

BY FAX and POST

Judge Josep Casadevall  
President of the Third Section  
European Court of Human Rights  
Council of Europe  
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2 March 2015

**Re: Negrea and Others v. Romania, application no. 53183/07**

Dear Sir,

We are writing in relation to your letter, dated 17 February 2015, asking for a reply to the Romanian Government's supplementary and art.41 observations. The applicants' representatives make the following clarifications:

1. On 16 July 2003, the applicants, including Ms Rostas, filed a complaint with the National Council for Combating Discrimination. On the same date, the applicants filed the criminal complaint, to which Ms Rostas was a party.
2. On 21 October 2003 Ms Rostas made her first statement to the police, unusually labeled as a "witness statement", not a "victim statement". Ms Rostas recalls that the statement itself was written out by the chief of the local police. The Court will notice that the statement itself is written in a different handwriting from the sentences in which Ms Rostas acknowledges that she accepts it "after reading" (*după citire*). It is unclear if this means that Ms Rostas read the statement herself or if it was read to her.
3. According to the statement, Ms Rostas went to the municipality, asked for the birth allowance, and was told she needed to get married first. The statement also indicates that she felt ashamed to return to the municipality office and that her mother returned on her behalf. She was subsequently awarded the child allowance. The statement also notes that Ms Rostas "received all my rights" (*mi-am primit toate drepturile*). The statement then renounces all legal claims Ms Rostas arising out of the child allowance. The statement then indicates that

Ms Rostas did not receive the birth allowance, it appears, because she never requested it.

4. Ms Rostas's instructions to her representatives about the declaration dated 21 October 2003 are as follows:
  - a. Ms. Rostas had limited illiteracy at the time of the events, therefore her capacity of understanding (even of what was being read to her) was limited. Ms Rostas only started reading and writing in 2006-2007.
  - b. The declaration was written by someone else (a police officer). This is clear from the different handwriting on the document and the difference in language mastery.
5. The assertion that Ms Rostas had never requested (*solicitat*) the birth allowance should be understood to mean that she never filed a formal request, which in any case she could not have done because there was no form available to her and she would not be able to lodge such a claim without assistance, which was clearly not forthcoming. The Government's view that it means she never even asked for the benefit contradicts the second paragraph of the statement which says that Ms Rostas went to the municipality officer to ask for help with the paperwork to claim the birth allowance.
6. In her subsequent declaration, dated 10 March 2004, Ms Rostas made another statement to the police, this time in the presence of her lawyer, in which she declared that she wanted to receive the benefits related to birth allowance and to be a civil party in the criminal case.
7. The domestic authorities gave no weight to the October 2013 statement and continued to treat Ms Rostas as a party to the criminal complaint throughout the proceedings. Ms Rostas likewise invites the Court to assign no weight to the October 2013 statement.
8. It would have been easy to convince Ms Rostas, in the absence of a lawyer, that she was not entitled to the birth allowance, because she gave birth before the entry into force of the relevant law. Had Ms Rostas had the benefit of counsel on 21 October 2003, she would of course have been informed that she was entitled to the benefit because the legislation covered births that took place six months before it came into force.
9. The applicants do not believe that the remainder of the Government's observations call for any particular reply. In relation to the amounts claimed by way of just satisfaction, the applicants maintain the claim they have submitted to the Court, which is based on the Court's case law. The applicants agree with the Government that their costs and expenses should be paid in EUR.

Yours faithfully,

András Ujlaky  
Executive Director  
European Roma Rights Centre