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NEWS REPORT

Date: 12 February 2015
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Title: Report on access to justice for Roma and other vulnerable groups published by the Superior Council of Magistracy
Country: Romania
Context
Issue at stake: Feasibility study on the access to justice for Roma and other groups
Ground of discrimination: Race/ethnic origin (Roma), religion/belief, age, disability, sexual orientation, all grounds
Source: Miscellaneous
Field: Other – access to justice
Legislative provisions:

Content

Political development: The Superior Council of Magistracy (Consiliul Superior al Magistraturii) has published the feasibility study “Access to justice for vulnerable groups in Romania -2014” as a part of the project “Improving access to justice. An integrated approach with a focus on Roma and other vulnerable groups” developed in collaboration with the Norwegian Courts Administration and the Council of Europe and carried out within the Norwegian Financial Mechanism 2009-2014 Program RO 24 “Judicial capacity building and cooperation”. The Superior Council of Magistracy is the professional body regulating the status of judges and prosecutors in Romania and the organization and functioning of the courts, acting as a guarantee for judicial independence.

The declared objective of the project “Improving access to justice- An integrated approach with a focus on Roma and other vulnerable groups” was to improve the access to justice for Roma and other vulnerable groups of the population, by carrying out a cluster of activities aiming at addressing the knowledge on and the use of their rights. As functioning principle for the entire project, the promoters chose an integrated approach “aiming for the mainstream” and the activities included, in addition to the feasibility study, legal assistance offices (as structures to be developed based on the conclusions of the feasibility study), awareness raising and improved knowledge of rights, improved capacity of legal professionals and awareness and publicity.

Content of the study: The feasibility study aimed to assess the state of access to justice in general and in particular for Roma and other vulnerable groups of the population, their needs and obstacles in this regard. The authors underline that “the conclusions of the feasibility study are supposed to be a

baseline for taking the necessary actions to improve the assistance policy for Roma and other vulnerable groups of the population, as well.”

The authors looked at the efficiency and the affordability/accessibility of the justice system, the fairness in relation to vulnerable groups in general and with a focus on Roma in terms of expected outcomes, issues of concern for the different communities including awareness of discrimination. The interviews, questionnaires, and fact-finding missions had been compiled in visual graphs explaining perceptions and attitudes of all the different actors of the justice system on these issues. The surveys included not only Roma and other vulnerable groups as well as NGOs working with these groups but also lawyers, bar associations, the judiciary, etc.

Some of the key conclusions of the study are that the “progressive legal framework lacks impact assessment towards vulnerable groups”, the “legal aid provisions do not counter balance the views that Court fees are not affordable for vulnerable groups”, “information related to the judiciary exists but it is not adaptable and easy accessible to vulnerable groups.” Notably, the study finds that “gender and ethnicity does not play a role in impacting access to justice for vulnerable groups but prejudice does,” “lack of trust among Roma in the judiciary is at high level and impacts their access to justice,” “the judiciary does not acknowledge discrimination faced by vulnerable groups particularly the Roma” and “the judiciary does not seem to grasp the landscape of vulnerable groups in Romania.”

Internet link source and additional information:

Report available at http://www.csm1909.ro/csm/linkuri/26_01_2015_72130_ro.pdf.