

DIRECTORATE-GENERAL FOR INTERNAL POLICIES

**POLICY DEPARTMENT** **C**  
**CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS**

Constitutional Affairs

Justice, Freedom and Security

Gender Equality

Legal and Parliamentary Affairs

Petitions



# Measures to promote the situation of Roma EU citizens in the European Union

STUDY





**DIRECTORATE GENERAL DES FOR INTERNAL POLICIES**  
**POLICY DEPARTMENT C: CITIZENS' RIGHTS AND**  
**CONSTITUTIONAL AFFAIRS**

**CIVIL LIBERTIES, JUSTICE AND HOME AFFAIRS**

**Measures to promote  
the situation of Roma EU citizens  
in the European Union**

**STUDY**

**Abstract**

The study presents a critical assessment of the national action plans, measures and instruments designed to promote the situation of Roma EU citizens in the EU, focusing on six new and six old member states. It identifies the legal instruments and policies which can be used and put in place at the EU level, outlines the elements of a European Strategy for Roma Inclusion, and presents practical policy recommendations for the facilitation of Roma integration in the EU.

This document was requested by the European Parliament's Committee on Civil Liberties, Justice and Home Affairs.

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## **LINGUISTIC VERSIONS**

Original: EN

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Manuscript completed in January 2011.  
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## LIST OF ABBREVIATIONS

BG	Bulgaria
CoE	Council of Europe
CZ	Czech Republic
ES	Spain
FR	France
DE	Germany
EL	Greece
HU	Hungary
NMS	New Member States
OMC	Open Method of Coordination
OMS	Old Member States
IT	Italy
PL	Poland
RO	Romania
SK	Slovakia
UK	United Kingdom

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## EXECUTIVE SUMMARY

### Background

The Roma EU citizens are one of the most marginalised groups in the EU, facing deep and intractable social problems related to low levels of education, high unemployment, inadequate housing, poor health, and wide-ranging discrimination, all of which are inter-related and create a viscous circle of social exclusion from which it is difficult to extract themselves on their own. In some areas of Central and Eastern Europe the Roma unemployment rate reaches 80–90%. Mortality rates and life expectancy are significantly below the EU average. In addition they often suffer segregation in education and housing, a significant factor in their social exclusion. Roma children enrolled in segregated schools are at high risk of becoming unemployed or working in low skilled jobs in the informal sector. Roma communities in segregated neighbourhoods often have limited access to basic services. Their situation has worsened over the last two decades due to the transition in Eastern Europe which had a negative impact on their employment and living conditions. Programmes focused on Roma in the NMS largely instigated as the result of the exercise of EU conditionality during the accession process have not been able to adequately address basic needs for income support, job creation and adequate housing and social services access. In addition, over the last three years, the economic crisis has further aggravated overall social and economic conditions, and has added further stress to the precarious situations of many Roma communities, in particular in the New Member States. In the Old Member States (OMS), cuts in social spending and reduced welfare expenditure have limited their capacity to provide social assistance to indigenous Roma populations as well as new arrivals from the NMS. The situation of the Roma community, whether in settled communities or recent immigrants from other EU countries, has therefore worsened further. In many cases, Roma communities reside in marginalised and segregated communities. Such settlements can be found both in urban and rural areas and the distributional pattern varies between countries and regions. Such spatial concentrations have an important impact on Roma integration into the local labour market, on the available infrastructures, on the demand for utilities, health, education, housing, and transport. Local economic and social development is therefore needed to address the multi-dimensional problems of the Roma population living in specific localities to break the “poverty-trap” in which the Roma EU citizens find themselves today. It is in this difficult economic context that an appropriate European strategy needs to be designed in order to support the social inclusion of this marginalised population, across all the countries of the EU.

The history of the Roma has created a mixture of traditions, beliefs and social values, resulting in differences in culture and life styles between different Roma groups. This has led to diverse degrees of integration both in the Old Member States among which the largest Roma population is found in Spain, or in the New Member States among which large Roma communities live in Bulgaria, Hungary, Romania, and Slovakia. In this complex historical framework, a European strategy towards the Roma needs to address a variety of problems in different contexts as well as confront differences in institutional capacity and commitment among countries. The actions to be taken at the European level to improve the situation of the Roma EU citizens should take into account the different circumstances in which the Roma population lives in Europe today. The social inclusion of the Roma in line with EU values, laws and principles is needed to prevent ethnic tensions rising, and in order to provide better life chances and improved access to facilities and public services, ensuring a decent quality of life for all Roma EU citizens.

EU countries take different positions in recognising the Roma as an ethnic minority, a factor which has some bearing on the extent to which countries have adopted specific policies targeted towards the Roma, although this is not a determining factor. Four of the Old Member States included in this study - France, Greece, Italy and Spain - do not recognise the Roma as an ethnic minority. France, with a traditional policy of assimilation into French nationality of the Roma, discriminates against travelling people and treats Roma immigrants from Bulgaria and Romania as third-country foreigners. In Italy, the non-recognition of minority ethnic status has limited the assistance which Roma receive compared to the recognised ethnic minorities in the country, although some regions have introduced local Roma programmes. On the other hand, while Germany recognises its Roma minority, it still classifies most Roma as refugees with limited rights which effectively marginalizes and inhibits their integration into society, and while the UK provides local sites for itinerant Roma it otherwise has no specific policies to improve their situation. Equally non-recognition as an ethnic minority does not prevent the implementation of targeted programmes. Thus, among the NMS, while Bulgaria exceptionally does not recognise Roma as an ethnic minority, this has not prevented Bulgaria from introducing focused programmes for the Roma, and in the OMS Greece and Spain have targeted Roma policies.

## **Aims**

The study presents a critical assessment of the national action plans, measures and instruments designed to actively promote the situation of Roma EU citizens in the EU, focusing in particular on the situation in six new member states, Bulgaria, the Czech Republic, Hungary, Poland, Romania and Slovakia and six old member states, France, Germany, Greece, Italy, Spain and the United Kingdom. It explores the institutional and legal framework put in place in the Member States to promote these actions and national policies, considering shortcomings and failures as well as the positive aspects and successes. Through an investigation of legal instruments and policies which can be used and put in place at the EU level, the Study presents a number of practical policy recommendations for the facilitation of Roma integration and for furthering cooperation between Member States.

## **Institutional framework for policy design at national level**

There is considerable diversity in the existing institutional arrangements, in the degree of policy discretion over Roma-related issues at the national and sub-national levels, and in the available administrative capacities at different levels to facilitate the design and implementation of socio-economic policy, action plans, and measures which are directly or indirectly targeted at Roma populations. This is in part related to the governance structures of the different countries discussed below, as well as to the relative size of the Roma population in the Member States. In terms of national-level arrangements, most commonly in a number of countries an inter-ministerial committee has been set up under the primary responsibility of a particular ministry or government department to advise on and/or coordinate Roma policy; in other countries, a particular ministry usually the ministry of internal affairs or a ministry in the field of social policy is the point institution. In some Member States sub-national levels of government are directly involved in the implementation of national policies. This diversity in institutional arrangements has implications for the effective design, delivery, monitoring and evaluation of policy.

The EU plays a significant role in the development of national policies in the field of employment and social inclusion and in promoting regional development and cohesion. Within the terms of the Lisbon Strategy, countries report bi-annually on progress in

implementing the Lisbon Guidelines. Such reporting and monitoring will be enhanced within the framework of the new Europe 2020 programme. The latest implementation reports (reports on National Reform Programmes) in the twelve countries of the study have been reviewed for their assessment of Roma policies. Unfortunately only three of them make any assessment of Roma policies within the country implementation of the Lisbon Strategies (CZ, EL, HU). Increasing awareness of the Roma issue at the highest level of government should therefore be a fundamental objective of the proposed European Strategy towards the Roma.

The NMS have introduced extensive institutional and policy frameworks for Roma inclusion. These have been inspired partly by the Decade of Roma Inclusion initiative of the World Bank and partly by the conditionality associated with the EU pre-accession process. Even before accession, the NMS received substantial funding for promoting Roma projects. Following accession, the NMS gained access to the Structural and Cohesion Funds. While Roma are not explicitly mentioned in programming criteria for these funds, Roma communities receive resources through the instruments to support social inclusion of disadvantaged groups, ethnic minorities, migrants, and mobile workers. ESF funding is also focused on combating labour market discrimination and ERDF funding on local development objectives which address geographically marginalised communities, as is often the case of the Roma. The Decade for Roma Inclusion initiative also gave an impetus to the preparation of policies geared towards Roma issues. Most NMS now have a clearly identifiable strategic document dealing with Roma inclusion, and in most cases there is an associated Action Plan which identifies specific measures and instruments in the areas of education, employment, health, and housing. However, these strategies and action plans suffer from inadequate financial resources and weaknesses in their implementation, monitoring and evaluation. Moreover, the projects are short term and lack an integrated focus.

In contrast, most of the OMS have no, or a very poorly developed, strategic and policy framework towards Roma inclusion, with the exception of Greece and Spain. In Germany, Italy and the UK there are some measures and instruments developed at regional or local level, usually focusing on just one or more policy areas, and usually delivered through uncoordinated and discrete projects with variable funding. Greece and Spain, both newer MS with sizeable Roma populations, have more comprehensive institutional and policy arrangements. The strategic orientation towards Roma inclusion in France is extremely limited, with a focus on the control of the movement of the travelling people, and in the case of immigrant Roma from Bulgaria and Romania the policies under the transitional regime are purposefully discriminatory in regard to access to employment.

## **Education policies**

In all the countries in this study the Roma population lags significantly behind the rest of the population in school completion rates. Four aims of education policies include improving access to schooling at the primary and secondary level; raising educational attainment; promoting intercultural education, and limiting educational segregation. In addition some measures have been targeted at Roma families, and Roma women to promote functional literacy in recognition of the key role played by women in the rearing of children in Roma communities. Spain stands as an interesting and instructive exception having made advances in integrating its Roma community into pre-school and primary education, some progress at the secondary level and now taking measures to advance Roma enrolment in the tertiary sector.

In most countries, measures and instruments have been directed at education for Roma children with the aim of facilitating school attendance, keeping Roma children in school and reducing drop-out rates. These have included the appointment of Roma school and cultural mediators to facilitate communication and partnership between schools and families (DE, EL, IT, RO, ES, UK), the establishment of preparatory pre-school classes for Roma children (CZ, DE, HU, SK, ES), the provision of extra after school-tutorial support (DE, EL, IT, PO, SK, ES), the establishment of programmes to support transitions from one level of education to the next (CZ, ES), the development of programmes for returnees to education (BG, ES), the provision of financial incentives for school attendance for Roma families and/or schools including the linking of social assistance to school attendance, a system sometimes referred to as 'conditional cash transfers' (EL, CZ, ES, UK), the pre-allocation of places in secondary schools and university for Roma children (RO) and the introduction of adult education courses (PO) to encourage lifelong learning. In the case of migrant or travelling families a number of constructive instruments and measures have been employed to improve access to education including the establishment of special schooling centres for travellers (FR), the introduction of distance learning programmes (FR), the issuing of special 'record cards' to pupils who lack permanent residence status (EL) and the waiving of certain administrative procedures to facilitate the enrolment of travelling or migrant children in school (UK).

Likewise policy measures and instruments have been adopted in an attempt to improve the quality of education, to eliminate previous discriminatory practices, raise general educational awareness about the Roma people, and support Roma children in their studies at different levels. These have included the provision of extra training for teachers (EL, RO, SK), the modification of existing teacher's training programmes (BG, HU), the appointment of special teaching assistants and youth workers (CZ, DE, HU, PO, SK), the improvement of diagnostic facilities and the subsequent removal of Roma children without special needs from special schools (BG, HU, SK), the abolition of special classes for Roma children (RO), the desegregation of schools in Roma neighbourhoods (BG, HU) and the broadening of the curriculum to include the history and traditions of the Roma and a focus on intercultural education more generally with the development of accompanying educational materials (BG, RO, PO, SK, UK). The measures adopted have had varying degrees of success in increasing access to schooling for Roma children to some extent in some countries (ES, HU). But there is scant evidence of improvements in retention, in the quality of education despite moves towards desegregation in many NMS and in levels of educational achievement with the partial exception of Spain. In many cases potentially promising programmes and measures have been constrained by inadequate supporting institutional and financial capacities, including short-term project funding periods, as well as by limited political will and societal support.

Some specific programmes and measures appear more promising. In the area of broadening access, these include the pre-school preparatory classes (CZ, GR, HU, SK, ES), programmes to smooth the transition from primary to secondary school (ES), second chance programmes for school-drop outs (BG and ES), financial incentives for school attendance for Roma families and/or schools (CZ, GR, ES, UK) and the issuing of special 'record' cards to pupils who lack permanent residence status. In the area of raising the quality of education these include the provision of extra training for teachers (GR, RO, SK), the appointment of special teaching assistants, school and cultural mediators and youth workers (CZ, DE, HU, PO, SK), the removal of Roma children misdiagnosed with special needs from special schools (BG, HU, SK) and the desegregation of Roma neighbourhoods though this latter policy is highly problematic given the closely related problems of housing segregation as well as societal resistance (BG, HU).

Education and training have gradually entered the EU's agenda as the Union's remit for social policy has widened, although the EU's focus has largely remained at the university level, on the development of programmes to facilitate the recognition of educational qualifications across countries, and on the promotion of educational exchanges as part of the Bologna process. Alongside this focus on mobility, EU policy has focused on vocational training, and a growing emphasis on lifelong learning and continuous training and re-skilling or up-skilling of workers, as well as creating opportunities for networking, educational and information exchange across Member States which involves the multiple levels of the system of education. Under the Lisbon Strategy and Europe 2020, a number of education-related targets have been set which also suggest the opportunity for greater EU involvement in the social aspects of education. One of the five headline targets under the Europe 2020 strategy is the reduction in the share of early school leavers from the current 15% to under 10% and ensuring at least 40% of young people have a degree or diploma-level qualifications, an ostensible challenge to countries with sizeable Roma populations.

The increasing involvement of EU in education and training and support of Member States in the "Education and Training 2020" (ET 2020) strategic framework is relevant to Roma policy as it aims at addressing educational disadvantage through high quality, inclusive and early education. Moreover the Youth on the Move Commission Communication (2010) lays out a number of key actions which if effectively applied, adapted and targeted could contribute to promotion of the socioeconomic situation of the Roma. Under the developing modern education and training systems to deliver key competences and excellence objective, the Commission proposes, inter alia, a draft Council Recommendation on reducing early school leaving and the creation of a high level expert group on literacy. Under the supporting a strong development of transnational learning and employment mobility for young people objective, the Commission proposes the development of a 'youth on the move card', and a 'European skills passport', while under the framework for youth employment objective, the Commission has proposed measures to support 'youth at risk' or NEETs who are at risk of being permanently excluded from the labour market, including developing partnerships and agreements with employers who are offered special support for recruitment of young people at risk and also the provision adequate social safety nets for young people.

Considerable sums of money have been invested through the ESF in projects to facilitate the educational integration of socially vulnerable, marginalised groups and the Roma in particular. However certain shortcomings of EU-funded projects vis-à-vis Roma communities (particularly in the NMS) include the isolated nature of such interventions lacking connection to government policies and institutional structures, the top-down approach to funding together with the insufficient scale of Roma participation, the limited duration of such funding interventions, and poor implementation and execution at the local levels. Nonetheless programmes supporting the training and appointment of teaching assistants and teachers (BG, CZ, RO), the appointment of cultural mediators where possible from among Roma communities (IT, RO), pre-school education programmes (CZ, SK) and parallel schooling support programmes (CZ, HU), the development of new secondary school curriculum in Roma studies (SK) as well as programmes specifically targeting women (HU, RO, ES) would seem to be among the most promising. A considerable number of vocational education projects have also been funded though there is insufficient evidence to evaluate their effectiveness either as they are still underway or due to the absence of impact assessment (CZ, HU, PL, RO).

Most effective measures identified in this study include short-term measures focused on early intervention including extending access to and the duration of pre-school education

programmes where necessary covering the cost of transport, school meals and materials for socially disadvantaged students; and investment in teaching training programmes for new teachers and teaching assistants or refresher courses for existing teachers including in intercultural education and where necessary financially incentivising attendance at such training courses. In the short to long term Member States should continue to pay attention to furthering the processes of desegregation given the clear evidence of the improved educational performance of socioeconomically disadvantaged pupils that attend schools with a socioeconomically advantaged intake and future likelihood of social inclusion.

