



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Romania
Title:	Equality body sanctions Sibiu City Hall Office for proposal to relocate Roma
Date:	18 October 2016
Expert:	Iordache, Romanița
<u>Context</u>	
Issue at stake:	NCCD sanctions for direct discrimination local public administration suggesting that relocation of Roma in rural areas is the solution for lack of water
Ground of discrimination:	Race/ethnic origin – Roma
Source:	national equality body - Decision 419 from 15 June 2016 in file no 171/2016, 4A/2016, Instituția Prefectului Sibiu, Consiliul Național pentru Combaterea Discriminării v. Instituția Primarului Sibiu
Field:	Access to goods and services, housing, other
Applicable law:	GO 137/2000

Content

Case development: In 2014, after the meeting of the Joint Working Group for Roma (*Grupului de Lucru Mixt pentru Romi*), the Prefect Office (*Instituția Prefectului Sibiu*) initiated a correspondence with the Sibiu City Hall (*Instituția Primarului Sibiu*) for finding a solution to improve living conditions for Roma with illegal housing in a certain area (Zăvoi – Câmpșor). The correspondence continued without actual measures in the field for two years. On 3 March 2015, Sibiu City Hall sent its response proposing the relocation of Roma into rural areas explaining that in this way “each could start a household and benefit from the results of their labour.” The Sibiu Prefect notified, on 3 March 2016, the National Council for Combating Discrimination (*Consiliul Național pentru Combaterea Discriminării - CNCD*). The complaint of the Prefect was joined with a case started by the CNCD ex officio based on the media reports after the incident.

Decision of the national equality body: According to the complaint registered by CNCD, 100 Roma (out of which 38 are of school age or younger) live in the neighbourhood “Turnișor”, in Sibiu, in extreme poverty after being evacuated from their houses. During the years the Prefect Office asked for the improvement of their housing conditions (access to safe water). Sibiu City Hall responded suggesting relocation of Roma into rural areas of the Sibiu County (the response was cited by *Gândul Newspaper*).

The response of the Sibiu City Hall suggesting relocation in the country side was deemed by the CNCD to be discriminatory. Sibiu City Hall argued in its defence that they had made different efforts to assist the Roma and facilitate their situation. Notably, they had made efforts to identify and help Roma to get ID cards; they are providing social benefits for Roma and have organised cultural events for the promotion of Roma culture. In

addition, the City Hall argued that nothing had been decided on the basis of the allegedly discriminatory suggestion, and that the complaint was only filed one year after the statement was made. The City Hall also provided as arguments in its support that they received complaints from citizens about the “uncivilized behaviour of Roma”; that 95% of Roma are not working with legal contracts; and that Roma were not forced to leave their houses. CNCD sanctioned the Sibiu City Hall with RON 5,000 (approx. EUR 1200). The decision was contested in court by the Sibiu City Hall and a decision is pending.

Key points of analysis: The CNCD argued that the proposal aimed to modify the ethnic composition of the area and lead to racial discrimination. Also, CNCD found that the right to dignity and the right to family life were restricted. According to Art. 8 of the European Convention of Human Rights the state has a positive duty to provide decent living conditions.

The proposal to move Roma in the rural areas, continued with the statement that there they might benefit of the results of their labour, as response to the request to solve some urgent problems for the Roma community (providing safe water) was found to amount to direct discrimination as it leads to a differentiation based on ethnic belonging which has the effect of restricting the exercise in equal conditions of the right to family life and dignity.

Internet link source: No link available but the decision is available by request.