagnoud Center for Health and Human Rights at Harvard University (2022), 'The Roma Holocaust/Roma Genocide in Southeastern Europe: between Oblivion, Acknowledgment, and Distortion', The Auschwitz Institute, New York.



Criss, R. (2016), 'Abuzul oficialilor responsabili cu aplicarea legii în comunitățile de romi din România', <https://drepturile-omului.info/wp-content/uploads/2015/06/Factsheet-Politie.pdf>.

ECRI (2019), 'REPORT ON ROMANIA (fifth monitoring cycle)', Adopted 3 April 2019, Published on 5 June 2019, Strasbourg.

European Commission Directorate-General for Education, Youth, Sport and Culture (2015), 'Education and training monitor 2015', Publications Office, <https://data.europa.eu/doi/10.2766/180281>

European Commission Directorate-General for Education, Youth, Sport and Culture (2017), 'Education and training monitor 2017', Publications Office, <https://data.europa.eu/doi/10.2766/637740>.

European Commission Directorate-General for Justice and Consumers (2022), 'Raportul societății civile de monitorizare a implementării strategiei naționale de integrare a romilor în România : evaluarea progresului în domeniile cheie ale strategiei', Publications Office of the European Union, <https://data.europa.eu/doi/10.2838/789476>.

Europa Libera (2020), 'Sondaj IRES: 7 din 10 români nu au încredere în romi', 5 July, <https://romania.europalibera.org/a/sondaj-ires-7-din-10-rom%C3%A2ni-nu-au-%C3%AEncredere-%C3%AEn-romi/30707320.html>.

European Roma Rights Center (1996), 'Sudden Rage at Dawn: Violence Against Roma in Romania', *Country Reports Series*, September, No 2, Budapest.

European Roma Rights Center (2021), 'Justice Denied: Roma in the criminal justice system', European Roma Rights Center, <http://www.errc.org/reports--submissions/justice-denied-roma-in-the-criminal-justice-system>.

FRA (2017), 'EU-MIDIS II, Second European Union Minorities and Discrimination Survey', European Union Agency for Fundamental Rights, Vienna.

FRA (2022), 'Roma in 10 European Countries – Main Results', Vienna.

Institutul National pentru Studiarea Holocaustului in Romania (2021), 'Perceptions of interethnic relations and the Holocaust in Romania National survey', November-December, Bucharest.

Romaniei, G. (2022), 'Raportul anual cu privire la progresul înregistrat în implementarea strategiei naționale pentru prevenirea și combaterea antisemitismului, xenofobiei, radicalizării și discursului instigator la ură, aferentă perioadei 2021-2023', 19 May, Bucharest.



Annex 1. Anonymized List of Interviews conducted

- Independent legal expert 1, July 4, 2022, online
- Independent legal expert 2, October 13, 2022, online
- Independent legal expert 3, October 17, 2022, online
- Independent legal expert 4, November 9, 2022, online
- Policymaker 1, October 6, 2022, online
- Policymaker 2, October 7, 2022, Cluj Napoca
- Civil society expert 1, July 12, 2022, online and November 7, 2022, Bucharest
- Civil society expert 2, July 15, 2022, online
- Civil society expert 3, November 6, 2022, Timisoara
- Civil society expert 4, November 7, 2022, Bucharest
- Civil society expert 5, November 9, 2022, Cluj-Napoca
- Scholar 1, September 7, 2022, online
- Scholar 2, September 26, 2022, online
- Scholar 3, September 3, 2022, online



Annex 2. Focus groups

The focus groups with members of the Roma communities took place in Dumitrita (October 10, 2022) and Reteag (October 7, 2022), Bistrita Nasaud county; and in Petelea (October 5, 2022), Mures county.