## **Employment policies**

One of the targets of the European Employment Strategy has been to raise employment rates in the EU to 70%, yet employment rates in most NMS are well below this target, especially for Roma. One of the factors involved is the high level of discrimination against Romani jobseekers in many EU Member States. Survey evidence has revealed a relatively high level of employment discrimination whether looking for work or at work in the Czech Republic, Greece, Hungary and Slovakia, while discrimination was relatively low in Romania and Bulgaria, explained by the isolation of many Romani settlements from mainstream society in those countries. The European Roma Rights Centre has demonstrated that a 'glass box' excludes many Roma from gainful employment and confines Roma into segregated work. While all countries have adopted formal equality legislation, few have supported labour market equality in practice. The European Commission has stated that 'not enough is being done' to tackle long term unemployment in Roma communities and that governments and the ESF should include Roma as a priority group and introduce measures to overcome labour market exclusion.

The right of movement between Member States to seek employment or to establish a self-employed activity is enshrined in the Lisbon Treaty. However, this right of movement has been substantially qualified for workers in several Member States by the transitional arrangements following the accession of Bulgaria and Romania in 2007. The citizens of these states remain excluded from the labour markets of some OMS up until the end of 2013. Among the countries of this study, France, Germany, Italy and UK have imposed transitional restrictions on workers from Bulgaria and Romania, while Greece and Spain have provided free access since January 2009. It is important to note that these restrictions on access to the national labour markets apply only to workers, and not to the right of movement of citizens between EU countries. The European Commission has argued against these transitional restrictions on workers, and that lifting the restrictions would make economic sense by avoiding the harm done by closed labour markets, namely the stimulus to undeclared work and bogus self-employment. The practical negative effect of these restrictions is documented in a recent report by the Fundamental Rights Agency (FRA 2009b: 43-50). The survey uncovered many examples of Roma EU citizens from Romania who had lost jobs in Romania in sectors such as construction, and had travelled to Italy or France in search of work. However, they often faced discrimination in the labour market in the host countries, as well as the prohibition of formal work. Since they are often not eligible for social assistance, many end up begging on the streets to generate income for their families. Roma are also open to exploitation and often work without breaks and without holidays, in contravention of EU health and safety legislation.

Several countries have introduced specific national strategies and action plans for improving the situation of the Roma. These are mainly found among the NMS and in countries with relatively large Roma populations (BG, CZ, HU, PL, RO, SK, ES), and are closely linked to the Decade for Roma Inclusion initiative. Elsewhere, strategic policies

towards Roma employment are scarce. Other countries have no, or very limited programmes (FR, DE, EL, IT, UK). In Germany and Italy some Roma employment policies have been developed in a fragmented way at regional level. It is notable that such policies are best developed in Spain and in some of the NMS (Bulgaria being an example).

Measures and instruments introduced in the countries of the EU to improve the access of the Roma to employment opportunities include direct employment measures; active labour market policies of different types and enhancing employability through training; to assistance with self employment and business start up and encouraging the establishment of cooperatives, and social enterprises; support for agriculture and improved access to land; support for local economic development for Roma communities; formalisation of the informal sector; gender and equal opportunity measures; specific anti-crisis measures introduced in the last two years; capacity building in employment offices for staff to engage with Roma issues; and specific projects to create employment funded by the EU European Social Fund.

The most commonly used policy measures in the field of employment are active labour market policies, including training and career guidance and measures to support self-employment cooperatives and business start-ups. Policy design appears to be most developed in the NMS with five out a potential eight measures adopted in Bulgaria, Czech Republic and Hungary. Germany and Spain, along with Slovakia, have no specific measures in the field of employment policy.

The European Employment Strategy is central to the Lisbon Strategy and its overall focus on growth and jobs. The Integrated Guidelines for Growth and Jobs emphasise the importance of equal opportunities and combating discrimination in the labour market. Guideline 3 states that Member States should "*Ensure inclusive labour markets for job-seekers and disadvantaged people*". The Guidelines point out that combating discrimination and promoting access to employment for integrating immigrants and minorities are essential. Although Roma are not specifically mentioned in the Guidelines, they were taken into account in the analysis leading to the country specific recommendations in the cases of Bulgaria, Czech Republic, Hungary, Romania, and Slovakia. The European Commission has identified that the EES has a number of tools that could be used to put a stronger focus on Roma under the existing Strategy. The Integrated Guidelines could place more emphasis on Roma; the situation of Roma could be included in the Country Chapters of the Strategic Report in countries where the situation of the Roma continues to be a challenge; the Recommendations could place more emphasis on vulnerable groups; the Joint Employment Report of the Commission and the Council could give more attention to the Roma; Peer Review seminars could focus on good practice for Roma access to employment to facilitate mutual learning; the Commission could also encourage the MS to develop cross-border Roma programmes.

In financing actions aimed at improving the employment performance of the EU, the European Social Fund has a special role. The ESF Regulation states that assistance from the ESF should focus, in particular on reinforcing the social inclusion of disadvantaged people combating discrimination. The Regulation specifically aims to promote social inclusion, including the access of disadvantaged people to employment, combat all forms of discrimination in the labour market including against minorities. Since it does not specifically mention discrimination against Roma, this gap could be amended in future editions of the Regulations, to mainstream Roma integration into the EU labour markets.

Yet, even in countries which have developed Strategies and Action Plans for Roma inclusion the coordination of policy has been poor, and implementation of policy has often been weak. The national NAPs have not been translated into priorities in the field of employment policy (BG). In some countries Labour Offices have no programmes that specifically target Roma, using ethnically neutral policies that support long-term unemployed or jobseekers with no educational qualifications (CZ). For some individuals, the high levels of unemployment in the place where they live, or their levels of formal indebtedness or the fact that they have no skills and have never worked may mean that it may be impossible to ever find employment (CZ). In such cases it is important that employment activation policies are used sensitively so that they vulnerable groups receive a minimum level of social assistance to protect them and their families from serious deprivation. In some countries the procedure to register as self-employed or to set up a company is complex, and the low level of education of Roma make it hard for them to understand the administrative procedures required to create a business (FR). In France the official "jobs list" does not recognise many of the activities carried out by Roma and prevents them from carrying out their work on a formal basis. NGOs which try to assist the Roma population to find a job or set up their own business have limited financial means, and can only implement such activities to a small number of beneficiaries (FR, SK). Assessments of the needs of Roma communities have been poor and programme design has failed to adjust to local conditions. The design of most projects has met neither the needs of the Roma community nor the labour market demands of the local economy. The low Roma participation in these measures has led to minimal impact on employment (EL). In Poland, the Roma Programme does not provide any incentives for employers to change their attitude towards Roma. The Roma employment policy does not proactively stimulate anti-discrimination actions or campaigns on the labour market. The impact of the current Roma Programme on Roma employment is therefore minimal. In Slovakia, there is no engagement of stakeholders in the design and implementation of policies. Strategies (e.g. the Medium-term Concept) remain very general with no concrete measures, no evaluation criteria and no funding attached.

Due to the lack of impact assessment studies, the knowledge base on the actual effectiveness of the different policies is very weak. Therefore it is not possible to make a hard and fast account of the more successful approaches compared to the less successful. Nevertheless, one programmes and associated set of measures stands out as being particularly promising, namely the *Acceder* (Access) programme in Spain. ACCEDER was established in 2000 aiming to incorporate Roma people into the labour market. After ten years, the programme has proved to be highly effective and an example of good practice. It is based around integrated support centres established in towns throughout the country which provide vocational training, career guidance and practical links to job openings in local businesses. The programme has delivered services to 51,000 people and has succeeded in placing more than 36,000 people in work.

## **Housing policies**

Today, most Roma have a sedentary rather than a nomadic life style. In many NMS, Roma people live in segregated areas, isolated from the main urban centres. This segregation, whether in housing estates or camps, is one of the main causes of social exclusion for many Roma communities. The financial capacity of municipalities determines their ability to provide utilities and decent living conditions for Roma in camps sites, and access to utilities is often very restricted. Many Roma communities lack access to basic utilities, such as drinking water, electricity, and sanitation services. Poor housing conditions are found in all countries, with a higher level of deprivation typical in rural areas and in the urban

periphery. In some NMS, empirical evidence indicates a high share of people living in poor conditions. In Bulgaria and Romania 45%-65% of the dwellings have no sewage, and in 65%-75% do not have drinking water or inside toilets. Conditions are somewhat better in Spain, where housing conditions for Roma are improving even though they are worse than for non-Roma Spaniards.

Anti-discrimination laws in EU Member States underpin formal rights of access to public housing. The EU emphasises this aspect of social inclusion through Article 34 of the Charter of Fundamental Rights which "recognizes and respects the right to social and housing assistance, so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by Union law and national laws and practices." A few examples corroborate the legal basis on which the right to housing is declared. In Germany, the Housing Assistance Act provides for non-discrimination in the rental market. In the UK, Regional Spatial Strategies set targets for site provision with central powers of compulsion, where local authorities do not meet the targets.

In many countries the implementation of housing policy is decentralised to regional or local authorities whose weak financial capacities often limit the access of Roma to housing. In addition many formal and informal obstacles *de facto* limit access to housing, including social housing. Factors involved include the lack of stable place of residence and identity papers of many Roma people which prevents enrolment on waiting lists for social housing, the lack of stable employment and low incomes limits access to private rental housing, as do the low incidence of land ownership among Roma communities.

Few countries have Roma-focused plans or programmes for facilitating access to housing. Different measures and instruments have been employed to facilitate access to housing and improving conditions in halting sites. These have included mortgage loan schemes and subsidized interest rate by State guarantee (EL, ES, FR); state support for social housing for the Roma population (ES, DE); local support by municipalities for access to private rental housing (IT, ES, HU); improved access for renting by young people (HU); government and municipalities agreement for managing "insertion villages" for Roma migrants (FR); incentives for local authorities for building halting sites as well as housing for Roma (UK); integration of provisions for Integrated Urban Development Plans and support for social housing (CZ). In most of the successful cases, social and cultural partnership involving Roma NGOs in coordination with local authorities and housing agencies have been the best way forward.

Experience in Spain and Germany has been the most successful as the old generation of Roma have been gradually integrated into society and has benefited from access to basic housing provision. In some countries, there have been efforts to close down illegal camps with the worst conditions and lacking basic services. Moreover, improvement of authorized camps and sites varies by region and country, while efforts to improve them are often fragmented even within the same country. The local dimension is important for the success or failure of policies for social inclusion through housing improvement. The territorial approach seems to be a promising one for addressing Roma housing issues, especially where it brings together local institutions, local agencies, and Roma representatives in a common effort.

Although the housing sector is primarily a national policy field, the EU has introduced housing as one of the target fields within the global strategies for fighting regional disparities, social exclusion, marginalisation and poverty, as housing is one of the basic fundamental needs of all individuals. Article 34 of Charter of Fundamental Rights defines

the legal framework for National and European policy. Structural Funds Regulations provide an opportunity to devote up to 2% of the total European Regional Development Fund (ERDF) to housing expenditure in favour of marginalised communities, such as Roma. The new regulation extends housing interventions eligible for ERDF support to the renovation of houses in rural areas and to the replacement of houses, irrespective of the area. The Commission has acknowledged obstacles to the implementation of successful Roma strategies, in particular those at the level of local administration of funds. The adoption of the Open Method of Coordination (OMC) remains the best soft instrument to facilitate policy transfer in housing policy between EU Member States. Roma communities should benefit from such practices.

There are several identified cases that can be brought as best practices, mostly related to cases where local communities, Roma representatives and municipalities or regional authorities create a favourable environment for integrated support for improvement of living conditions. A horizontal approach, bringing together different actions in different fields is the most appropriate for explaining successes in addressing the problems of housing for Roma. The example of the Czech Republic to housing policy has been based upon an integrated approach to improving the life quality in small towns, through the rehabilitation of declining areas and the up-grading of the housing stock, facilitating social coexistence and reducing marginalization. The experience of a five-year programme in the municipality of Aviles in Spain, for removing shanty town, working on an overall action plan for the social insertion of Roma people is a good example of successful action for Roma inclusion. The Italian example in the Northern region of Emilia Romagna indicates how a joint effort by local municipalities, estate agencies, and Roma families found solutions based on a market approach, identifying private rental accommodation for Roma families with at least one employed member. In Romania, houses were rehabilitated or rebuilt by the local municipality with the full participation of the Roma families. In Bulgaria, there are examples of renovation of houses and participation between local institutions and the representatives of Roma, leading to successful outcomes, supported by EBRD and Austrian institutions, with active co-management of Bulgarian institutions, and participation of Roma people have in the construction of their houses. In Greece, provides interesting examples for avoiding the spatial segregation of Roma community vis-à-vis the other local populations in the neighbouring of the capital, Athens, through active co-participation of Roma representatives together with the municipality.

## **Health policies**

The Roma population in the EU has a relatively low life expectancy, estimated to be by average at least 10 years less than the EU average. Low incomes and poverty contribute to a poor quality of life conducive to illnesses. Housing conditions also contribute to poor health status. The health systems in some NMS have limited capacity to provide health care for all, and the provision of services to Roma communities is often inadequate. The weak health infrastructure in the countryside is an additional aspect that narrows access to health care for Roma, in particular for those living in socially marginalised and geographically isolated rural areas. Health care systems in the EU aspire to a principal of universal provision. To achieve this aim they are financed mainly on a collective basis, either through taxation or social insurance. Among the countries in this study, social insurance is the main system of health finance in the Czech Republic, France, Germany, Hungary, Poland, Romania, and Slovakia. Health care is mainly financed through taxation in Italy, Spain, and the United Kingdom. A major change during transition in Eastern Europe has been the shift away from tax-based public finance towards social insurance as the dominant contribution mechanism. In addition, in some countries where collective forms of

financing are more limited, for example in Bulgaria and Greece, 'out-of-pocket' expenditures by individual patients are relatively high, with negative consequences for health service provision for vulnerable low income groups such as the Roma.

Roma encampments with insufficient service provision, poor housing, and lacking basic utilities such as access to drinking water, sewage, and electricity experience provide unhealthy living conditions that may lead to sickness, in particular affecting children. In some of the NMS, survey evidence reveals that between 65% and 45% of the dwellings in Romania and Bulgaria do not have access to clean water, whilst between 51% in Bulgaria, and 62-63% in Romania and Hungary lack sewage treatment facilities (UNDP, 2003). For this reason the problems of poor health are inter-connected with those of housing, especially in situations of low income and poverty.

Cultural and administrative barriers can also contribute to create obstacles to health care provision. Factors such as language, in particular for Roma EU citizens moving between EU countries, and the lack of comprehension of the seriousness of some illnesses due to particular cultural and social norms can limit the demand of Roma families for care, in particular for children (vaccination) and women (maternity). Administrative barriers, such as the absence of official identity documents, and lack of knowledge about the formal procedures for accessing health care, also reduce demand for care. Focused actions are therefore needed to raise awareness of health care needs, and availability of preventive services among Roma families.

Although health policy is fundamentally a competence and responsibility of each Member State in recent years the EU has taken substantial steps to develop a policy role related to coordination related to fundamental targets for the protection of human health. The role of the EU is to undertake measures to supplement the work of the Member States, while providing European added value, particularly with regard to major health threats. Such threats have a cross-border impact and relate to the free movement of goods, services and people.

In this regard, Article 35 in the Charter of Fundamental Rights states that "Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices. A high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities". This does not however imply that each EU citizen can expect an automatic right to a minimum level of medical care: this depends upon the health coverage conditions in each Member State, based on their national law. In fact Article 35 of the Charter of Fundamental Rights does not imply such a right if it does not exist in the national legislation. Thus, the coverage by the social security of the hosting country for health care depends upon the national health policy, organisation and available resources. The European Commission has put into play a strategic approach for EU health policy, in particular for the period 2008-2013. In the Renewed Social Agenda the European Commission addressed the question of disparities among countries in health provision across the countries and regions in the EU, stressing the importance of ensuring equal opportunities in healthcare for vulnerable groups such as Roma that have limited health access. The European Health Insurance Card (EHIC) is an important instrument to support the free movement of people in the EU. Naturally, it has limitations on the types of care that are covered. The Council of the European Union has announced new rules for patients' rights to cross-border healthcare. The main points of the draft directive allow for patients to receive health-care in another Member State, and be reimbursed up to the level of reimbursement applicable for the same or similar treatment in the hosting national health

system. In cases of overriding general interest a member state may limit the application of the rules on reimbursement. Thus, the EHIC can be applied to support the free movement of Roma EU citizens between EU countries, ensuring equal health treatment as other EU citizens in the host country, so long as they are in a position to obtain the relevant document. Since cross-border healthcare in the EU is extremely limited, accounting for an estimated 1% of public healthcare expenditure, it is unlikely that the implementation of this principle will cause any serious threat to health care budgets in EU Member States. However, many Roma are not registered in their national social security system because of lack of ID, limiting the coverage of health care to Roma people in such a position. In countries where co-payments are also required to access some health services the lack of income of the Roma can also be a barrier to access to health services, where there are no special provisions for social protection of vulnerable groups in this regard.

