

# DISCRIMINATION OF ROMA COMMUNITIES IN ROMANIA AND BULGARIA.

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*A brief assessment of human rights situation of Roma People in Romania and Bulgaria. Reasons of migration to Germany by Sinti and Roma individuals.*



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## INTRODUCTION

Discrimination against Roma people has been spreading across European countries for decades leaving Roma and Sinti communities in a continuous cycle of further marginalization and violation of their rights even after adoption of the core human rights treaties after the WWII.

This paper will examine the current human rights situation of Roma communities in Romania and Bulgaria. Roma communities face discrimination on many levels including on individual, structural and institutional levels. While the importance of the individual discrimination is evident and I cannot debate on that, this paper primarily focuses mainly on structural and institutional forms of discrimination.

In addition to mentioned above, the assessment will be given to the discrimination of Roma women as intersecting issue. This paper will be concluded with some of the ECtHR cases not exclusively against Romania or Bulgaria but in a wider European context.

Human rights of Roma communities as well as other people are protected by the core human rights documents on the international, regional and national levels.

Lack to access better education, unemployment, poverty, raids (or also pogroms) and other manifestations of racism, police brutality, house demolitions and lack of documentation are the reality in which Roma communities have been forced to exist for generations. These factors do not just combine, they reinforce each other, forming a vicious circle of structural discrimination.

As this paper focuses on the situation in Europe, it is important to note that the work on discrimination of minorities and on fight against racism has been actively done and promoted by the European Commission. Most importantly, it is worth to assess recent 2020-2030 [EU Roma Strategic Framework](#) by European Commission and the [recommendation on Roma equality, inclusion and participation](#) in all Member States adopted by the Council of the European Union. (I think it would be a different topic)

## ROMANIA:

According to some sources<sup>1</sup>, the Roma population in Romania is between 1.5 to 2 million<sup>2</sup> people making it the European country with the largest Roma population with Hungary and Bulgaria. Council of Europe 2012 estimates 9,02 per cent of Roma population in Romania.

Here, I will mention the list of human rights violations that Roma community has been experiencing in Romania. The list of right is not exclusive since the discrimination they as ethnic minority face has been building violations of intersecting nature and affects their daily lives.

### *Education:*

According to UNDP, OSF and UNICEF research, education is one of main obstacles that Roma children and youth have limited access to. The data shows that:

- 37% of Roma children with age between 3-6 years are in pre-school education
- There is a significant discrepancy between national average (93.5%) and the enrolment rate of Roma (70%) in primary school
- 25% of the adults over 16 years old declared that they cannot read and write; 23% of the Roma population did not graduate from any school.<sup>3</sup>

Women and girls are more affected by the educational inequality. More Roma women declare they do not know how to read and write, or more women do not attend school in comparison with men.<sup>4</sup> In addition to that, segregation within educational institutions (mostly at schools) is quite common as well which reaffirms the prejudice that exist towards Roma communities.<sup>5</sup>

### *Unemployment:*

As a result of poor education, another socioeconomic problem such as unemployment rate of Roma people is impossible to avoid. European Agency for Fundamental Rights reports the issue of transitioning from education to employment by Roma individuals: '63 percent

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<sup>1</sup> Melanie H Ram, 'Lost in Transition? Europeanization and the Roma' (2012) n° 364 L'Europe en Formation

<sup>2</sup> Discrimination of Roma Communities Romania National Report, Workstream 1 Report NET KARD Project, accessed at: [https://www.gitanos.org/upload/44/68/Discrimination\\_of\\_Roma\\_National\\_Report\\_ROMANIA\\_Net\\_Kard.pdf](https://www.gitanos.org/upload/44/68/Discrimination_of_Roma_National_Report_ROMANIA_Net_Kard.pdf)

<sup>3</sup> Ibid, n 2

<sup>4</sup> 'Discrimination against and Living Conditions of Roma Women in 11 EU Member States' <<https://primarysources.brillonline.com/browse/human-rights-documents-online/discrimination-against-and-living-conditions-of-roma-women-in-11-eu-member-states;hrdhrd99922014001>> accessed 12 October 2021.