Dimitrita

Participant 1 Roma woman, 46, member of the local initiative group

Participant 2 Roma man 50, member of the local initiative group

Participant 3 Roma woman, 67, member of the local initiative group

Participant 4 Roma man, 54, local NGO member

Participant 5 Roma woman, 25

Participant 6 Roma man 30

Reteag

Participant 1 Roma woman, 28, member of the local initiative group

Participant 2 Roma woman 50, member of the local initiative group

Participant 3 Roma man, 62, member of the local initiative group

Participant 4 Roma man, 28,

Participant 5 Roma man, 45, member of the local initiative group

Participant 6 Roma woman 35 member of the local initiative group

Participant 7 Roma woman 19

Petelea

Participant 1 Roma man, 43, member of the local initiative group

Participant 2 Roma man 52, member of the local initiative group

Participant 3 Roma woman, 41, member of the local initiative group

Participant 4 Roma woman, 55, member of the local initiative group

Participant 5 Roma man, 25, member of the local initiative group

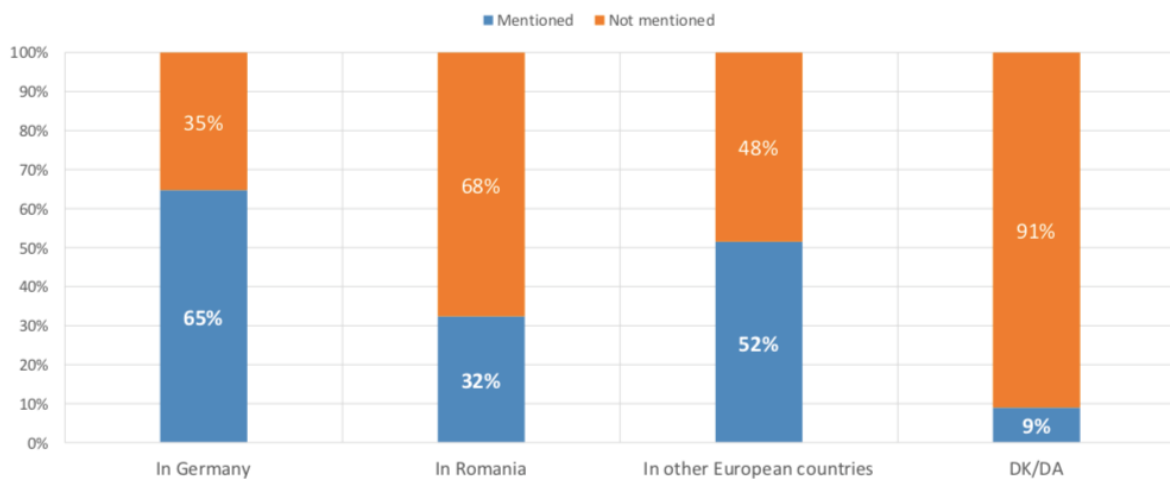


Questions for the focus groups:

- Have you heard of the term/word antigypsyism? What do you think it means?
- Have you heard that there is a law to combat antigypsyism? What do you think this law deals with?
- Have you ever heard about Roma slavery? What do you know about slavery?
- During the Second World War, the government led by General Antonescu deported the Roma to Bug. What do you know about these events?
- Several inter-ethnic conflicts took place in Romania. Have you heard about the conflicts in which the Roma were involved? What can you tell us about them?
- Do you think that if Roma children are put in classes or schools only for Roma, they would do better in school?
- Do you think that Roma have it worse than Romanians or Hungarians in Romania? Why?
- How do you think the Roma are seen today in Romania?
- What do you think needs to be done to improve Roma relations with Romanians/others?