In the NMS, where there is a lower standard in public health services, special programmes have been focused on Roma health, as in Bulgaria and Romania (Health Mediator Programme), and in the Czech Republic (Health and Social Assistants). A relevant method for providing local needs for Roma has been to bring different actors, institutions and local communities together, in partnership with the public health service (UK, IT). Different type of awareness campaigns on health have been organized locally, with the aim of prevention, by using Itinerant Medico-Social Vehicles, that are able to reach the different Roma camps (FR), and also Bulgaria and Romania through the "health mediators" instrument. In Spain, the health improvement for marginalized people including Roma, are seen as part of a global strategy. In Italy, focused actions have been developed at local level to improve the access to health services, but they remain fragmented as they lack national coordination. However, in general, the health systems in EU countries do not ensure adequate health care to Roma communities. There is a need to bring the health issue within a broader framework, where other sectoral issues are addressed together. This requires strong inter-institutional coordination, and a long-term view. Among the most critical aspects are barriers to access to health care, a lack of knowledge about services provision among Roma, and discrimination by local administrations that offer different interpretations of the rights and needs in delivery of health care services.

Where the health system is more developed, as in some of the OMS, Roma have relatively more chances to access health care, though not on a systematic and continuous basis, mostly for urgent and limited treatment. The social insurance system does not facilitate the health care provision for the vulnerable groups who are not covered by insurance for various reasons. Safety-net schemes such as the French provision of free insurance to poor people provides some limited coverage of the gaps, but tax financed systems seem to provide a more secure implementation of the principle of universal access to which most EU countries aspire. Some countries rely more than others on out-of-pocket expenditures to finance health care, such as Bulgaria and Greece and this inevitably introduces problems of access for vulnerable groups who lack the ability to pay. Access to basic health services remains problematic in particular for Roma migrants, many of whom have no legal status (often many do not have IDs) and can benefit only from basic emergency services. There is a need for targeted health awareness campaigns in all countries to overcome the formal and informal cultural barriers that limit the demand for health care from Roma. On the other hand, the successful programme of Medi-social centres in Greece indicates that well designed and well targeted interventions can overcome these barriers and lead to significant increases in vaccination rates and health information and awareness.

Several instruments are available at EU level to support actions for improved health services for Roma. The *Communities Strategic Guidelines* can fund Health Infrastructure for

the period 2007-2013. In the next programming period an increasing stress on health targets is foreseen in order to combat excessive socio-economic disparities, utilizing social OMC. Health related actions under the current Community Strategic Guidelines have reserved €5bn for the period 2007-2013 for health infrastructure actions. The EU Health Strategy underlined an initial need for the collection of data and the exchange of good practices between Member States through the Open Method of Coordination. More specifically, the Commission has suggested four levels of action including more detailed data collection; the development of health inequality audit approaches for the use of Member States; exchange and dissemination of good practices. It should also be possible to use the Cohesion Policy and the European Fund for Rural Development to support actions conducive to better health ranging from improved living conditions, employment services, transport, and health and social infrastructure.

The cross-country analysis suggests that most NMS have focused programmes which specifically target the Roma among which health targets are key priorities. A number of potentially promising projects have been put in place, but their full implementation is not ensured and it seems that these plans suffer from a lack of capacity and also of sufficient political will. One promising avenue has been the appointment of health mediators to liaise between the Roma community and the health provider institutions, to increase mutual knowledge and understanding, and ease Roma access to health services. Experience in health provision through integrated Medi-social centres within a larger multi-sector programme in Greece shows some positive aspects.

### **Available EU legal instruments**

Since 1<sup>st</sup> December 2009, the European Union has been operating under the new legal framework established by the Lisbon Treaty. This Treaty puts in place a clear delimitation and clarification of EU competences as well as legal guarantees that the essential functions of the Member State are to be respected by the Union. It also introduces structures, procedures and mechanisms which will potentially allow the Union to develop further in the future. One striking characteristic of the Lisbon Treaty is that it is deeply rooted in human rights. Article 2 TEU lists the values on which the EU is based: *"The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail."* Respect of these values is a precondition for membership of the Union (Article 49 TEU) and serious breaches of them by a Member State may lead to a suspension of some of its rights resulting from membership (Article 7(2) TEU). Moreover, the promotion of these values is one of the primary objectives of the Union (Article 3(1) TEU). The Lisbon Treaty also takes the highly symbolic step of providing for an obligation to require the EU to accede to the European Convention for the Protection of Human Rights (ECHR), and of giving the EU Charter of Fundamental Rights the same legal status as the treaties (Article 6(1) and (2), respectively). The EU Charter of Fundamental Rights reproduces, and in places modernises the rights contained in the ECHR; it adds some basic provisions and brings them in line with developments in international and Union law, as well as with new case law.

Both the Treaty and the Charter stress that the Charter does not increase the competences of the EU. More importantly, it needs to be stressed that the Charter has become legally binding upon EU institutions and upon the Member States when they are implementing EU law. However it does not apply to situations that are purely internal to a Member State. From that point of view, even though its symbolic value must not be underestimated, it

must be stressed that the Charter is not some kind of EU "Bill of Rights" which would always be obligatory for national authorities.

Many of the issues that are regarded as central in the context of policies to promote the situation of Roma EU citizens in the EU belong to the field of social policy. The Lisbon Treaty has strengthened the commitment of the EU to social progress and social rights. However, social policy is a competence which is listed as shared between the EU and its Member States and it needs to be stressed that the EU has only a small share of that competence, i.e. only for the aspects defined in the Treaty (Article 4(2)(b) TFEU). The provisions on social policy remain broadly the same as they were before the Lisbon Treaty. Among the new social objectives attributed to the European Union are the wellbeing of its people, full employment and social progress, the fight against social exclusion and discrimination, the promotion of justice and the eradication of poverty (Article 3 TEU). The Treaty also contains a new 'horizontal' social clause, according to which the EU must take into account the "requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health" (Article 9 TFEU) in the implementation of all its policies and activities.

Moreover the Treaty underlines the potential role of the Union in coordinating policy measures among Member States in the areas of employment policy 'in particular by defining guidelines for these policies' (Article 5, 2 TEU) and also in the area of social policies (Article 5, 3 TEU). Furthermore Article 6 (TEU) outlines the Union's competence to carry out actions to 'support, coordinate or supplement' the actions of Member States at the European level including *inter alia* in the areas of the protection and improvement of human health and education, vocational training, youth and sport, policy areas potentially of direct relevance to the socio-economic situation of Roma EU citizens.

Within the limits of its competences, the EU has put in place a number of legislative instruments that in effect establish a framework within which further action can be taken to promote the situation of Roma EU citizens. As already indicated, EU competences in the fields of most relevance with regard to this policy objective are limited; many of the relevant fields of action for the current study such as education, employment, public health and fight against poverty continue to lie largely within the competence of the Member States. However the following directives:

- (i) The 'Racial Equality' Directive,
- (ii) The Directive on the right of citizens of the Union and their family members to move and reside freely and
- (iii) The Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law, could potentially have implications for the situation of Roma EU citizens.

The so-called 'Racial Equality' Directive (Council Directive 2000/43/EC) states that all citizens of the European Union are protected against discrimination on grounds of race or ethnic origin, regardless of their legal status. The scope of the legal protection includes the areas of employment, social protection, education as well as access to goods and services. The Commission has on several occasions reported on the implementation of the Race directive. It was reported in 2006 that while the legislation had had a major impact in raising the level of protection from discrimination throughout the EU, there had been delays in transposing the rules into national law in some Member States, and additional efforts were needed to ensure effective implementation and enforcement of the legislation. In

2010 the Commission reported that all Member States had introduced national laws, which transpose the race directive. However the Commission has also engaged 24 procedures for incorrect transposition of which 12 still remain open – including against certain of the countries in this study (the Czech Republic, Germany, Poland and the United Kingdom).

It is noteworthy that the Grand Chamber of ECtHR judgement of November 2007 of *D.H. v Czech Republic* in which the court ruled that segregating Roma into special schools breached Article 14 ECHR together with Article 2 Protocol 1, also made detailed reference to the EU Racial Equality Directive suggesting that this Directive could be more widely used to promote socio-economic situation of Roma EU citizens across a range of policy areas.

The Directive on the right to move and reside freely within the EU (Directive 2004/38/EC) lays down the right and establishes the conditions for EU citizens to move in the Union. The main rule is that any national of an EU member state has the right to enter and exit another member state. Article 6 of the Free Movement Directive provides for the right of residence for up to three months for every EU citizen under the unique condition of holding a valid travel document. Article 7 of the same directive extends that right beyond three months subject to certain conditions. Responses of EU Member States to the exercise of freedom of movement by Roma have often resulted in direct and explicit exclusion of the group even though they are EU citizens and holders of rights. Lack of registration documents in the host country typically does not allow entry into employment pathways, access to water and electricity supplies (Article 8(2) of the 2004/38 directive).

The framework decision 2008/913/JHA on combating racism and xenophobia was adopted in November 2008. It aims to ensure that racist and xenophobic offences are sanctioned in all Member States by effective, proportionate and dissuasive criminal penalties. Member States were to take the necessary measures to comply with the framework decision by 28 November 2010. Given the late November deadline for the transposition of this directive, it is too early to comment on the engagement by the Commission of procedures against Member States for lack of or incorrect transposition of the directive.

In addition to the instruments of hard law outlined above, the EU has also developed a potentially promising framework for European level cooperation particularly in those areas of policy that lie outside the formal remit of hard EU legal instruments, including many the social policy areas identified in this report as critical for promoting the situation of Roma EU citizens. The Open Method of Coordination, pioneered through the European Employment Strategy and extended to other areas such as social inclusion, involves establishing commonly agreed objectives and common indicators which show how programmes towards these goals can be measured among a group of member states. Through the OMC, Member States can learn from each other about advances in policy and identify good practice. By agreeing to a set of common objectives pinned down through quantifiable indicators, progress towards such goals can be measured. In addition, the peer review process gives host countries the opportunity to have a particular programme, policy reform or new institutional framework evaluated by experts, other countries and stakeholders. It also enables the same actors to consider whether such initiatives could be effectively transferred to other Member States. Finally, OMC may facilitate improvements in impact assessment which the current study suggests has been sorely lacking in the monitoring and evaluation of Roma policies to date. Thus far, several OMC Peer Review meetings have been held covering Roma issues including a review of the “Integrated Programme of Social inclusion Roma” in Greece, the “Social inclusion of children in a disadvantaged rural environment” in Hungary, and the “Municipal programmes of shanty town eradication in Aviles (Asturias)”, in Spain.

However this soft policy approach relies largely on the voluntary participation of peer countries, though agreement on common objectives and common indicators may serve to lock in participants and thus promote policy learning and improvements in policy delivery. Even so the lack of hard incentives to induce participation is potentially a limitation, which may be partially obviated by tying EU funding mechanisms (both the rewarding and the withdrawal of funds) more closely to peer review processes. The adoption of such methods, accompanied by adequate support measures as guidelines, exchange of information, benchmarking, "best practices", can bring benefits for all parties involved. This can provide a means of institutional cooperation in sensitive fields at the core of improving the situation of the Roma. In order for such approaches to be more effective, they need to be inserted into a broader framework and form part of a diversified European strategy toward Roma in Europe. They would also benefit from a strengthening of institutional capacity to address issues of Roma social inclusion at the EU level.

## **The European policy framework**

Many institutions at the European level are involved in the design and implementation of policies to improve the situation of Roma EU citizens. In recent years the number of initiatives in this respect has noticeably increased. EU institutions as well as other international bodies and networks have become more involved in developing policies and providing advice and support to national institutions involved in this field. The main policy actors involved at international level are briefly noted in this section.

Numerous policy actors are involved in formulating and implementing policy designed to improve the situation of the Roma EU citizens in the European Union. Some of these are EU institutions, while others are international institutions such as the World Bank, OSCE, UNDP, ILO, and the Open Society Institute. There is a need for improved coordination and collaboration between these policy actors to avoid duplication and enhance the mutually reinforcing effects of policy actions in the field. Several policy networks have been established with the aim of contributing to policy coordination and coherence including the European Platform for Roma Inclusion, the Decade for Roma Inclusion, the EURoma network, the European Commission against Racism and Intolerance of the Council of Europe, and the European Roma Policy Coalition. However the proliferation of networks has also brought about a risk of policy overlap and policy conflict. The main European institutions involved in developing and promoting policies targeted towards Roma inclusion are the European Parliament, the European Council, the EPSCO Council, the European Commission, and the European The Agency for Fundamental Rights (FRA).

The European Commission has been especially active in promoting EU Roma policy. In its April 2010 Communication on the Social and Economic Integration of the Roma in Europe, the Commission acknowledged the heterogeneity of Roma communities in the EU member states and the corresponding need for the development of differentiated 'model policy approaches' to address more effectively the various legal needs of different Roma communities. The Commission identified four major categories of Roma communities:

- (i) Those living in disadvantaged highly concentrated (sub)-urban districts,
- (ii) Those living in disadvantaged parts of small cities/villages in rural regions and in segregated rural settlements isolated from the majority,
- (iii) Mobile Roma communities with citizenship of the country or another EU country and
- (iv) Finally the mobile and sedentary Roma who are third-country nationals, refugees, stateless persons or asylum seekers. In addition, at the request of the European Parliament the Commission is carrying out a pilot project from 2010-2011, with a

budget of €5m, on “Pan-European Coordination of Roma Integration Methods” which has been funded to cover early childhood education and care, micro-credit and self-employment, information and awareness raising, and tools and methods for evaluation and data collection as a basis for evidence based policy.

The European Agency for Fundamental Rights was established in 2007, with the remit inter alia of working to protect the rights of minorities. One of its nine thematic areas is discrimination based on race or ethnic origin, and against persons belonging to minorities. In December 2008, the European Council adopted a set of conclusions which welcomed the integration of the theme of Roma affairs into the work programme of the Agency for Fundamental Rights (FRA). Since its inception the FRA has produced a number of important documents dealing with the social situation of the Roma EU citizens in the fields of movement and housing in addition to a recent survey on the Roma experiences of discrimination and victimisation (the EU-MIDIS Report) suggesting an ongoing broadening out in the work of the FRA to encompass the area of social inclusion. The FRA’s 2011 work programme includes the objective to identify and analyse effective mechanisms and procedures to protect and promote the rights of Roma and Travellers in all areas of social life.

Several policy networks have been established to coordinate policy at European level and share best practice. Two European Roma Summits have taken place, one in Brussels in September 2008 and the second in Cordoba in April 2010. These brought together EU institutions, governments of Member States, candidate countries and potential candidates, international organisations and civil society. The ‘EURoma’ network covers 12 member States. Its aim is to promote the use of Structural Funds so as to improve the effectiveness of Roma policies. The Decade of Roma Inclusion is an international initiative that brings together governments, international organisations and NGOs, as well as Romani civil society, aiming to achieve an improved situation of the Roma in Europe both within and without the EU. Its membership includes twelve countries with large Roma minorities. The European Roma Policy Coalition comprises 10 NGOs working in the area of Roma affairs. The Council of Europe has also long taken a strong interest in promoting minority rights in Europe. The CoE established the European Commission against Racism and Intolerance (ECRI) in 1993 as an independent human rights monitoring body on issues related to racism and racial discrimination. Finally, the European Platform for Roma Inclusion was set up in April 2009 in order to exchange good practice and experience among the Member States, provide analytical support and stimulate cooperation between policy actors. The Platform is a process rather than a policy making body as such. It comprises the Presidency, experts from six Member State governments and Serbia, international organisations including the Council of Europe, the OSCE, the World Bank and the UNDP, various NGOs and academics. The regular Platform meetings bring together national governments, the EU, international organisations and Roma civil society representatives.

In May 2009, the Platform set out a set of “10 Common Principles for Roma Inclusion”. The Council of the European Union took note of the Common Principles and invited the Commission and the Member States to take them into account in designing and implementing policies to promote the full inclusion of the Roma. The principles are:

- (1) Constructive, pragmatic and non-discriminatory policies;
- (2) Explicit but not exclusive targeting;
- (3) Inter-cultural approach;
- (4) Aiming for the mainstream;

- (5) Awareness of the gender dimension;
- (6) Transfer of evidence-based policies;
- (7) Use of Community instruments;
- (8) Involvement of regional and local authorities;
- (9) Involvement of civil society; and
- (10) Active participation of the Roma.

Although legally non-binding, the basic principles are well formulated and are likely to be influential in the design of policies within the European Commission and the EU institutions. The European Platform for Roma Inclusion is another alternative embryonic institution through which institutional capacity to address the issue of Roma inclusion could potentially be harnessed and strengthened, though in its current form the activeness of the Platform may well be overly dependent on the priorities of the incumbent presidency.