<sup>5</sup> 'Roma Pupils at School in Romanian City Have Different Breaks Not to Interact with Others | Romania Insider' <<https://www.romania-insider.com/ethnic-roma-segregation-school-iasi-romania>> accessed 13 October 2021.

of Roma in the 16-24 years age cohort are 'neither in employment, nor in education or training'<sup>6</sup> As well as with education, women are more likely to be unemployed than men also because of gender discrimination, lack of education (as shown previously) and unpaid domestic labor.<sup>7</sup>

#### *Housing:*

One of the major problems that Roma may face is related to their right to adequate housing. In addition to poor living conditions <sup>8</sup>a lot of Roma people faced forced evictions. For example, in 2013<sup>9</sup> Roma people were evicted by the local authorities for using their place of living for the resort. The case was successful and was brought by European Roma Rights Centre and Amnesty International to the Romania Court. Recently the Court of Appeal in Romania decided the local authorities to pay compensation to Roma individuals evicted from their homes.

#### *Violence and police force:*

Violence is another issue that has been happening to Roma individuals in different countries across Europe. If most of the times due to discrimination, Roma people cannot access protection from state authorities or access justice<sup>10</sup>, sometimes police uses violence itself. For example, the case *Lingurar v Romania* where police officers violently beaten Roma individuals. The court found violation of Article 3 of the ECHR stating that those Roma individuals were subjected to ill-treatment by police. The court called this is as 'institutionalized racism' which was a novel development by ECtHR, as ERRC.<sup>11</sup> Unfortunately, despite the numerous efforts by civil society, new programs by the Governments, the violent and racist attacks against Roma still take place and have not stopped and according to ERRC, there has been a rise in police brutality amidst COVID-19 pandemic.<sup>12</sup>

#### *Healthcare:*

Roma people exclusion impacts healthcare access too. Poverty exacerbates this access which then has consequences for lower health rates of Roma community in general.<sup>13</sup> As

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<sup>6</sup> World Bank Document, 'Romania, Systematic Country Diagnostic, BACKGROUND NOTE, Roma Inclusion', June 2018, accessed at: <https://documents1.worldbank.org/curated/en/160691531142484229/pdf/128105-SCD-PUBLIC-P160439-RomaniaSCDBackgroundNoteRomaInclusion.pdf>.

<sup>7</sup> Ibid

<sup>8</sup> Ibid, n 8, para 15

<sup>9</sup> 'Romanian City of Eforie Ordered to Pay Over €430.000 for Evicting Roma in 2013' (European Roma Rights Centre) <<http://www.errc.org/press-releases/romanian-city-of-eforie-ordered-to-pay-over-EUR-430000-for-evicting-roma-in-2013>> accessed 18 October 2021.

<sup>10</sup> 'Roma Rights' <<https://www.amnesty.org.uk/roma-rights>> accessed 18 October 2021.

<sup>11</sup> 'Lingurar v Romania (third party intervention, 2019)' (European Roma Rights Centre) <<http://www.errc.org/cikk.php?cikk=4437>> accessed 18 October 2021.

<sup>12</sup> ERRC, 'Roma Rights in the time of COVID', September 2020, [http://www.errc.org/uploads/upload\\_en/file/5265\\_file1\\_roma-rights-in-the-time-of-covid..pdf](http://www.errc.org/uploads/upload_en/file/5265_file1_roma-rights-in-the-time-of-covid..pdf), p, 35-40

<sup>13</sup> 'Breaking the Cycle of Exclusion for Roma in Romania' (World Bank)

<<https://www.worldbank.org/en/news/feature/2014/04/07/breaking-the-cycle-of-exclusion-for-roma-in-romania>> accessed 3 November 2021.

some reports show, around 42% of Roma do not seek for healthcare support due to its high cost which obviously then affects health and may lead to early mortality. The report from World Health Organization shows other obstacles for accessing healthcare such as: lack of identity documents and medical insurance, discrimination and bias from medical professionals, segregation of Roma people (separate time slots for Roma).<sup>14</sup> Amidst pandemic, this lack of access to healthcare shown before may have been worse due to other mentioned intersecting issues that Roma people face.

## **BULGARIA:**

Bulgaria stands almost the same as Romania with largest Roma population among ethnic minorities with approximately 8-10 per cent ( 700,000 people)<sup>15</sup> of Roma out of overall population.<sup>16</sup> Council of Europe 2012 estimates 9,94 per cent of Roma population in Bulgaria.