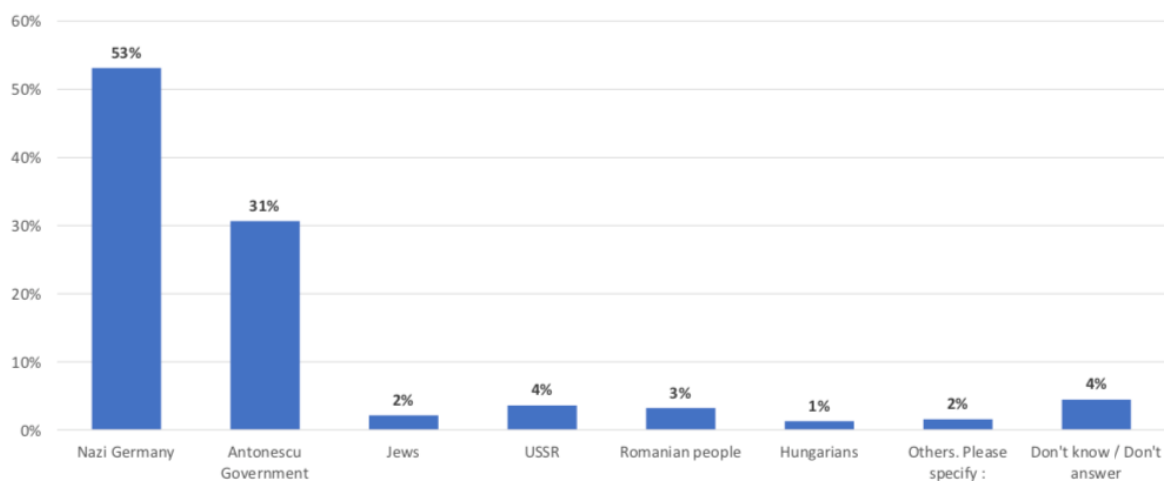
Annex 3. Roma Holocaust Perceptions

FIGURE 2: Q6: IF YOU THINK THAT THE TERM HOLOCAUST MEANS THE SYSTEMATIC STATE-ORGANISED PERSECUTION AND EXTERMINATION OF EUROPEAN JEWS BY NAZI GERMANY, ITS ALLIES AND COLLABORATORS BETWEEN 1933 AND 1945, YOU BELIEVE THAT THIS HAPPENED:



Source: INSHR: 2021: 18

FIGURE 3: Q8: WHO DO YOU THINK WAS MAINLY RESPONSIBLE FOR THE OUTBREAK OF THE HOLOCAUST IN ROMANIA?

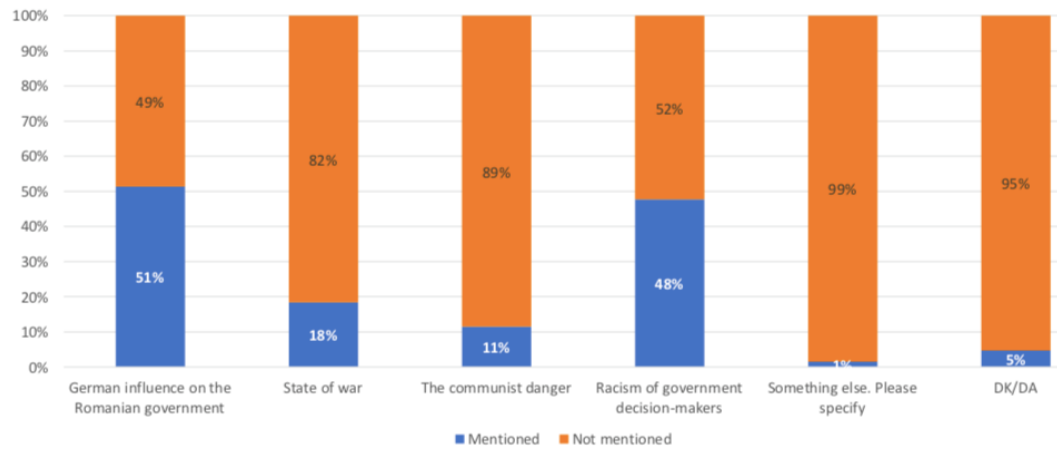


Note: Percentages calculated from those who were asked, i.e. those who answered Q6 that the Holocaust took place in Romania. N=345

Source: INSHR: 2021: 21



FIGURE 4: Q12: WHAT DO YOU THINK WERE THE REASONS BEHIND THE ANTONESCU GOVERNMENT’S DECISION TO DEPORT THE ROMA?



Note: Percentages calculated from those who were asked, i.e. those who answered Q6 that the Holocaust took place in Romania. N=345

Source: INSHR: 2021: 26



Annex 4. Theatres and ensembles in the languages of the national minorities

a. Theatres in the languages of the national minorities

- Hungarian State Theatre Csiky Gergely in Timișoara
- German State Theatre in Timișoara
- Theatre Radu Stanca in Sibiu, German Section
- Jewish State Theatre in Bucharest
- Hungarian State Theatre in Cluj
- National Theatre in Tg.Mures, Tompa Miklos Theatrical Trupe
- State Theatre in Oradea, Szigligeti Theatrical Trupe
- Northern Theatre in Satu Mare, Harag Gyorgy Theatrical Trupe
- Tamasi Aron Hungarian State in Sfântu Gheorghe
- Municipal Theatre Csiki Jatekszin in Miercurea Ciuc
- Figura Studio Theatre in Gheorghieni
- Municipal Theatre Tomcsa Sandor in Odorheiu Secuiesc.
- Lyrical Theatre
- Hungarian State Opera in Cluj
- Puppet Theatre
- Puck Theatre in Cluj, Hungarian Section
- Ariel Theatre in Tg. Mureș, Hungarian Section
- State Puppet Theatre in Oradea
- Gong Puppet Theatre in Sibiu, German Section
- Puppet Theatre Section of Csiky Gergely Theatre in Timișoara
- Puppet Theatre Section of Harag Gyorgy theatre troupe in the Northern Theatre in
- Satu Mare
- Puppet Theatre Section of Tamasi Aron Theatre in Sf. Gheorghe



b. Professional dance and folklore ensembles

- Mureşul Ensemble, Tg. Mureş
- Harghita Ensemble, Miercurea Ciuc
- Haromszek Ensemble, Sf. Gheorghe

Source: Government of Romania (2010), 'THIRD REPORT OF ROMANIA on the implementation of the Framework Convention for the Protection of National Minorities of the Council of Europe', Bucharest.