As the above overview indicates, a large number of international organisations are involved in attempts to design and implement policies to improve the situation of the Roma. Some of these organisations focus exclusively on the Roma within the EU while others have a wider remit. Together, these institutions have produced a large number of policy studies and reports, which contain many ideas for policies which could potentially improve the socio-economic situation of the Roma EU citizens in the EU. In order to optimise the findings of these studies and ensure the practical policy follow-through, facilitate more effective policy design, delivery and evaluation and coordination among different EU countries and regions, the current Study has recommended the development of or reinforcement of institutional capacity at the EU level. This could either be through the strengthening of the Agency of Fundamental Rights or through the further institutionalisation and development of the European Platform for Roma Inclusion or if this is not possible through the establishment of an agency for Roma affairs (which is discussed in greater depth below).

## Financial tools

The main funding source for the implementation of the various policies which have been proposed by these organisations remain the national governments themselves supplemented by the EU Structural Funds and the funds of the Community Programmes.

The Structural Funds represent a powerful instrument that the EU has at its disposal to promote the socio-economic situation of marginalised groups of people and in the context of this Study, of Roma EU citizens. For problems relating to Roma inclusion, the ESF (and its complement the PROGRESS programme - the Community Programme for Employment and Social Solidarity) and the ERDF are the most important funds having proved to be an effective tool for launching initiatives for social inclusion (EC 2010b). They have also in places been successfully applied to local Roma communities, to facilitate integration into the labour market, better access to schooling, improved living conditions in authorised sites and camps, and access to social housing; a number of these instances are discussed in the policy sections of this study.

However, a range of problems have hampered the sustainable effectiveness of the application of Structural Funds monies in terms of addressing the challenges of Roma inclusion -- these pertain both to the domestic structural and political constraints in Member States as well as to certain shortcomings *inter alia* in the project funding arrangements as well as in the monitoring and evaluation of Structural Funds at the EU level. As Laszlo Andor, EU Commissioner for Social Affairs, Employment and Inclusion noted

at hearings of the LIBE Committee in December 2010 "1/6 of European Social fund's resources - which is more than 10 billion euros - is spent supporting measures for Roma inclusion. Most member states already use EU funds, but often not in an effective way". Earlier this year Andor also claimed that Member States have not put forward a sufficient number of Roma projects suggesting that available funding has gone unused. In sum, the available Structural Funds remain an underutilised resource. For example, Romania has so far absorbed less than 1 per cent of the nearly €4bn to which it is entitled under the ESF from 2007 to 2013, compared with 16 per cent on average across the EU. This under-usage of available funds stems from a combination of factors -- insufficient political will including to put up matching funding, lack of awareness as well as inadequate institutional capacities at both the national, regional and local levels in most of the countries in this Study. In particular there is a need to develop the absorption capacity, particularly of NMS, and thereby to encourage governments to make better use of available funds for Roma projects as well as to enable Roma NGOs to be able to apply for relevant projects support.

In order to increase further the effectiveness of the distribution and use of funding under ERDF and ESF they would need to build options for funding of a longer duration – moving beyond the all too-often short-term project-based funding frames; funding with a more particularised territorial focus – taking into account the diversity in the territorial spread of marginalised communities as well as the heterogeneity of such communities, including the Roma; a resolution to the problem of sustainability, in terms of the future self-financing of successful projects that have been put in place; and more effective monitoring and ex-post evaluation to ensure policy effectiveness. This should become a criterion for providing prolonged support, even if this is progressively withdrawn, and for the empowerment of local stakeholders.

With the enhancement of already existing EU structures (in the form of the FRA or the European Platform for Roma Inclusion) or the creation of possible Agency for Roma Inclusion, such a focal organisational structure would be in a position to play an instrumental role in either providing bridging funding or loans, as well as technical-financial assistance to build long-term domestic sustainability of successful projects if ESF or other Community funding is no longer available.

Article 16 of the 2006 Regulation on the Structural Funds states that "The Member States and the Commission shall take appropriate steps to prevent any discrimination based on ... racial or ethnic origin ... during the various stages of implementation of the Funds and, in particular, in the access to them". This could be a means by which pressure could be brought to bear on MS for better utilising Structural Funds for Roma inclusion. More recently the Council of the European Union has endorsed the 10 Common Basic Principles on Roma Inclusion, Principle 7 of which calls for increased use of Community Instruments including the Structural Funds in support of Roma inclusion. Numerous ESF projects have targeted Roma social exclusion. From 2000-2006, €275m of ESF funding was devoted to projects specifically targeted at Roma. However it is difficult to assess the overall impact due to a lack of a consistent monitoring and evaluation process. In 2000–2006, ESF Managing Authorities in only five Member States reported on participation of Roma in supported measures. The scope of projects targeting Roma exclusion increased in the 2007–2013 period, during which almost all Member States have an ESF priority on social inclusion (amounting to €9,980m). In Spain, an entire Operational Programme has been dedicated to "Counteracting Social Exclusion", with activities target a broad range of disadvantaged people, including ethnic minorities. The EURoma network has compiled a dossier of ESF programmes in some of the countries of the study.

In addition, the Cohesion Funds contribute to improved access to rural areas in unfavourable locations, and for the improvement of accessibility in peripheral areas – especially where access to public utilities might be problematic (for example in rural areas in deprived or peripheral regions). Pilot projects for Roma populated localities could be based on the use of renewable energy sources, in local housing, with co-investment by local authorities and co-financed by EU Cohesion funds. The Fifth Cohesion Report introduced a number of interesting new possibilities for a flexible use of the structural funds in favour of the Roma. It raises the idea that co-financing, a fundamental principle of cohesion policy ensuring country ownership, should be reviewed and, possibly, differentiated to reflect better the level of development, EU added value, types of action and beneficiaries. Thus, projects which target Roma could be required to have a lesser share of co-financing from the country, with a higher share by the EU. This could be especially beneficial in the poorer East European member states, where most of the Roma population of the EU are concentrated. Moreover, the report raises the prospect that a performance reserve could be established at EU level to encourage progress towards Europe 2020 targets and related national targets and objectives: a limited share of the cohesion budget would be set aside and be allocated, during a mid-term review, to the Member States and regions whose programmes have contributed most – compared to their starting point – to the 2020 targets and objectives. To the extent that these targets reflect Roma inclusion priorities, such as reducing school drop-out rates below 10% and having at least 40% of 30-34-year-olds completing third level education (or equivalent), then these funds may be used to reward countries which adopt successful programmes for Roma school inclusion and lifelong learning. Also, the report proposes that the Commission needs some resources to support directly experimentation and networking, along the lines of the innovative actions of previous programming periods, which could potentially be used for Roma projects and to support Roma policy networks.

The relevance of this Fund is for rural areas with a significant proportion of Roma households, in particular to improve accessibility and the quality of life, including housing, and to enhance economic activities such as handicrafts, small firms, or cooperatives for the provision of local services. The New Member States can benefit from this Fund and associated local initiatives.

Furthermore, several Community Programmes can be suitable instruments for building on Roma inclusion targets, such as the Public Health Programme which lasts from 2008-2013 and has a budget of €321.5m. This programme is especially relevant to the issue of improving the situation of Roma EU citizens in that it gives priority to projects which bridge health inequalities, with a particular emphasis on the New Member States; to projects which promote co-operation between health systems on cross-border issues such as patient mobility and mobility of health professionals; and to projects which exchange knowledge and best practice by bringing together expertise from different countries. The Youth in Action Programme lasts from 2007-2013 and has a budget of €885m. The main aim of the Youth in Action programme is to support experiences of European citizenship and solidarity among young people aged 13 to 30. Since the Roma population is relatively young in comparison to the EU average, this programme is highly relevant. It aims to develop young people's sense of initiative, creativeness and entrepreneurial spirit, all factors which could be harnessed to improving the living conditions and economic integration of the young Roma people throughout the EU. The Life Long Learning Programme lasts from 2007-2013 with a budget of €6,970m. It is especially relevant in the context of the low levels of education and literacy achieved by the adult Roma population, and the need for raising their educational level in order to have better prospects of finding work in the formal sector throughout the EU. The PROGRESS Programme lasts from 2007-2013 with a budget of

€743.25m. It is especially relevant for improving the situation of the Roma EU citizens as it complements the ESF in order to fight against poverty and unemployment, combat discrimination, promote gender equality, and integrate disabled people into society.

## **Policy recommendations for a European Roma Strategy**

The problems affecting Roma EU citizens in European Union countries are interrelated and multi-dimensional. Thus a future European Strategy for Roma Inclusion, emphasising the prohibition of discrimination based on ethnicity and aimed at full desegregation, needs to be based on an integrated approach in which the main policy responses are interlinked in order to ensure optimal policy effectiveness. In line with this, efforts should be made to condition access to Structural Funds and other potential funding streams upon inter-sectoral approaches.

A potential European Strategy for Roma Inclusion should encompass two strands. Firstly, Roma access to existing policy instruments should be enhanced, and further steps should be taken to overcome continuing discrimination. Secondly, new policy instruments, which are targeted but not exclusive, should be developed, addressing the specific structural and ingrained nature of Roma social exclusion. At the same time it should be recognised that the effective design, delivery and implementation of policy, whether at national, regional or local levels, needs to be supported with adequate administrative capacity and financial resources. The ten Common Basic Principles for Roma inclusion identified by the European Roma Platform should underpin a future European Strategy for Roma Inclusion. In addition the Europe 2020 Strategy provides a useful template and timeframe for the development and implementation of a parallel 2020 Strategy for Roma Inclusion.

The main policy areas concerned are:

- **Education Policy:** to ensure equal access for Roma children to high quality education, facilitating their social and cultural integration, and enabling their participation in the labour market.
- **Employment Policy:** to address the problem of access to the labour market, removing any discriminatory barriers.
- **Housing Policy:** to ensure decent living conditions and desegregation of Roma communities.
- **Health Policy:** to ensure the improved health status of Roma population especially women and children, and increasing the relatively low life expectancy of the Roma.

Employment policy can be addressed through the European Employment Strategy under the aegis of DG Employment, Social Affairs and Equal Opportunities. In addition health and housing policies can be addressed through the EU policies around social inclusion, especially through the Open Method of Coordination adopted by DG Employment, Social Affairs and Equal Opportunities. This covers a wide range of social policy areas of EU interest and competence including exchange of policy experience and policy coordination in the fields of education, health, and housing. Funding for these policy areas comes through carefully targeted and conditioned European Social Fund funding. Education policy is additionally addressed through the EU Lifelong Learning Programme and Youth in Action Programme through DG Education and Culture.

It is important to stress that all these policies are inter-linked, and mutually reinforce one another, in the case of the Roma often to produce a situation of multiple deprivation and deep social exclusion, almost unique to any social group in Europe in its depth, intensity

and complexity. The appropriate approach to address and encompass these connected problems in their entirety is through horizontal actions that can be addressed through the EU Regional Policy and Cohesion Policy instruments under the aegis of DG Regional Policy. Funding for this policy area comes through the ERDF as well as the EARDF for rural and agricultural areas. Regional policy, and policy on territorial cooperation, is an appropriate way to solve many problems of economic and social integration which can be addressed through the active participation of local communities and Roma NGOs. Regional policy brings a horizontal dimension to different issues that can promote policy linkages: local employment, access to local social services, the development of housing, access to primary and secondary education, social and cultural integration. It is through such coordinated efforts that the individual policies and actions aimed at facilitating Roma inclusion need to be framed in order to maximise the overall policy effectiveness and gains in policy coherence. At the same time the continuing weakness of administrative capacities at the local level particularly though not exclusively in the NMS, and the absence of adequate political and societal will which inevitably hamper policy effectiveness, need to be taken into account in the design and delivery of policy at the most appropriate level.

At the European level, there is much scope for improvement in the coordination of policy networks and actors, including networks such as the European Platform for Roma Inclusion, the EURoma network, and the Decade of Roma Inclusion network. Institutional coordination between such networks can facilitate and encourage learning and spill-over from one sector to another, from one policy field to another, to ensure the greater coherence of the multi-dimensional integration challenges of Roma. At the national level, the support of such networks by Member States is important, taking as an example the positive experience of the EURoma network which involves some EU Member States. Improved ministerial coordination, both horizontally and with lower administrative levels – including regional authorities and Roma representative organisations including national and international NGOs - would be highly beneficial. Further benefits would also come from closer coordination and joined-up actions with international organisations active in the fields of Roma policy and programmes: the World Bank, UNDP, and the ILO, are all actively involved in programmes of support for Roma.

European operational capacity could be improved by the upgrading of existing institutional structures such as the European Platform for Roma Inclusion or the Agency for Fundamental Rights, or alternatively through the establishment of a new coordination body with a brief to strengthen the actions and the coordination of policy networks mentioned above so as to avoid policy congestion. An Agency for Roma Inclusion at the EU level could help to improve the coordination among the European policy actors and networks focused on the Roma, minimising policy overlap and project duplication, and making more efficient use of resources. There are evidently trade-offs between working and developing existing institutions versus the more radical and potentially more effective option of developing an entirely new institutional structure.

Nonetheless, it is important that a single overarching body is responsible for implementing and monitoring the delivery of the proposed 2020 European Roma Strategy, as well as for overseeing and representing Roma interests within the EU. Thus far, both the European Agency for Fundamental Rights and the European Platform for Roma Inclusion have performed some of the required roles, and either could be upgraded to fulfil the enhanced functions outlined in this section.

Given the seriousness of the situation and depth of the social exclusion and marginalisation of the Roma population, it may be that the upgrading of these existing institutions with

additional responsibilities would be insufficient, and would not have the required concentration of effort to devote to the task. A focused and well-resourced institutional structure, specialising in Roma affairs is perhaps needed. In addition to important coordinating functions outlined above, the proposed Agency for Roma Inclusion could fulfil a number of other important roles to promote the socio-economic situation of Roma EU citizens and to facilitate and sustain the implementation of good policy practice (some of which are already carried out to differing degrees by existing institutional structures).

These include:

- Fostering the coordination of Roma integration plans among groups of Member States in areas where there are common objectives.
- Promoting OMC projects designed to promote the socio-economic situation of Roma in range of policy areas.
- Carrying out and drawing on state-of-the-art research on different aspects of the socio-economic exclusion of marginalised groups and the Roma in particular.
- Carrying out important data collection and collation functions.
- Developing a twinning mechanism to facilitate policy learning across countries, regions that have had positive experiences with countering Roma exclusion.
- Investigating the possibility for cross-border training programmes such as on the model of the Equal media training programme in Hungary.
- Organising enhanced monitoring and evaluation procedures as discussed below.
- Organising a donor conference to raise additional funds for Roma inclusion policies.
- Providing bridging funding, or loans, as well as technical-financial assistance to build the long-term domestic sustainability of successful projects

Whichever institutional arrangement is adopted, it is important that the Strategy for Roma Inclusion should be adequately funded. A dedicated budget directed towards Roma inclusion reflects an underlying recognition that, although Roma communities face many difficulties generally associated with socially vulnerable groups, there is also a particular Roma dimension related to the depth and complexity of their marginalisation and social exclusion. Furthermore, additional conditioning mechanisms, including both positive and negative sanctions (through the reduction or removal of resources), could be built into funds allocated under a separate Roma budget line, along the lines suggested in the 5<sup>th</sup> Cohesion report, which recommended funding 'bonuses' in recognition of good performance by a Member State. Enhanced monitoring and evaluation of existing instruments and measures are needed in order to evaluate policy initiatives, to learn how to build on and disseminate policy successes, how to avoid 'policy failure' and how to improve current policy practice.

It is also important that higher levels of structural funding be directed towards Roma inclusion, particularly in the New Member States, during the next programming round. Targets for Roma inclusion should be agreed for the next 2014-2020 programming period particularly in those countries with sizeable Roma populations. These should be based on the development of new indicators to measure the extent of Roma exclusion, paralleling

those developed by the Social Protection Committee for monitoring poverty in the EU, and incorporated into the EU-SILC methodology. In line with this, some form sanctioning mechanisms should be introduced if these funds remain under-utilised or directed to other objectives. Programme managers could require un-used funds to be returned, or where appropriate to be redirected to the building of institutional capacity, if it were demonstrated that this is the reason for the non-use of the funds.