### *Education:*

In the latest report by to the Committee on the Right of the Child, ERRC expressed its concerns and provided the detailed situation with education inequality that Roma children face<sup>17</sup>. According to this report, main issues include overrepresentation of Roma children in segregated schools<sup>18</sup> (the so-called ‘gypsy schools’)<sup>19</sup> or in schools for pupils with Special Educational Needs (SEN). Roma pupils tend to report on bullying at school more than in other countries and also the drop-out rate is relatively high. Amidst pandemic, Roma children have been left more disadvantaged than they were before due to lack of internet and technical equipment to continue studies properly and also because they stopped going to schools where meals were provided.<sup>20</sup> Some research show how reforms on disaggregation are viewed by educators (especially non-Roma) by confirming prejudices that exist in Bulgaria and reaffirming ‘otherness’ of Roma children.<sup>21</sup> This same research shows the inequality in employment for Roma educators and relatively negative attitude of non-Roma educators on collaborative teaching. There is another issue that exist in terms of education is poor knowledge of Bulgarian language which serves as the barrier to have both better access to education and to employment opportunities as well.<sup>22</sup>

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<sup>14</sup> Roma health mediation in Romania: case study. Copenhagen, WHO Regional Office for Europe, 2013 (Roma Health Case Study Series, No. 1), < [https://www.euro.who.int/\\_data/assets/pdf\\_file/0016/235141/e96931.pdf](https://www.euro.who.int/_data/assets/pdf_file/0016/235141/e96931.pdf)>

<sup>15</sup> ‘Roma - Minority Rights Group’ <<https://minorityrights.org/minorities/roma-2/>> accessed 7 October 2021.

<sup>16</sup> Ibid , n1

<sup>17</sup> List Of Issues By The European Roma Rights Centre Concerning Bulgaria, For Consideration by the Committee on the Rights of the Child at the pre-sessional Working Group of the 89th session (07 June - 11 June 2021), [http://www.errc.org/uploads/upload\\_en/file/5288\\_file1\\_bulgaria-crc-submission-february-2021.pdf](http://www.errc.org/uploads/upload_en/file/5288_file1_bulgaria-crc-submission-february-2021.pdf)

<sup>19</sup> Roma Education Fund ‘Advancing Education of Roma in Bulgaria, Country Assessment and the Roma Education Fund’s Strategic Directions’, 2007, accessed at: [https://www.romaeducationfund.org/wp-content/uploads/2019/05/bulgaria\\_report.pdf](https://www.romaeducationfund.org/wp-content/uploads/2019/05/bulgaria_report.pdf)

<sup>20</sup> Ibid, n 15

<sup>21</sup> ‘Full Article: Education Reforms for Inclusion? Interrogating Policy-Practice Disjunctions in Early Childhood Education in Bulgaria’ <<https://www.tandfonline.com/doi/full/10.1080/20004508.2019.1708616>> accessed 12 October 2021.

<sup>22</sup> Ibid

### *Unemployment:*

As well as in Romania, unemployment among Roma people is high in Bulgaria. This also is connected to education but at the same time to overall discrimination Roma face.

According to European Union Agency for Fundamental Rights<sup>23</sup>, on average, 38 %–41 % of the Roma consider that they experience discrimination when looking for work in Romania and Bulgaria. In addition to that, Bulgaria has one of the highest gap between Roma unemployment rates and the national average.<sup>24</sup>

*Housing:* As it was mentioned earlier, issues concerning housing (including poor living conditions)<sup>25</sup> remain at the forefront of the discrimination against Roma and use of violence is projected with forced evictions or houses demolitions<sup>26</sup>. There is one case on forced evictions and house demolition which is still at the ECtHR, *Paketova and Others*<sup>27</sup> v. *Bulgaria* that has not received its judgement yet. Applicants of this case has not applied to the domestic courts and directly applied to ECtHR because it could be close to impossible to have a fair trial to exhaust domestic remedies in cases like forced evictions because evictions by nature happen in a very short notice period leaving individuals with no home. Another case on this topic *Yuseinova And Others V. Bulgaria*<sup>28</sup> had been found inadmissible because applicants withdrew the case (only one applicant did not). The withdrawal according to ERRC might happened because of the pressure from the state authorities. Similar case was brought in 2017 *Dimitrova and others v Bulgaria*<sup>29</sup> and ECtHR found the case inadmissible because applicants did not exhaust domestic remedies.

