



Romani CRISS

Roma Centre for Social Intervention and Studies

HUMAN DIMENSION IMPLEMENTATION MEETING

21 September to 2 October 2015

WORKING SESSION 16

Tolerance and non-discrimination I (continued), including: – Roma and Sinti issues, including: Implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti

What mechanisms, affirmative actions or other tools are in place to enhance public and political participation by Roma and Sinti, including women and youth?

Romani CRISS warmly welcomes OSCE commitment towards facilitating the implementation of policies for the improvement of the situation of Roma and Sinti, including towards calling upon states to ensure full political participation of Roma.

Having regard to Chapter VI of the OSCE Action Plan on Improving the Situation of Roma and Sinti, on enhancing participation in public and political life, and particularly to point 9.6. *Encourage the representation of Roma and Sinti people in elected and appointed office at all levels of government,*

Affirming the necessity to defend democracy in Romania and the crucial need to understand political pluralism not only as the coexistence of two or more political parties, but also through political diversity and representation of the entire population,

Highlighting the fact that Romania confronts itself with a democracy deficit with respect to the political participation and representation of national minorities in general and in particular of the Roma minority,

Romani CRISS notes with concern that Roma in Romania, in spite of representing, unofficially, over 10% of the total population in the country, are represented by one single member in the Parliament, out of a total of 568, and by a very low number of local elected politicians (approximately 200 Roma elected in local councils).

The current legislation on parliamentary elections requires organizations of citizens belonging to national minorities, other than those represented in the parliament, to obtain the status of “public utility”, which is granted by the government on the recommendation of a competent public authority. Further, it is required that these organizations collect signatures from 15 per cent of people who identified themselves as belonging to that ethnicity in the last census in order to be able to submit candidate nominations. Six national minority organizations had their candidate registrations rejected due to these non-democratic provisions. The OSCE/ODIHR report on the Romanian Parliamentary

Elections, from 9 December 2012 highlights the preferential treatment of organizations representing national minorities in the Council of National Minorities.

These clear legislative obstacles to Roma participation in elections in Romania were criticized by the OSCE in 2012. In spite of criticism from the OSCE, from the Venice Commission¹, as well as from the Roma civil society, this non-democratic legislation remains unchanged. Currently, there is a project for modifying the parliamentary elections law. Both Chambers of the Romanian Parliament have approved the draft law. Unfortunately, the non-democratic provisions have not been modified, in spite of concrete requests to do so from European institutions and from the Roma civil society.

We take the opportunity to make the following recommendations:

To OSCE/ODIHR:

1. To urge the Romanian state to make the adequate legislative amendments, as described previously in the OSCE report on the Romanian Parliamentary Elections and as stated below
2. To continue to take steps to put into practice the OSCE Action Plan on Improving the Situation of Roma and Sinti, with respect to enhancing the participation in political life

To Romania, OSCE participating state:

Noting that the recommendations mentioned below have been previously made to the Romanian state by several European institutions and by the Roma civil society, with no follow up from the side of the Romanian state:

1. To take seriously the commitments made as a member of various regional and international bodies, and to put into practice the recommendations received from the OSCE and from the Venice Commission
2. To modify the legislation on electoral process as to ensure a correct competition between the organizations of the national minorities, without favoring the organizations which are represented in the Council for National Minorities or in the Parliament
3. To add to the existent affirmative measures to ensure women participation to elections, affirmative measures to ensure the participation of citizens of national minorities
4. To make sure the current project law on the election of the Senate and of the Deputy Chamber and for the organization and functioning of the Permanent Electoral Authority is modified accordingly

To conclude, we are deeply concerned with the lack of willingness of the Romanian state, which is refusing to take a simple step, namely legislation revision and adoption, as to become a truly democratic society. A non-discriminatory electorate process is a prerequisite in a society that respects the principles of non-discrimination and equality, of political pluralism and diversity.

Thank you!

¹ European Commission for Democracy Through Law (Venice Commission) Opinion on the Law for the Election of Local Public Administration Authorities in Romania, Opinion No. 300/2004, available here: [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2004\)040-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2004)040-e)