## **Practical policy recommendations: education**

Many measures and instruments can be used to improve the access of Roma EU citizens to education as well as to enhance the quality of the education that they receive. In general, mainstreaming while creating provision for parallel support mechanisms would appear to be the most appropriate and effective approach to achieving these objectives. In view of the fact that education is a national-level prerogative, and thus the stretch of hard legal instruments at the EU level is limited in this area, it appears that the best way forward in education is the careful design and application of EU funding approaches and also to endorse the broader use of the Open Method of Coordination to facilitate cooperation among groups of Member States facing similar educational challenges, the exchange of best practice, effective benchmarking and targeting and peer review. In addition the objectives outlined under the Education and Training 2020 Strategic Framework, and the Commission's Youth on the Move Communication (2010) suggest that there is room for increased regional and national-level cooperation in terms of working towards key priorities and targets.

## **Improving access to education**

Education is the key to breaking the socio-economic poverty trap outlined in the introduction of this Study. It is therefore critical that Roma access to education be improved at the primary but also secondary and tertiary levels. Education policies and support mechanisms need to be put in place, taking into account the diverse nature of Roma communities within and across Member States. Meeting these aims would involve support for the following actions.

- Ensure Roma children have access to several years of pre-school education.
- Set targets in terms of percentages of the Roma community completing primary, secondary and tertiary education.
- Train and allocate mediators to liaise between families and schools.
- Eliminate barriers to school attendance by provide assistance to Roma families to enable them to cover the cost of school meals/uniforms/travel to school/books.
- Establish programmes for distance learning taking advantage of advances in learning, mobile and other information technologies.
- Assist Member States to remove legal and bureaucratic barriers to school attendance, regardless of the children's administrative status.

## **Raising the quality of education**

Improving access to education goes hand in hand with raising the quality of the education of Roma children, by finding ways to keep them in school and improving the quality of the teaching and learning. As far as possible (while recognising the very real constraints of housing and community settlement patterns) it is important to direct resources at desegregation, placing Roma children in mainstream schools and training and rewarding well qualified teachers.

- Develop strategy or existing strategies to tackle the question of desegregation.
- Ensure that Roma children in special schools are correctly assessed.
- Broaden provision of pre-school education to Roma children for up to two years.
- Ensure as far as possible that Roma children have access to mainstream schooling.
- Provide additional parallel support mechanisms including extra hours of schooling.
- Organise pre-school breakfast and after-school homework clubs.
- Train and appoint teaching assistants.
- Enhance the quality of training of school teachers.
- Provide equality and diversity management training for teachers and teaching assistants at pre-school, primary, secondary and tertiary levels of education.
- Provide additional financial incentives for teachers to take up jobs in segregated schools or schools.

## **Educating and including Roma women – the gender dimension**

Given the critical role that Roma women play in caring for and bringing up children as well as the (on the whole) strictly defined gender roles in Roma communities, the education and inclusion of Roma women in lifelong education and in supporting the education of their offspring beyond the primary level is pivotal.

- Train community workers/mediators (where possible from the Roma community) to work with Roma women.
- Establish networks for pooled childcare to enable girls and women of all ages to continue their education.
- Establish possibilities for women to attend basic literacy classes as well as vocational skills training as part of lifelong learning agenda.
- Include particularised provision under certain DG Education and Culture Programmes such as Leonardo Da Vinci or Grundtvig for the education of women.

## Developing a technology-enhanced education agenda

New technologies provide a whole area of as yet untapped resources and possibilities for educating and raising the social, cultural and even political engagement of marginalised communities of all ages -- without underestimating the real obstacles to policy measures in this area, including the lack of basic computer literacy.

- Target European Social Funding towards initiatives aimed at using new technologies to access marginalized populations.
- Develop distance e-learning programmes.

## Education and the EU Context

The Education and Training Strategy for 2020 would be a valid vehicle through which a number of these issues could be addressed as it has been designed to support the personal, social and professional fulfilment of all citizens with emphasis on economic prosperity, employability within the broader context of social cohesion, active citizenship and intercultural dialogue. Given that the strategy pursues education activities that cover learning at all levels (from early childhood to adult learning), it is relevant for the Roma, insofar as it targets the overall efficiency and quality of education.

More specifically, the low level of basic skills of Roma children, including literacy, should be positively influenced in light of the stated strategic objectives of the Strategy. Students from disadvantaged backgrounds, such as the Roma, are designated as beneficiaries of activities that aim to promote equality and social cohesion. The contents of such education should be addressed through more personalised learning at all levels of education, promoting *inter alia* respect for fundamental rights and anti-discrimination. The benchmarks that the Strategy sets include the percentage of low achievers in basic skills (by 2020 less than 15%), the percentage of early leavers from education and training (by 2020 less than 10%) and the level of early childhood education (by 2020, 95% of children between 4-6 years old should participate in early education). Later Council Conclusions in 2010 have reiterated the same priorities for EU action on the social dimension of education and training, extending the use of ESF and the ERDF in order to reduce social exclusion through education.

On the cultural level, the *Youth in Action Programme* in the period 2009-2010 that promotes *inter alia* intercultural dialogue and inclusion of young people, has prioritized access of young Roma through projects that aimed mainly at raising awareness about Roma culture.

## Practical policy recommendations: employment

The European Employment Strategy aims to increase the employment rate within the EU. Since Roma have one of the lowest employment rates this is directly relevant to them. The Employment Guidelines set out the practical aims of the EES including Guideline number 19 which sets out the concept of active inclusion policies: "Ensure inclusive labour markets, enhance work attractiveness, and make work pay for job seekers, including disadvantaged people and the inactive." This is elaborated further as requiring "active and preventive labour market measures including early identification of needs, job search assistance, guidance and training as part of personalised action plans, provision of necessary social services to support the inclusion of those furthest away from the labour market and

contribute to the eradication of poverty”, and that “special attention should be paid to promoting the inclusion of disadvantaged people, including low-skilled workers, in the labour market, including through the expansion of social services and the social economy, as well as the development of new sources of jobs in response to collective needs. Combating discrimination, promoting access to employment for disabled people and integrating immigrants and minorities are particularly essential.” (EC, 2007: 28-29).

## **Direct employment measures and temporary employment**

Discrimination in employment is a major cause of the extremely low employment rate of Roma populations in many EU Member States. Long-term unemployment and exclusion from the labour market leads to a deterioration of whatever skills Roma workers have acquired. Direct support for employment, of a temporary or longer term nature, can enable the preservation of skills and working habits, and ease the eventual return to the labour market of discouraged and marginalised Roma workers.

- Employment subsidies for employers who take on Roma jobseekers actively searching for a job, and especially for the long-term unemployed.
- Public work programmes should be financed by the national governments and organised by local governments.

## **Active labour market policies**

One of the aims of the European Employment Strategy is to increase the employability of workers. This can be achieved through vocational training, career guidance and counselling, and assistance in job search, as a preferred substitute for passive receipt of social assistance benefits by those able to work. Provision of these services to Roma people is currently obstructed by lack of an institutional and organisational framework for targeted delivery of services to Roma people. The Acceder programme in Spain is a good example of how these services can be combined in an integrated and targeted manner, sensitive to Roma needs, and creating linkages with employers to ensure effectiveness.

- Improve the quality of Employment Office services for active job search, including career guidance and counselling services, and vocational training and literacy courses for unemployed Roma people.
- Provide individual job placement services in partnership with local companies and internships in local companies, public agencies and NGOs.
- Organise the above services through specialised independent support centres, complementing the national Employment Services.

## **Self-employment and business start-up**

Facing discrimination on the labour market, members of ethnic groups may find alternative job opportunities through self-employment, developing their own small businesses, craft enterprises and cooperatives. These forms of Roma entrepreneurship should be supported and encouraged by public action through the various EU programmes dedicated to creating a competitive and innovative EU economy.

- Support for the formation of new small businesses, craft enterprises, and cooperatives through grant programmes and subsidised loans.
- Establish business incubators and Business Advisory Centres for Romani businesses with mentoring from business counsellors
- Organise training courses for Roma people to start and managing own business.
- Provide micro-credit funds for potential Romani entrepreneurs and cooperatives, ensuring that such funds are provided on an affordable basis.
- Promote the formation of Romani social enterprises to provide services with a social aim to meet Roma-specific needs.

### **Local economic development**

In many instances, the social exclusion of Roma EU citizens is expressed in the form of spatial disadvantages in segregated rural communities and urban ghettos. This territorial aspect of Roma exclusion is particularly intractable as analysed in the policy section on housing above and elsewhere in this report. The EU has a strong focus on regional development, cohesion policy, and territorial cooperation which is especially appropriate and relevant to address these issues, and which can support targeted programmes of local economic development targeted at Roma settlements and areas of concentrated housing on an area basis using ERDF funding.

- Create and implement integrated local strategies to create jobs in socially excluded Romani localities.
- Organise integrated actions for local economic development in isolated or peripheral rural areas where there are a predominant Roma population.

### **Land and agriculture**

Lack of access to land is a common obstacle to furthering Roma social inclusion. As explained in the analysis above, during the process of transition in Eastern European Member States, many Roma families were evicted from former state and cooperative farms, as well as from state housing where they had previously been living, rendering them homeless and landless. Deprived of assets and subjected to discrimination their social situation in several of these countries has subsequently deteriorated even following accession to the EU. To redress this situation, land should be provided on concessional terms for rent or purchase with support from the EARDF for rural development and formation of skills for productive rural and agricultural activity. The Hungarian 'Social Land Programme' described above is a best practice example.

- Provide small plots of land for cultivation to Romani potential farmers either on lease or as donation, together with subsidised farm inputs.
- Support the creation of Roma agricultural co-operatives and associations, and small family farms.

## **Capacity building in employment offices**

In some countries there are examples of discrimination against Roma people by local staff working in employment offices. Even where overt discrimination does not take place, a lack of awareness of the special problems and needs of Roma jobseekers can thwart efforts to include Roma people in the labour markets. To overcome these difficulties, extra efforts need to be made to build capacity in employment offices and increase awareness among front line staff of the specific needs of their Roma clients.

- Training courses should be developed for local Labour Offices staff to acquire skills for working Roma clients.
- In addition, Roma officials should be trained and appointed in regional Labour Offices in localities with high share of Roma population.

## **Gender and equal opportunity measures**

Roma women face multiple levels of social exclusion, especially in relation to health issues and child support arrangements, which hinder their participation in the labour market.

- Promote the employment of Romani women in public services and private enterprises.

## **Practical policy recommendations: housing**

The targets of fighting social exclusion, marginalisation and poverty can only be adequately tackled by using a number of different tools simultaneously. Addressing the problems of Roma housing is critical for improving the living conditions of Roma communities; it is also acutely linked to the interrelated issues of segregation in housing and education. The European Commission has identified four different categories of Roma Communities. These include: rural and urban sedentary (often segregated) communities, mobile and sedentary communities with citizenship, and mobile and sedentary Roma who are third-country nationals, refugees, stateless persons or asylum seekers. Such variations in life-style and status demand a range of housing policy responses, which are targeted at improving housing provision for settled and also potentially transient communities as well as at improving the halting sites for permanently mobile and potentially transient mobile communities.

The ERDF programme has recently recognised the need for a more sizeable share of its funding for housing to be targeted towards housing for Roma. However access to housing remains a sensitive target for local programmes. Adequate and acceptable rules for better co-existence between local communities and Roma families need to be identified and formalised, on the base of mutual consensus. Moreover local public policies should be developed in coordination with Roma representatives in a co-responsibility framework, in order to reduce potential frictions between the two communities. The implementation of the following recommendations depends on the breakdown of housing stock from country to country:

- Increase social housing provision, partially dedicated to Roma.
- Increase private housing with subsidised rental agreements.

## **Improving the provision of halting sites**

For those Roma population that still have a nomadic lifestyle, temporary halting areas could be provided, with basic facilities, whilst illegal sites – settled in the absence of minimum living conditions, should be either upgraded (with the provision of utilities) or closed down, ensuring that in their place others areas with all facilities, or alternative solutions, would be provided.

- Develop and apply standardised rules for the use of public space for halting sites, with the provision of adequate utilities.
- Address this objective within existing programmes, through the more active involvement of the local administrations.

## **Housing provision and accessing EU funding**

As of 2010 up to 2% of the total European Regional Development Fund can now be devoted to housing expenditure in favour of marginalised communities, including the Roma. This provides a potentially promising avenue for improving the housing provision of the Roma people. However, as the Commission has already acknowledged shortcomings in the administration of funds at the local level and the widespread reticence and lack of awareness of such opportunities constitute serious obstacles to the implementation of successful Roma strategies in this area. Given the critical inter-linkage between progress in desegregation in housing and education and together a fundamental driver in improving the socio-economic situation of Roma EU citizens, it is critical for the successful application and receipt of ERDF funding, it is imperative to:

- Invest in capacity building at the local level.
- Educate Roma communities about ERDF funding opportunities for housing provision, possibly through the work of mediators.

## **Practical policy recommendations: health**

In the area of health, direct health care provision or access to standard services and the improvement of sanitary conditions (clear drinking water from a flowing source, sanitation conditions, sewage in the halting sites or fixed housing) have the greatest impact on the quality of life of Roma EU citizens. Given the lower performance of Roma citizens across a range of health indicators (where data is available) compared with the majority population in the countries in which they are resident, this Study makes the following recommendations:

### **Health care provision**

- Facilitate access to standard minimum health care for Roma, with particular attention to child-care and care for women.
- Organise mobile systems for basic health care service provision in order to attend to Roma communities in their localities.
- Organise health promotion campaigns as a means of explaining the scope and the importance of such health care services to Roma people.

- Encourage the adoption of Open Method of Coordination (OMC) among Member States, focusing on health targets across a range of areas.

Improvement sanitary conditions:

- Local administrations need to address the bad living conditions in fixed housing and halting sites as they are also a primary cause also of illness.

## **The territorial dimension – horizontal measures**

The regional and local dimension responds to the complexity and inter-dependence of the factors leading to the social and economic marginalization of the Roma EU citizens. The territorial approach ensures an integrated and horizontal approach that brings together relevant policy fields in mutually reinforcing way to address the complex and multi-faceted nature of the social exclusion of the Roma. It involves directly the regional and local administrations that are better able to measure the extent of the needs and their inter-connections than is central government. Partnership between local administrations, NGOs and Roma people has provided the basis of many of the best practice examples we have identified in the analysis of member States policies towards Roma inclusion. These also accord with the common basic principles of Roma Inclusion on the inclusion of civil society, on the active participation of Roma people, and on the involvement of regional and local authorities. Several policy recommendations are made in relation to this, including the development of local plans for Roma social inclusion in “micro-regions” where there is a high spatial concentration of Roma, formulated and implemented through a partnership model involving the active participation of the Roma representatives and NGOs; the development integrated local plans which combine policies in different policy fields; and support for data collection on the status of Roma communities by local administrations to provide evidence on needs and resources for improved and integrated policy making at a local level.

## **Supporting conditions for European policy effectiveness**

The lack of reliable data and information regarding Roma population in Europe, from demographic, social, economic point of view, represents a substantial barrier for policy elaboration, programming and policy impact assessment. The need to improve the collection of data on Roma is a pre-requisite for greater policy effectiveness at all levels including at European level for acquiring an overall picture of the Roma conditions, and for the individual Member States, to improve their knowledge about the resident and the incoming Roma communities, obtaining a clearer national understanding of their real number and social status, and for a better grasp of the actual needs to be addressed by local public policy actions.

Given the relevance of the socio and cultural traditions of the Roma population and their internally diverse ethnic and identity composition in Europe, it is important to disseminate more widely information about the historical background of the Roma communities, to initiate and promote anti-discrimination campaigns and to develop cultural initiatives to improve the Roma situation and facilitate the public acceptance of cultural diversity (such as the successful Gypsy Roma Traveller History month organised in the UK). Public education campaigns are therefore a necessary component of any legal action undertaken and should target tolerance of the Roma culture and integration in both their countries of citizenship as well as their host EU countries.

Recent and short-term projected legal developments such as the accession of the EU to the European Convention on Human Rights linked to the entry into force of the Lisbon Treaty indicate the commitment of the Union towards a 'fundamental rights culture'. The EU Agency for Fundamental Rights (FRA) has already indicated, however, that rights awareness remains persistently weak, with empirical evidence that includes the Roma population of the Union. Without resources invested in awareness programmes and, just as crucially, the further enhancement of the work of equality and social rights mechanisms, even the most prominent legal provisions will not secure more efficient access to rights for Roma.

## 1. INTRODUCTION

The integration of the Roma population in the European Union is an important element of Europe's social and economic agenda, considering the high degree of social exclusion which the Roma experience throughout the EU. Numerous studies have detailed the extent of the social exclusion of the Roma, which is linked to low levels of education, high unemployment, poor health and wide-ranging discrimination. In some areas of Central and Eastern Europe the Roma unemployment rate reaches 80–90%. Mortality rates and life expectancy are significantly below the EU average. In addition they often suffer segregation in education and housing, a significant factor in their social exclusion. Roma children enrolled in segregated schools are at high risk of becoming unemployed or working in low skilled jobs in the informal sector. Roma communities in segregated neighbourhoods often have limited access to basic services (EC 2010: 229).