### *Violence and police force:*

Violence against Roma individuals is common in Bulgaria (see [this](#) and [this](#) ). [Police brutality](#) and no right to fair trial or no access to effective remedies have been mushrooming as well as this is evident from the ECtHR jurisprudence with racially motivated cases such as: [Velikova v. Bulgaria](#), [Nachova v. Bulgaria](#). As well as in Romania, the situation during [pandemic](#) has been exacerbated and Roma people's rights have been continuously violated by checkpoints and frequent visits.

### *Healthcare:*

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<sup>23</sup> 'Poverty and Employment: The Situation of Roma in 11 EU Member States' <<https://primarysources.brillonline.com/browse/human-rights-documents-online/poverty-and-employment-the-situation-of-roma-in-11-eu-member-states;hrdhrd99922014006>> accessed 12 October 2021.

<sup>24</sup> Ibid

<sup>25</sup> United Nations High Commissioner for Refugees, 'Refworld | Bulgaria: Situation of Roma, Including Access to Employment, Housing, Healthcare, and Education; State Efforts to Improve the Conditions for Roma (2013-October 2015)' (Refworld) <<https://www.refworld.org/docid/565bf40f4.html>> accessed 17 October 2021.

<sup>26</sup> 'Bulgaria Tensions Lead to Roma Home Demolitions - BBC News' <<https://www.bbc.co.uk/news/world-europe-33597660>> accessed 17 October 2021.

<sup>27</sup> '*Paketova Et Autres C. Bulgarie*' <<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-194900%22%5D%7D>> accessed 12 October 2021.

<sup>28</sup> '*Yuseinova And Others V. Bulgaria*' <<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-194404%22%5D%7D>> accessed 13 October 2021.

<sup>29</sup> '*Dimitrova and others v Bulgaria*' (*European Roma Rights Centre*) <<http://www.errc.org/cikk.php?cikk=4372>> accessed 13 October 2021.

The same as in Romania, there is poor access to healthcare services among Roma community in Bulgaria. In addition to mentioned issues with access to healthcare, Roma people also face linguistic barriers in accessing information or attending medical facilities.<sup>30</sup> As there is a national insurance policy in Bulgaria, it is known that 46 per cent of Roma people do not benefit from that, in some communities this number can increase up to 90 per cent.<sup>31</sup> Due to those barriers to access healthcare, in 2008 Open Society Institute and ERRC filed the complaint with the Council of Europe against Bulgarian Government for not meeting its positive obligations by creating safe and accessible environment for Roma communities to enjoy their right to health. A year later European Committee for Social Rights found Bulgarian Government in violation of Article 11 (right to protection of health) in conjunction with Article E (nondiscrimination) and Article 13(1) (right to social and medical assistance) of the European Social Charter<sup>32</sup>.

The situation with women rights of Roma women is also connected to gender discrimination of women in Bulgaria in general, in addition to that to the poor access to education, employment opportunities and unpaid labor. Most importantly, according to ERRC, Roma women in Bulgaria are more likely to be victims of human trafficking (50 %) and 80% of all trafficked persons for sexual exploitation.<sup>33</sup> Access to healthcare and other social services remained untouched in this topic. However, it is important to note that due to racial stereotypes of Roma women<sup>34</sup>, poverty, lack of knowledge of Bulgarian language and other factors, the access of women to reproductive services remain limited and rather traumatic experience and violate their rights.

### **Forced sterilization of Roma women:**

I wanted to touch this topic even though it is not connected to Romania and Bulgaria but other two countries with Roma population since these are two cases that show a good picture of poor access to healthcare of Roma women. For decades forced sterilization has been used as means of control of the population. It has intersecting nature since it affects a) women and people who can get pregnant and b) any individuals that do not correspond to 'the norm' of wanted population. Such individuals for example, can be ethnic minorities, LGBTI, people with disabilities, HIV positive people. In the case with all

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<sup>30</sup> Boika Rechel and others, 'Access to Health Care for Roma Children in Central and Eastern Europe: Findings from a Qualitative Study in Bulgaria' (2009) 8 International Journal for Equity in Health 24.

<sup>31</sup> Victoria Vasey, ERRC, 'Access to Health Care in Bulgaria: Marginalisation of Roma', 2009, <[http://www.errc.org/uploads/upload\\_en/file/04/1B/m0000041B.pdf](http://www.errc.org/uploads/upload_en/file/04/1B/m0000041B.pdf)>

<sup>32</sup> 'European Committee Rules Bulgaria Is Violating the Right to Health Care for Roma People' <<https://www.opensocietyfoundations.org/newsroom/european-committee-rules-bulgaria-violating-right-health-care-roma-people>> accessed 3 November 2021.