CHACHIPEN
Remembrance, Recognition,
Justice and Trust-Building



CENTRAL COUNCIL of German Sinti & Roma



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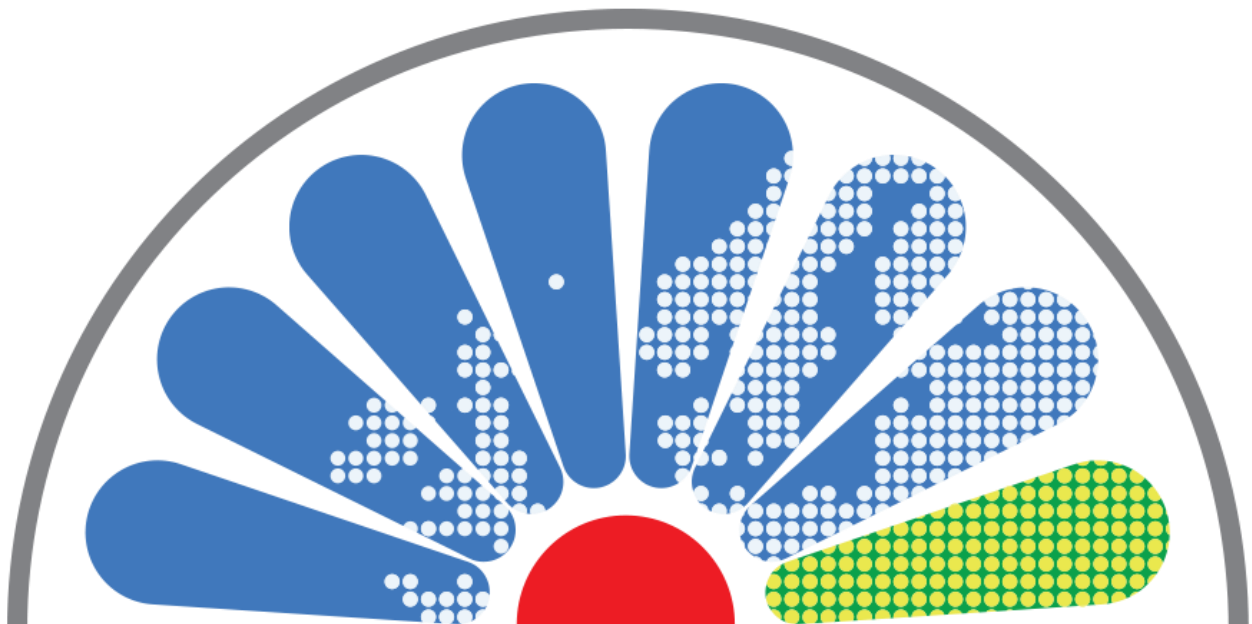
ASOCIATIA FAST FORWARD

About the project

CEPS, together with the Central Council of German Sinti and Roma, the European Roma Grassroots Organisations (ERGO) Network, the Federación de Asociaciones Gitanas de Cataluña (FAGIC), and the Asociația Fast Forward (AFF) from Romania, has launched an EU Rights, Equality and Citizenship programme & German Ministry of Foreign Affairs funded project called 'Paving the way for Truth and Reconciliation Process to address antigypsyism in Europe: Remembrance, Recognition, Justice and Trust-Building', abbreviated as 'CHACHIPEN' for 'truth' in the Romani language.

This project aims to lay the foundations for the transitional justice, via tools like Truth and Reconciliation processes as a way to address historically rooted antigypsyism in Europe. Using the experience of Swedish and German Independent commissions, the project will draw lessons on what has (not) worked. We elaborate what processes could be of relevance for Romania and Spain and at the EU level to combat antigypsyism, aiming to build a common narrative on Roma equality.

More about the project: <http://antigypsyism.eu/chachipen/>



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