In the last two decades, two events have negatively affected their situation. Firstly, the dismantling of the planned economies in the 1990s had a negative impact on Roma employment and living conditions. Under the former socialist system the Roma population experienced economic and social assimilation accompanied by a mainly sedentary life style (Ringold, 2000). Economic transition in the 1990s led to a deterioration of their situation as privatisation led to a loss of both jobs and housing, accompanied by a reduction in social protection (Zoon, 2000). Consequently the Roma population in the New Members States (NMS) experienced increased levels of social exclusion as a consequence of the transition process. The programmes focused on Roma in the NMS largely instigated as the result of the exercise of EU conditionality during the accession process have not been able to adequately address basic needs for income support, job creation and adequate housing and social services access. Secondly, over the last three years, the economic crisis has further aggravated overall social and economic conditions, and has added further stress to the precarious situations of many Roma communities, in particular in the New Member States. In the Old Member States (OMS), cuts in social spending and reduced welfare expenditure have limited their capacity to provide social assistance to indigenous Roma populations as well as new arrivals from the NMS. The situation of the Roma community, whether in settled communities or recent immigrants from other EU countries, has therefore worsened further. It is in this difficult economic context that an appropriate European strategy needs to be designed in order to support the social inclusion of this marginalised population, across all the countries of the EU.

The estimated size of the Roma population in Europe is between 10 and 12 million people (Council of Europe, 2010). While this represents only 0.4% of the European population, it could be compared in size to countries such as the Czech Republic, or Hungary, or more than twice the population of Slovakia. This significant size of the Roma population further underlines why the EU needs to address this question with a view to overcoming the current fragmentation of policy actions, and ensuring a more coherent and effective strategy and improved coordination at European level and among the Member States.

The success or the failure of an integrated strategy for Roma inclusion depends not only on its conception and instruments used, but also on the institutional capacities and the legal and policy frameworks within which the policies are implemented. The following sections explore social exclusion and territorial specificities, key issues for understanding the current situation of Roma EU citizens, which should be taken into account in the development of a future European strategy for the Roma.

## 1.1. Social exclusion

This section focuses on social exclusion in the new member States and especially in Bulgaria and Romania. Despite the lack of comparative data across the 12 countries in the current study, there is clear evidence of the serious poverty with which Roma communities in Europe have to contend. Data on household expenditures in Bulgaria, Hungary and Romania, from a survey carried out in 2000 provide evidence of the extreme poverty of the Roma populations in the three countries (Ringold et al., 2005). Table 1 shows the disparity in poverty rates between Roma and non-Roma in the three countries, measured in both relative and absolute terms. The data show estimates by the World Bank for the year 2000, which indicate that relative poverty among Roma was between four and ten times higher than among the non-Roma population. Roma living in Romania and Bulgaria were at greater risk of poverty than those living in Hungary. In Romania, over two fifths of Roma were living in relative poverty. In absolute terms over four fifths of Roma in Bulgaria were living in poverty, as were two thirds in Romania and two fifths in Hungary. Five years later, after a period of sustained economic growth, poverty rates appear to have diminished. According to a survey carried out by the UNDP, absolute poverty rates fell to 12% in Bulgaria and 20% in Romania measured at \$2.15 per day; and to 46% in Bulgaria, 22% in Romania and 9% in Hungary measured at \$4.30 per day. Partly this may be due to the effects of inflation, or to differences in methodology between the two surveys which make the comparisons over time subject to an unavoidable uncertainty. However, even with this caveat, it appears that economic growth had diminished the extreme poverty experienced at the start of the decade, although it should be emphasised that even then absolute poverty levels remained excessive, especially in Bulgaria and Romania.

**Table 1: Poverty rates among Roma and Non-Roma households, 2000**

Country	50 percent of median		\$2.15 per capita		\$4.30 per capita	
	Per equivalent adult	Per capita	2000	2005 (a)	2000	2005 (a)
<b>Bulgaria</b>						
Roma	36.1	37.2	41.4	12	80.1	46
Non-Roma	3.8	3.4	4.1	..	36.8	..
<b>Hungary</b>						
Roma	24.5	26.3	6.6		40.3	9
Non-Roma	4.5	3.8	0.5		6.9	
<b>Romania</b>						
Roma	39.5	43.1	37.6	20	68.8	22
Non-Roma	10.9	7.3	7.3	..	29.5	..

*Source: World Bank (2005), p. 29. Note: (a) UNDP 2005, UNDP, Vulnerable Groups in Central and Southeast Europe (statistical profiles), <http://vulnerability.undp.sk/expenditure> based.*

The main causes of higher poverty rates among the Roma are their lower level of education and employment, and their larger family size. Even so, controlling for individual and household characteristics, per adult equivalent expenditure of Roma households is between one fifth and two fifths lower than that of non-Roma households, indicating a significant connection between poverty and Roma ethnicity due to factors such as discrimination and resulting societal marginalisation. Income disparities are persistent. In 2010, another World Bank study found that in Bulgaria, differences in education, work experience, and location explain up to four fifths of the male wage gap, and up to one third of the female wage gap

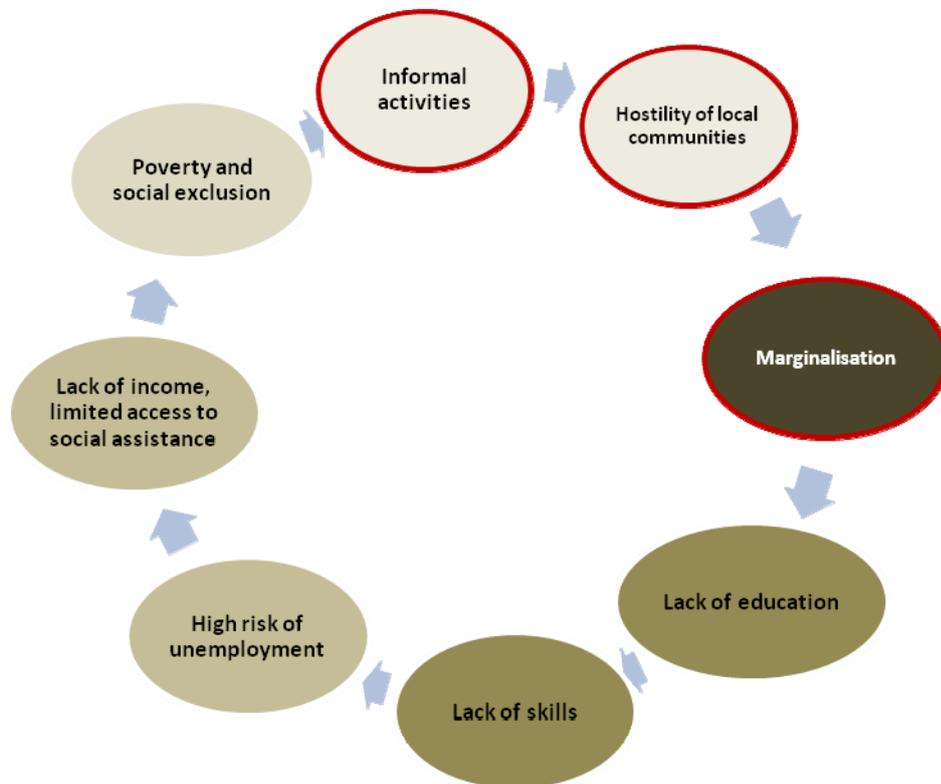
between Roma and non-Roma, while the remaining differences may be due to direct discrimination on the basis of ethnicity (World Bank 2010a).

There are also significant differences in poverty rates within the Roma population. In particular, Roma people living in isolated communities have higher poverty than those living in more integrated environments. The reasons for this difference seem to be that there are fewer employment opportunities in isolated communities, access to education and health care services is more difficult and where such services do exist the quality is lower, and there are fewer opportunities to engage in social networks and gather information about business opportunities (Ringold et al., 2005: 178).

Since the onset of the global economic crisis, the situation of the Roma in the NMS appears to have worsened again with deepening levels of poverty and social exclusion. In Bulgaria in 2010, for example, two thirds of Roma people were among the poorest fifth of Bulgarians. In Romania, in 2008, nearly two-thirds of Roma in Romania reported not being able to buy enough food compared to one-third of the majority population (World Bank 2010a: 7).

Despite this evidence of deprivation, only a minority of Roma have access to social assistance. For example, in Bulgaria only 16%, and in Romania only 12%, of working age Roma receive social assistance (World Bank 2010a: 14). A cycle of perverse causation leads to a “poverty trap” in which lack of resolution of problems at the starting stage, in one or more fields, has negative feedback on the other fields. The cumulative negative effect of these different problems provides the basis on which social deviance can emerge and further perpetuate the Roma marginalisation from their host societies.

***The “socio-economic poverty trap”***



Roma poverty is the result of many inter-related problems. As shown in the diagram, the situation is perpetuated by an inter-related chain of circular causation creating a 'poverty trap'. To make matters worse, the global economic crisis is leading to a rapid increase in unemployment, rising poverty and mounting state debt throughout most of Europe. This places additional constraints on social spending and negatively influences the welfare policies of many countries. The number of people at risk of poverty in the EU is growing, and is currently estimated to be around 84 million in the EU or 16% of the total population, and 19% of children<sup>1</sup>. Additionally 17% of the population suffer from material deprivation. In such a situation social transfers are even more essential for counteracting increasing poverty. The Roma are one of the most affected social groups, and improving their situation links directly to the European Strategy for Social Protection and Social Inclusion, and the fight against poverty that is a priority of the Europe 2020 programme. The Roma are especially heavily affected by poverty in the New Member States. While all vulnerable groups at risk of poverty come within the EU remit for lessening social exclusion, it should be stressed that the Roma are in dire need as an ethnic group throughout Europe, and while not exclusively so, should be the target of focused interventions at EU level. Nevertheless, it is important to stress the diversity among Roma. In addition to the various ethnic sub-groups, there is also a growing middle class of Roma who have managed to integrate into business and professional life. However, the majority of Roma are still trapped in a vicious circle of poverty and social exclusion.

## 1.2. Territorial specificities

The question of Roma inclusion in Europe is complex because the Roma population is not homogeneous. The 'Roma' designation encompasses many names by which different Roma communities call themselves in different countries and regions. The Roma population has diverse culture, religion and language dialects, although it is believed that they have common roots from their origins in the Indian subcontinent following an exodus which took place in the tenth century. The history of the Roma has created a mixture of traditions, beliefs and social values, resulting in differences in culture and life styles between different Roma groups. This has led to diverse degrees of integration both in the Old Member States, among which the largest Roma population is found in Spain, or in the New Member States, among which large Roma communities live in Bulgaria, Hungary, Romania, and Slovakia. In this complex historical framework, a European strategy towards the Roma needs to address a variety of problems in different contexts as well as confront differences in institutional capacity and commitment among countries. The actions to be taken at the European level to improve the situation of the Roma EU citizens should take into account the different circumstances in which the Roma population lives in Europe today. The integration of the Roma in line with EU values, laws and principles is needed to prevent ethnic tensions rising, and in order to provide better life chances and improved access to facilities and public services, ensuring a decent quality of life for the Roma EU citizens.

There are large differences between the size of the Roma populations in the twelve countries of the Study, both between and within the NMS where approximately two thirds of the Roma EU citizens reside, and the OMS where one third resides. Among the NMS, Romania has the largest Roma population with between 1.2 million and 2.5 million Roma people, followed by Bulgaria (700,000 to 800,000), Hungary (600,000-800,000), Slovakia (350,000-520,000) and the Czech Republic (150,000-300,000). Poland with between 20,000 and 60,000 has a very small Roma population. Among the OMS, Spain (with 600,000-800,000) has a relatively high Roma population similar to Hungary. Among

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<sup>1</sup> European Platform against poverty, 2010; Europe 2020.

countries with smaller Roma populations, France (300,000-340,000), the UK (300,000) and Greece (80,000-350,000) have Roma populations similar to those in Slovakia and the Czech Republic. The smallest populations are in Italy (120,000-160,000), and least in Germany (70,000-130,000), although these are still greater than the number in Poland. On this data, altogether, the number of Roma EU citizens in the twelve countries ranges from 4.5 Million to 7 million. Bulgaria, Hungary, Spain and Romania have significantly larger Roma populations than other countries, with together well over half of the total.

Considering the share of Roma in the total population, Romania, Bulgaria, Slovakia and Hungary each have a relatively high share ranging between 5.4%-10% in Bulgaria and 8.8%-11.4% in Romania. The Old Member States, being larger, have far lower shares of Roma in their total populations, ranging from 0.7%-3.2% in Greece and 0.1%-1.8% in Spain, while France, Germany, Italy and UK have smaller Roma shares of population, between 0.2% and 0.5%.

These empirical observations suggest several conclusions. Firstly, at European level, the territorial concentration of Roma population in the NMS needs to be addressed, as these are countries which have a relatively low income per capita, below 75% of the EU27 average. Consequently they require greater budget allocations within the EU Cohesion policy and other instruments within the "Convergence" Objective. The priority of the Structural Funds assigned to NMS under Objective 1 provides an opportunity to develop more focused actions in this macro-region. Secondly, the importance of the established Roma communities in the OMS requires a new effort to integrate these Roma populations into the available EU instruments, such as the "Competitiveness" Objective and partially also "Convergence" for the "Lagging behind Regions", as well as a greater national commitment in the framework of their respective national policies. Thirdly, from the Member State perspective, the greatest need, considering the relative importance of the Roma population within their respective societies (as indicated by the share of the Roma population over the total population) is within the NMS. This reinforces the need for the necessary measures to be sustained by both the Member States themselves as well as through the available tools and instruments of the EU in a coordinated effort to address one of the major social issues facing the EU today.

In the former communist countries, policies of assimilation and integration led to the settlement of the Roma populations in those countries and the decline of nomadic ways of life (Ringold, 2000). In many cases, Roma communities reside in marginalised and segregated communities. Such settlements can be found both in urban and rural areas and the distributional pattern varies between countries and regions. In countries with a large Roma population, settlements tend to be spatially concentrated. In Spain, 43% of Roma live in the region of Andalusia. In Hungary, 62% of the Roma live in three regions with low economic growth, industrial decline and unemployment: Northern-Hungary, Northern Great Plains, and Central-Hungary. In the Czech Republic, there are 310 socially segregated Roma localities in 167 municipalities. In four-fifths of these localities, the Roma population is estimated to be more than half of the total, and in more than two-fifths of them it exceeds 90%. Most socially segregated Roma localities are integrated into the surrounding built-up areas, while just under a quarter of these localities are spatially segregated. Most people in these localities are unemployed, with a low education level and very few qualifications, if any, and suffer from poor health conditions<sup>2</sup>. In Slovakia, it has been estimated that there are 1,575 marginalised Romani settlements, of which 149 are

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<sup>2</sup> National Report on Strategies for Social Protection and Social Inclusion 2008–2010: Czech Republic, Ministry of Labour and Social Affairs of the Czech Republic, 2008, p.8.

segregated settlements, often located on the edge of a town or village, without access to water and with a share of illegal housing above 20%<sup>3</sup>.

Such spatial concentrations have an important impact on Roma integration into the local labour market, on the available infrastructures, on the demand for utilities, health, education, housing, and transport. The European Commission<sup>4</sup> has stressed the need to strengthen the capacity of local administrations involving the Roma themselves; to adopt an integrated approach for better use of EU Funds, encompassing all policy areas including education, employment, public health, infrastructure, urban planning, and territorial development; and to focus on the most disadvantaged micro-regions. Local economic and social development is therefore needed to address the multi-dimensional problems of the Roma population living in specific localities to break the "poverty-trap" identified above.

The Commission has identified different types of Roma communities that are spatially concentrated including firstly, communities in disadvantaged, highly concentrated suburban districts; secondly, communities in disadvantaged parts of small cities or villages in rural regions, and in segregated and isolated rural settlements; thirdly, Roma EU citizens that commute from one country to another for work; and fourthly, Roma searching for asylum in Third countries<sup>5</sup>. These territorial aspects suggest that the regional and local level may be a suitable scale to focus integrated policies.

### **1.3. Minority status**

EU conditionality, as part of the accession process of the Central and Eastern European countries, had a significant impact on the situation of the Roma in the New members States (NMS). The stipulation of 'the respect for and protection of minorities' as per the first political Copenhagen Criterion (1993,) and the leveraging of such conditionality in the Regular Reports, including in terms of building administrative capacity shaped the development of institutional arrangements in the New Member States designed to meet conditionality in this area during their pre-accession period. Consequently, out of the six countries in this study which recognise the Roma as a distinct ethnic minority, four are New Member States (Hungary, Poland, Romania, Slovakia) while only two are Old Member States (Germany and the UK) (See Table 2). Exceptionally, in the Czech Republic, the Roma are recognised as a National Minority. Since the Roma do not have their own state, they are not usually recognised as such.