<sup>33</sup> 'Parallel-Report-by-the-European-Roma-Rights-Centre-Concerning-Bulgaria' <<https://primarysources.brillonline.com/browse/human-rights-documents-online/parallel-report-by-the-european-roma-rights-centre-concerning-bulgaria:hrdhrd98830024>> accessed 14 October 2021.

<sup>34</sup> Helen L Watson and Soo Downe, 'Discrimination against Childbearing Romani Women in Maternity Care in Europe: A Mixed-Methods Systematic Review' (2017) 14 Reproductive Health 1, <[http://www.errc.org/uploads/upload\\_en/file/5229\\_file1\\_reproductive-rights-of-romani-women-in-bulgaria.pdf](http://www.errc.org/uploads/upload_en/file/5229_file1_reproductive-rights-of-romani-women-in-bulgaria.pdf)>

mentioned above groups, the general access to healthcare is an important part of it. Barriers such as language access to services, lack of legal documents, and class issue can limit the access to healthcare and overall discrimination which may possibly lead to medical procedures that people want or do not want.

European Court of Human Rights (ECtHR) has issued a number of judgments on for sterilization particularly the forced sterilization of Roma women without their full and informed consent. The first case was one of the first cases on forced sterilisation to be adjudicated in ECtHR. The case *V.C. v. Slovakia*<sup>35</sup> where a woman of Roma ethnicity was sterilized in a public hospital without her full and informed consent after the birth of her second child by a caesarean section when V.C. was asked by medical staff to sign a form for sterilisation without knowledge of what sterilisation mean and in fear for her health after complexities during delivery. V.C. alleged violation under Articles 3, 8, 12, 13 and 14 of the European Convention on Human Rights.

Finally, the European Court of Human Rights found that Slovakia had violated V.C's 'right to freedom from inhuman and degrading treatment and recognized that sterilizing V.C. without her informed consent interfered with her dignity and physical integrity' and 'that the procedure including the manner in which the applicant was requested to agree to it was liable to arouse her feelings of fear anguish and inferiority and to entail lasting suffering. ECtHR dismissed the Slovak Government's claim that the sterilization of V.C was a life-saving surgery and concluded that there was no emergency involving imminent of irreparable damage to her life or health. Although, there is no indication that the medical staff concerns had intended to ill-treatment V.C the court found that they 'had acted with gross disregard to her right to autonomy in choice as a patient the court also found a violation of article 8 the right to respect for private and family life as a result of the lack of adequate legal safeguards giving special consideration to her reproductive health as a Roman woman. The second case *K.H. and others v. Slovakia*<sup>36</sup> was adjudicated in the European Court of Human Rights. This case relates to access to medical records in the context of litigation on forced sterilization. Eight Roma women alleged that they had been sterilized during caesarean section surgery at a Slovak public hospitals. These and other women requested hospitals to receive copies of their medical records but were denied. After unsuccessful domestic court proceedings, women applied to European Court of Human Rights claiming that their rights under Article 6, 8 and 13 of the European Convention on Human Rights<sup>37</sup> had been violated by Slovak Government ECtHR found that a refusal to provide access to information on their medical records must be supported by compelling reasons. In this case the ECtHR did not accept Slovakia's argument that preventing photocopying of the records was required to protect the information from

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<sup>35</sup> *V.C. v. Slovakia*, Application no. 18968/07, Council of Europe: European Court of Human Rights, 16 June 2009, para 118

<sup>36</sup> *K.H. AND OTHERS V. SLOVAKIA*. App. No. 32881/04, 49 Eur. Ct. H.R. 34 (2009), paras 1-19, 48, 54-56

<sup>37</sup> Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended),



abuse, the Court therefore found that the state had violated the applicant's right to respect for their private and family life (article 8) and violation of the applicants' right to a fair trial (article 6).

**CONCLUSION:**

This paper provides a short overview of some cases and instances of discrimination that Roma communities face. There are obviously numerous ECtHR cases with different form of discrimination and rights which are being violated by states. The list can be long since so many topics remained not discussed or shortly mentioned. In case if there is a need to make the paper a bit longer touching on one or two specific topics, that would be great. I have not touched reasons of why Roma people migrate to Germany due to shortage of time and limited resources and this is something I would love to discuss.