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<sup>3</sup> National Strategy Report on Social protection and Social Inclusion, Slovak Republic (2008), pp.7-8.

<sup>4</sup> European Commission (2010), The Social and Economic Integration of the Roma in Europe, COM (2010)133 final.

<sup>5</sup> Ibid.

**Table 2: Key points on legal rights of Roma as national minority**

Country	Status	Are Roma recognised as a minority?
New Member States		
Bulgaria	The Constitution makes no explicit provisions regarding either Roma or other national minorities, nor does it distinguish between citizens based on ethnic self-identity. Bulgaria has ratified the Framework Convention for the protection of National Minorities (Council of Europe) in 1999, and an Act on "Protection Against Discrimination" was passed in 2003.	No
Czech Republic	Roma are accorded all the rights which accompany national minority status. The Act on the Right of members of Ethnic Minorities (2001) distinguishes between Roma with Czech citizenship and immigrated Roma with residence permits	Yes, as national minority
Hungary	Roma are the largest of the 13 ethnic and national minorities in Hungary. The law on the Rights of National and Ethnic Minorities (Minorities Act 1993) ensures the individual and collective rights of national and ethnic minorities in terms of language use, education, and culture, including Roma.	Yes
Poland	The Roma are a recognised ethnic minority under the Constitution (1997). Article 35 ensures that ethnic minorities are able to practice their own traditions and customs, and to use their own language. The Law on National and Ethnic Minorities and Regional Language, known as the Minorities Law, adopted in January 2005, defines ethnic minorities as those minorities who do not have their own country. The law officially recognises nine National Minorities and four Ethnic Minorities.	Yes
Romania	Roma are a recognised Ethnic Minority included in the framework of national legislation on minority rights, based on the Constitution. Provisions specific to national minorities include prohibition of discrimination; the right to use maternal language in education; justice and interactions with administration; right of association and right of political representation.	Yes
Slovakia	Roma are a recognised ethnic minority group. The Act on the Application of Languages of National Minorities (1999) provides for the Roma to use their own language.	Yes
Old member States		
France	Neither the French constitution, nor the French law recognise ethnic or cultural minorities. Consequently there are no minority rights in France.	No
Germany	The protection of minorities is guaranteed by the fundamental rights enshrined in the Basic Law. Indigenous and legally resident Roma groups are a recognised National Minority under the Framework Convention for the Protection of	Yes

	National Minorities (ratified in 1997).	
Greece	Apart from the Muslim Roma of Western Thrace, the Roma are not regarded as a minority group, and there is no special minority regime defining their status and guaranteeing their rights. Instead, they are designated as a 'socially vulnerable group'	No
Italy	The Roma are not considered a national or ethnic minority, nor are Roma included among the recognised 'linguistic' minorities. Those Roma who are Italian citizens have access to all institutions and social services, while those of recent migration are covered by the laws on general immigration.	No
Spain	Roma are recognised as legal citizens in the Constitution (1978). There is no specific legal framework providing for minority status.	No
UK	Roma (since 1998) and Travellers (2000) are a recognised Ethnic Minority. The Race Relations legislation and the Equality legislation (1976, 2000, 2010) provides protection for Gypsies / Roma, Irish Travellers and Scottish Gypsy Travellers. There is also protection under the 1998 Human Rights Act, in particular sections 8 and 14.	Yes

*Source: Country Reports*

In Bulgaria, the Constitution and several legal acts prohibit discrimination based on ethnic identity in the areas of employment, social protection, media, education, and culture. However, Romani communities continue to experience difficulties in exercising their civil rights. Despite the existence of many Romani political parties and NGOs, the political representation of Roma in the Parliament, the executive and the local authorities is insufficient. An indicator for this is the inability of Romani representatives to raise a serious public debate on the problems of Roma economic and social exclusion, or to contribute to the implementation of effective programmes for solving those problems. At present the pressure for integration of the Roma in Bulgarian society comes mainly from the EU rather than from political institutions or civil organisations of Romany people.

In the Czech Republic, the Roma were accorded all the rights which accompany national minority status in 1991<sup>6</sup>. Mostly, these relate to the use of languages e.g. in schooling and in contacts with state officials. For example, where more than 10 percent of inhabitants of a municipality register as belonging to a national minority, tuition must be offered in their own language. Thus far, Roma have not made much use of these rights, preferring their children to be educated in the Czech language. Twelve officially recognised minorities (including Roma) are represented on the Government Council for National Minorities. The Constitution guarantees that members of national minorities will enjoy the same rights as all Czech citizens. After the break-up of Czechoslovakia in 1993, a new citizenship law was introduced. Many Roma who lived in the Czech Republic but whose families originally came from Slovakia were denied citizenship, and thus deprived of important civil rights. Following widespread criticism, the law was amended to grant citizenship to all who had been permanent residents of the country in 1993 (Barany 2002; Šiklová and Miklušáková 1998).

<sup>6</sup> These rights are outlined in Act No. 273/2001 Coll., on rights of members of national minorities.

In Hungary, the rights of minorities are protected by the Constitution. Article 68 declares that "the national and ethnic minorities living in the Republic of Hungary share the power of the people; they are constituent factors in the State". It ensures the collective participation of minorities in public life, and supports their cultures, use of and education in their mother tongues, use of names in mother tongues, and empowers the national and ethnic minorities to form their national and local self-governments. It protects freedom of speech and ethnic minority public media services. It establishes the institution of the Parliamentary Commissioner of Ethnic and National Minority Rights (Ombudsman). The Ombudsman of national and ethnic minorities is responsible for promoting the aims and interests of 13 national minorities in Hungary (the Roma is the largest minority group)<sup>7</sup>. Any legislation referring to the rights of ethnic minorities can only be enacted by the decision of two thirds of the Members of Parliament, which gives the protection of minority rights very high legal status. Article 70 stresses that "the Republic of Hungary shall respect the human rights and civil rights of all persons in the country without discrimination on the basis of race, colour, gender, language, religion, political or other opinion, national or social origins, financial situation, birth or on any other grounds whatsoever. The law shall provide for strict punishment of discrimination. The Republic of Hungary shall endeavour to implement equal rights for everyone through measures that create fair opportunities for all." This statement is elaborated in Act 77 of 1993 on the rights of national and ethnic minorities which secures their personal and collective rights in terms of language use, education, and culture. As to minority rights this Act provides for the preservation of their identity. 1. § (2) claims "minority is a group of people settled for more than 100 years".

In Poland, Article 35 of the Constitution guarantees Polish citizens who belong to national or ethnic minorities the right to use and develop their own language and culture. They have also the right to set up their own educational, cultural and religious institutions. The Roma are recognised as an ethnic minority under the Law on National and Ethnic Minorities and Regional Language (adopted in January 2005). The law officially recognises nine "national" and four "ethnic" minorities. (A national minority is a group of people that identify themselves with an external kin state, while an ethnic minority is a group of people who do not identify themselves with any other nation-state outside Poland.) "Ethnic" minorities are the Karaites, the Łemkos, the Roma and the Tatars. One of the most important elements in the Minorities Law is that it mandates the use of a minority language as a supplementary language in communes where at least 20% of the local population is registered as belonging to a national or an ethnic minority. However, there are no municipalities in which the Roma comprise more than 20% of the population. According to Polish electoral law minority electoral committees that participate in national elections are offered exemption to the 5% threshold for parliamentary representation. However, despite this provision the Roma are not represented in the parliament. No Roma have been elected in local elections. In Romania, the minority rights are protected by the Constitution. The Roma is one of the twenty officially recognised minorities each of which is guaranteed a seat in the national Parliament. Provisions specific to national minorities include prohibition of discrimination; the right to use maternal language in education, justice and interactions with the administration; the right of association and the right of political representation. According to the national legislation and international treaties, including the Joint Inclusion Memorandum signed by Romania in 2005, the Roma is considered to be a vulnerable group which is protected by non-discrimination legislation. In August 2000 Emergency Ordinance 137/2000 preventing and sanctioning of all forms of discrimination was adopted.<sup>8</sup> The

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<sup>7</sup> The position of Parliamentary Commissioners (Ombudsman) was established by Act 59 of 1993.

<sup>8</sup> The provisions of the law were modified by Law 48/2002, Emergency Ordinance 77/2003 and Law 27/2004.

National Council for Combating Discrimination was created to implement the provisions of the law. While Romania has an advanced legislative framework for minority rights, there are still problems related to implementation. *De facto* discrimination has been reported repeatedly by journalists and human rights activists.

The Slovak constitution<sup>9</sup> adopted in 1992 contains a number of provisions relevant to minorities. Article 7(5) of the Constitution stipulates that international treaties on human rights and fundamental freedoms which have been adopted in national law have precedence over domestic laws. Article 12 of the Constitution establishes the principle of equality of basic rights and liberties for all, regardless of "affiliation to a nation or ethnic group"<sup>10</sup>. Article 33 of the Constitution recognises the right of membership to any minority or ethnic group, and Article 34 establishes a right for the development of minority culture, to use the mother tongue, the right for education in the mother tongue, the right of association, the right to establish and maintain educational and cultural institutions, and the right to participate in the administration of public affairs related to national minorities and ethnic groups. However, the effective application of the constitution in this respect however remains limited. Article 127 of the constitution was recently amended to allow for the introduction of a constitutional complaint mechanism from persons alleging violations of individual constitutional rights or human rights resulting from an international treaty.

Neither the French constitution, nor the French law recognise ethnic minorities. Consequently there are no minority rights in France (all levels national/ regional/local included). Laws and policies are to be "universal" and not take into account particularities of minority groups. The rights of the persons are based on their nationality. Roma people who are born in France (known as 'French Gypsies') have French nationality. For some, their citizenship is subject to specific laws and conditions<sup>11</sup>. The Law of 3 January 1969 aims at itinerant Roma, although the text does not refer to them directly, but at persons travelling without accommodation or fixed residence. Most of these "persons travelling" are or regard themselves as Roma. The law aims to control the movement of travellers with no fixed residence and to give them an administrative status. The law requires itinerant persons to carry different types of "circulation documents"<sup>12</sup>, each implying different levels of police control. Also, travelling persons should have a "municipality of attachment". The number of travelling persons "attached" to a municipality cannot exceed 3% of the town's population. Such persons "attached" may only exercise their right to vote after a three year period of residence in a given municipality. Moreover, it is difficult for these persons to elect a representative to defend their interests, as they can never constitute more than 3% of enfranchised persons. This law has many negative consequences in access to social rights,

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<sup>9</sup> For an English version of the Slovak Constitution, see:

[http://www.vop.gov.sk/en/legal\\_basis/constitution.html](http://www.vop.gov.sk/en/legal_basis/constitution.html)

<sup>10</sup> Article 12(2) reads: "Basic rights and liberties on the territory of the Slovak Republic are guaranteed to everyone regardless of sex, race, colour of skin, language, creed and religion, political or other beliefs, national or social origin, affiliation to a nation or ethnic group, property, descent or another status. No one must be harmed, preferred or discriminated against on these grounds."

<sup>11</sup> Morgan Garo, "L'accès aux droits du citoyen", in Jean-Pierre Liégeois (dir.), *L'accès aux droits sociaux des populations tsiganes en France*, Rennes, Editions de l'ENSP, 2007, pp. 71-90.

<sup>12</sup> There are three kinds of documents and they depend on the economic activity, the ability to justify financial resources and if people live, or not, "in a permanent way in a car, a trailer or any other mobile shed". Persons caught without circulation documents or who fail to present them for validation may be subject to penal sanctions, including fines and imprisonment. Besides, it exists a national data base containing files of all people who are entitled to these special papers.

and has been recognised as a proof of discrimination by the High Authority for the Fight against Discrimination and the Promotion of Equality (HALDE)<sup>13</sup>.

The right to stay in France for Roma EU citizens moving from other EU countries depends on the length of the stay. Below three months<sup>14</sup>: the stay could be limited if persons infringe employment laws or if they constitute a threat to public order or are considered as "an unreasonable charge"<sup>15</sup>. Over three months: the right to stay depends on having a job and medical insurance, or being a student and having enough resources.

According to Treaty of Lisbon, EU citizens can work in another EU member country in accordance with the national law for national workers. However, with the framework of the treaty of accession of Romania and Bulgaria with the EU members' states<sup>16</sup>, a specific "transitional regime" exists for Romanian and Bulgarian citizens<sup>17</sup>. This measure infringes, for a temporary period, the right to free movement of workers. The conditions to access the labour market are consequently limited for Roma EU citizens from Bulgaria and Romania. During this transitional period, these EU citizens only have the same right to work as foreign workers from third countries<sup>18</sup>. Complex administrative steps, employer's tax, length of the enquiries usually discourage employers from hiring these persons. Bulgarian and Romanian Roma met a lot of difficulties to find a job and be able to give proof of stable resources. In general for foreigners, the legal process of "being in a regular stay" is possible after living in France for five years, or because of specific reasons, as for example, the asylum demand or, by birth or marriage.

The Roma are one of the officially recognised minorities in Germany. The Framework Convention for the Protection of National Minorities entered into force in Germany on 23 July 1997. The protection of minorities is guaranteed by the fundamental rights enshrined in the Basic Law (Grundgesetz, GG), the Constitution of the Federal Republic of Germany. The Basic Law also applies to the "Länder" and is explicitly confirmed in the respective regional constitution of some of the "Länder". Further rights for the Minority are enshrined in the Framework Convention for the Protection of National Minorities. This concerns discrimination prohibition, protection from assimilation, minority language protection, access to media and education and the promotion and preservation of the minority's cultural identity. Under the German Federal Act ratifying the Framework Convention, the Convention is regarded as a federal law which takes precedence over subordinate law, including laws of the "Länder", and is, as a matter of principle, to be applied as a more specific law overriding other federal laws. Full compliance with the Framework Convention at the national level is legally guaranteed. Germany is also among the countries which have

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<sup>13</sup> Recommendation n°2009-316 of 14 September 2009 of HALDE, about "circulation documents" and the abrogation of the law of 1969

<sup>14</sup> Directive of Council 2004-38/CE of 29 April 2004 dedicated to the circulation right of EU citizens and their families and the right to settle freely in the territory of EU states members (article 6).

<sup>15</sup> Article R. 121-3 of the Code of Admission and Residence of Foreigners and Right of Asylum in France (*Code d'entrée et de sortie des étrangers et des demandeurs d'asile*).

<sup>16</sup> Treaty between the EU member states and the Republic of Bulgaria and Romania, about the accession of the Republic of Romania and Bulgaria into the European Union, signed on 25 April 2005 in Luxembourg.

<sup>17</sup> This "transitional" period should end at least on 31 December 2013. Currently, 15 countries have stopped this step: January 2007, Finland, Sweden, Czech Republic, Cyprus, Estonia, Latvia, Lithuania, Poland, Slovenia, Slovakia; January 2009, Greece, Spain, Portugal, Hungary; May 2009, Denmark. The other countries (Belgium, Ireland, France, Italy, Luxembourg, Netherlands, Austria, Malta, and the United Kingdom) maintain transitional measures.

<sup>18</sup> Bulgarian and Romanian citizens have to ask a job authorisation and a "temporary work permit" from the French administration. Employers must pay a tax (60% of the monthly salary) to the French Office of Immigration and Integration (*Office français de l'immigration et de l'intégration*).

ratified the European Charter for Regional or Minority Languages. These two Council of Europe conventions are perceived as legal instruments that are used first and foremost to protect national minorities and their languages.

The situation of Roma EU citizens differs with regard to their legal status. They can be classified into four groups, according to their legal status:

- Roma officially recognised as members of a national minority, who have been residing in Germany for many generations and are German citizens.
- Roma migrants mainly from the former Yugoslavia who arrived as guest workers between 1968 and 1973. They have a strong residential status (*Aufenthalts- oder Niederlassungserlaubnis*) and the same rights as German citizens. Families may participate in the workforce, receive vocational training, move into rental housing, attend language and integration courses, and are guaranteed health insurance by law. This is applicable for about one third of the non-German Roma EU citizens in Germany.
- Marginalised Roma refugees who have sought asylum since the 1990s, mostly from Balkan countries, comprising about two third of the non-German Roma EU-citizens in Germany. Some have had their asylum application rejected, and are not eligible for welfare benefits; others are accepted for asylum or are refugees with a tolerance certificate (*Aufenthaltsgestattung, Duldung, Grenzübertrittsbescheinigungen*) and are subject to less favourable welfare provisions than other migrants. These Roma live under constant threat of forcible expulsion and are often assigned to homes in poor areas with limited access to public transport. They rarely receive counselling or medical treatment; are not entitled to child allowances; are not authorised to work or attend training courses; and dependent on social assistance, at about 30% below the general income support level. It is estimated that there are 23,000 tolerated Roma from Kosovo, including about 10,000 children; 3,000 – 4,000 tolerated Roma from the former Yugoslavia and other Eastern European States without valid passport documents, including about 2,000 children; and 2,929 Roma, who have applied for asylum, of which 1,737 children.
- A fourth group has emerged in the recent past as a consequence of the migration of EU-citizens from Romania, Bulgaria and Hungary. If they are able to find work they enjoy the same rights as German citizens.

With the exception of the Muslim Roma of Western Thrace, the Roma of Greece are not regarded as a minority group and there is no special minority regime defining their status and guaranteeing their rights. While they formally have access to employment, housing, education, health and welfare as other Greek citizens, in practice their social marginalisation and their high illiteracy rates, as well as discriminatory practices on the part of the authorities are factors that render basic social and welfare benefits inaccessible to most members of the Roma community. Yet, since the Greek state considers the Roma to be a 'socially vulnerable group', it has initiated a series of measures targeting their welfare. At the same time, the non-Greek Roma living in Greece, many of whom migrated from neighbouring Balkan countries, benefit from measures aiming to support immigrants, but they are not entitled to the same range of benefits that their Greek kin enjoy<sup>19</sup>.

In Italy, Article 3 of the Constitution states the equality of citizens without distinction of race. However, Roma are not considered an ethnic minority. Law n. 482 "Rules on protection of historical linguistic minorities" of 15 December 1999 recognises and protects

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<sup>19</sup> Guy 2009a.

twelve minorities taking account of four criteria: ethnic, linguistic, historical and location in a defined territory. While three of four criteria apply to the Roma, their lack of a defined territory prevented their inclusion within this law. Therefore, there is no law that recognises the Roma people as either a linguistic or ethnic minority. Apart from those who have the status of “refugees” from the Balkan wars the Roma do not have any special legal status.

### *Summary*

As the above country review suggests, differences in the legal recognition of Roma as a minority group arise from historical circumstances and the social, cultural and juridical context of the Constitutions of different countries in the EU. While having ethnic minority status might ease the introduction of minority programmes, the extent of support also depends on the resources available in each country. Among the NMS, only Bulgaria does not recognise Roma as an ethnic minority, even though it has the second largest Roma population after Romania. However this has not prevented Bulgaria from introducing focused programmes for the Roma.

Among the OMS, France, Greece, Italy and Spain do not recognise the Roma as an ethnic minority. Among these countries, only Spain has had an effective integration policy. France, with a traditional policy of assimilation into French nationality of the Roma, discriminates against travelling people and treats Roma immigrants from Bulgaria and Romania as third-country foreigners. In Italy, the non-recognition of minority ethnic status has limited the assistance which Roma receive compared to the recognised ethnic minorities in the country, although some regions have introduced local Roma programmes. Germany recognises its Roma minority, but classifies most Roma as refugees with limited rights which effectively marginalizes and inhibits their integration into society. The UK provides local sites for itinerant Roma, but otherwise has no specific policies to improve their situation.

In the next sections, we turn to the analysis of the institutional framework, policies, strategies, action plans and specific measures and instruments which have been adopted in the 12 Member States covered by this study, namely Bulgaria, the Czech Republic, France, Germany, Greece, Hungary, Italy, Poland, Romania, Slovakia, Spain and the UK. The analysis reviews institutional framework for policy design before turning to a detailed overview of what has been put in place in the policy fields of education, employment, health and housing. These are subject to a critical review and an identification of best practice examples which can be potentially scaled up for implementation within an overall European Strategy towards the improvement of the situation of the Roma EU citizens in the EU. The policy recommendations at EU level are presented in the concluding section of the report.

## **2. THE INSTITUTIONAL FRAMEWORK FOR POLICY DESIGN AT NATIONAL LEVEL**

In the twelve countries under study there is considerable diversity in the existing institutional arrangements, in the degree of policy discretion over Roma-related issues at the national and sub-national levels, and in the available administrative capacities at different levels to facilitate the design and implementation of socio-economic policy, action plans, and measures which are directly or indirectly targeted at Roma populations. This is in part related to the governance structures of the different countries discussed below, as well as to the relative size of the Roma population in the Member States. This variety expresses itself both in the relationship between centralised and more decentralised

governance structures, as well as between those countries which have overarching national horizontal coordinating institutions versus those with more fragmented institutional frameworks for Roma policy.

A brief overview of the institutional frameworks for the design and implementation of Roma policy in the Member States is provided on a case-by-case basis below. In sum, in terms of national-level arrangements, most commonly in a number of countries an inter-ministerial committee has been set up under the primary responsibility of a particular ministry or government department to advise on and/or coordinate Roma policy (the Office of Roma Community Affairs in the Office of the Government in the Czech Republic, the Inter-Ministerial Committee for the Roma in Greece chaired by the Minister of the Interior, the Council of Roma Integration chaired by the Ministry of Labour and Social Affairs in Hungary, and the Office of the Plenipotentiary for Roma Communities in Slovakia and the State Council for the Roma Community affiliated to the Ministry of Labour and Social Affairs in Spain); in other countries, a particular ministry usually the ministry of internal affairs or a ministry in the field of social policy is the point institution (Ministry of Labour and Social Protection (since 2009) in Bulgaria, and the Department of Religions and National and Ethnic Minorities under the Ministry of Interior and Administration in Poland), in others such horizontal coordinating structures for Roma policy at the national level are largely absent (FR, DE, IT and the UK). Finally in the case of Romania, though this is somewhat of an exception, a National Agency for Roma for the implementation Roma inclusion policy has been established.

State organisation (see table below) is an important conditioning factor in terms of the level of government at which policies for promoting the socio-economic situation of Roma EU citizens are designed and delivered. In terms of state organisation out of the twelve countries in the current study there is one federal state (DE), four states with three self-governing tiers (FR, IT, ES and PL) where considerable powers over various policy domains have been devolved to the regional level, six states with two self-governing tiers (CZ, EL, HU, RO, SK and UK) and one unitary state (BG). The state organisation, the degree of policy decentralisation from the national to sub-national levels together with the accompanying administrative capacities have critical implications for the effective design, implementation, monitoring and evaluation of Roma policy.

The EU plays a significant role in the development of national policies in the field of employment and social inclusion and in promoting regional development and cohesion. Within the terms of the Lisbon Strategy, countries report bi-annually on progress in implementing the Lisbon Guidelines. Such reporting and monitoring will be enhanced within the framework of the new Europe 2020 programme. The latest implementation reports (reports on National Reform Programmes) in the twelve countries of the study have been reviewed for their assessment of Roma policies. Unfortunately only three of them make any assessment of Roma policies within the country implementation of the Lisbon Strategies (CZ, EL, HU). Increasing awareness of the Roma issue at the highest level of government should therefore be a fundamental objective of the proposed European Strategy towards the Roma.

## **2.1. Multi-level governance arrangements**

In terms of the devolution of policy responsibilities to regional and local levels, in some Member States sub-national levels of government are directly involved in the implementation of national policies (Coordinators of Roma Affairs have been established in each of the 14 regions in the Czech Republic, Roma-related policies are articulated at the

national, regional and provincial level in Italy, Spain's 17 Autonomous Communities have considerable powers in the area of social policy whereas in the UK the devolved regions of Wales, Scotland and Northern Ireland have differing institutional set-ups and remits for Roma policy issues); in the case of Germany, a federal state, the Länder enjoy exclusive competences in a number of policy areas including education and culture, conversely in other countries Roma policy design and implementation remains overwhelmingly a national-level concern (BG). This diverse set of institutional arrangements has implications for the effective design, delivery, monitoring and evaluation of policy. This will be discussed further in the analysis of the different policy sectors in Chapter 2.

**Table 3: State organisation of the 12 countries of the Study**

<b>Country</b>	<b>State Organisation</b>
<b>Bulgaria</b>	Unitary state with 260 small local government units.
<b>Czech Republic</b>	Two-tier governance structure (14 regions and the City of Prague plus 6250 municipalities).
<b>France</b>	Three-tier governance structures -- with decentralised regional and department levels enjoying significant powers. 26 regions (including 4 overseas), 100 departments and 36 782 communes. Regions do not have hierarchical power over departments and communes.
<b>Germany</b>	Federation – with exclusive policy competences in a number of policy areas (16 länder, 323 kreise and 14 808 municipalities). The Länder have constitution, directly elected parliament, government elected from parliament and judicial apparatus.
<b>Greece</b>	Two-tier governance structure (54 prefectures and 1033 municipalities).
<b>Hungary</b>	Two-tier governance structure (19 counties and 3152 municipalities) – moves towards establishing regional layer
<b>Italy</b>	Three-tier governance structure (20 regions inc. 5 with special status, 103 provinces and 8100 municipalities) with decentralised level with significant powers.
<b>Poland</b>	Three-tier governance structure (16 voivods/regions, 373 powiats/districts and 2489 municipalities).
<b>Romania</b>	Two-tier governance structure (42 districts or counties and 2948 municipalities and towns)
<b>Slovakia</b>	Two-tier governance structure (8 regions and 2891 municipalities)
<b>Spain</b>	Three-tier governance structure (17 Autonomous communities, 50 regions, 8109 municipalities). Decentralised regional level enjoys significant powers in field of social policy.  Each AC as a statute of autonomy, regional parliament and regional executive. Certain regions – Catalonia, Basque Country, Galicia – have greater autonomy plus significant financial resources. In hierarchical relationship to provinces and municipalities.
<b>UK</b>	Two-tier governance structure but differing degrees of decentralisation depending on countries of UK.

The Czech Republic, Hungary and Romania have instituted specific arrangements for the delivery of Roma policy at local level and for the participation of the Roma community in the determination of local policies through local democratic processes.

The administrative system of the Czech Republic was reformed in 2001, when a new level of self-government was introduced in the form of 14 Higher Self-Governing Units (regions). A Coordinator of Roma Advisors at Higher Self-Governing Units (better known as Romani Coordinators) was appointed to each of the 14 regions (Act 129/2000 on the Regions – Regional establishment). Their role is to advise the Council for Romani Affairs and also to coordinate the activities of Romani Advisors who are employed by municipalities. In January 2008 Government Resolution 2008/85 established the Agency for Social Inclusion in Romany Localities. Its aims were to develop or enhance local partnerships between NGOs, local authorities and Romani communities and also to conduct research to learn more about the exact needs of Romani communities. Its main role is to coordinate and monitor the activities of NGOs and local government, to build partnerships and offer guidance and advice on policy development (Agency 2010a). It has established pilot projects in 23 locations.

According to the Hungarian Constitution, Roma are enabled to form their own minority local self-governments in order to promote their identity, culture, traditions and welfare. Act 77 of 1993 provided for minorities to form their own self-governments at local level via minority elections. In 2006 there were 728 Roma self-governments, with 5,845 elected representatives. They have consultative rights, and are eligible to normative support as well as to support of specific projects on a competitive basis, and authority over some budget and projects. Their access to donor funds (e.g. Soros Foundation) widens their sphere of action. The effectiveness of the Roma self-governments varies. There are examples of positive contributions to the implementation of national initiatives, such as in de-segregating schools and improved housing conditions. Several Roma self-governments have been successful in obtaining financial and material assistance for poor Roma families, but mostly their activities are restricted to a narrow range of action (Kállai, 2005). The support provided by the central government is insufficient for their maintenance, and they depend on finance provided by the local government of their community. The local governments themselves are under-resourced, and therefore their contribution is uncertain. External aid is difficult to attain unless they have personal contact to a donor (Molnár, 2004). The National Roma Self Government is the association and advocate of local Roma self-governments promoting national level Roma institutions (cultural, sports, youth).

In Romania, organisations of national minorities are entitled to participate in elections. If they pass the 5% threshold, they receive a number of seats proportional to the number of votes received. If not, the best placed organisation of each minority receives one seat. At each round of national elections so far, two or three Roma organisations have participated but they have never passed the threshold. The same organisations can participate in the local elections. Some Roma Local Councillors have been elected, representing Roma organisations or mainstream parties, as well as some Roma Mayors. But Roma representation at local level is still well below the proportion of Roma persons in the total population. On average, less than 0.5% of the elected officials are Roma.

In Germany, Länder with a significant Roma population try to enhance the living conditions of the local Roma community and support their participation in the society. Aligned with the federal structure of the state, German communities try to solve existing problems of the Roma at the local level through small, practical programmes and projects in the fields of education, qualification, counselling and housing. The German Roma strategy, therefore,

largely depends on the commitment and the motivation of the local Roma-organisations to launch programs, to raise funding, to cooperate with the local agencies, and to involve the civil society. At a local level, NGOs, Roma-organisations and institutions collaborate actively with relevant state or regional agencies and organisations, including civil society and local administrations. Many of these collaborations are successful. Nevertheless, certain mismatches between the targets of the different stakeholders can be observed. This is especially true for refugee projects: some stakeholders want to educate Roma-refugees for their successful reintegration in their home society, while participants might want to acquire enough skills to successfully integrate into German society. The local Roma programmes are very problem orientated, although some of them lack financial means, consistency and professionalism. Grassroots projects try to solve problems in their regions and therefore receive funding from the Land agencies. Some Länder seem to be more aware than others of the urgency of the problem as they endorse Roma projects. Länder such as Schleswig-Holstein, Lower Saxony, Rhineland-Palatinate and North Rhine-Westphalia support a significant number of Roma-initiatives.

Italy has a decentralised governance system which transfers competences from the centre to the Regions. Policies put in place at national level are implemented by Regions which elaborate their own regional laws and programmes. Municipalities and Provinces may implement local programmes that address the issue of Roma integration. Representatives of Roma communities are involved in decision making at regional and local level. The Regions have responsibility for the location rights for Roma camps. Ten out of twenty Regions (Emilia-Romagna, Friuli-Venezia Giulia, Lazio, Liguria, Lombardy, Marche, Piedmont, Sardinia, Tuscany, Umbria and Veneto) plus the autonomous Province of Trento, all have specific laws<sup>20</sup> providing for the protection of itinerant Roma and their cultures, covering the right to itinerant lifestyles, and ensuring identified sites for the establishment of Roma community camps.

## 2.2. National institutional and policy frameworks

The NMS have introduced extensive institutional and policy frameworks for Roma inclusion. These have been inspired partly by the Decade of Roma Inclusion initiative of the World Bank and partly by the conditionality associated with the EU pre-accession process.<sup>21</sup> Even before accession, the NMS received substantial funding for promoting Roma projects through the PHARE programme, amounting to €20m between 1993 and 2001 (Ringold et al., 2005: 181). Following accession, the NMS gained access to the Structural and Cohesion Funds. While Roma are not explicitly mentioned in programming criteria for these funds, Roma communities receive resources through the instruments to support social inclusion and local development objectives. Structural Funds are targeted to underdeveloped regions and include objectives such as combating inequalities and discrimination in the labour market and rural development through local initiatives. The Decade for Roma Inclusion initiative also gave an impetus to the preparation of policies geared towards Roma issues. Most NMS now have a clearly identifiable strategic document dealing with Roma inclusion, and in most cases there is an associated Action Plan which identifies specific measures and

<sup>20</sup> Regione Emilia Romagna/ LR n. 47/88 'Norme per le minoranze nomadi in Emilia Romagna', BUR n. 101 (25.11.1988); Regione Lazio/ LR n.82/85, 'Norme a favore dei Rom', BUR n.16, del 10 giugno 1985; Regione Veneto/ L R n. 54/89, 'Interventi a tutela della cultura dei rom e dei sinti', BUR n. 70/1989 (22.12.1989); Regione Umbria/ LR n. 32/90, 'Misure per favorire l'inserimento dei nomadi nella società e per la tutela della loro identità e del loro patrimonio culturale', BUR n. 19 (02.05.1990); Regione Friuli Venezia Giulia/ L R n. 11/88, 'Norme a tutela della cultura rom nell'ambito del territorio della Regione Autonoma Friuli Venezia Giulia', BUR n.34 (15.04.1988).

<sup>21</sup> For further details, see <http://www.romadecade.org/> (accessed December 17, 2010).

instruments in the areas of education, employment, health, and housing. However, these strategies and action plans suffer from weak financial resources and weaknesses in the processes of implementation, monitoring and evaluation. The European Structural Funds have been important in these countries in financing numerous projects which have the Roma as one of, or the only, target group. However, the projects are short term and lack an integrated focus.

In contrast, most of the OMS have no, or a very poorly developed, strategic and policy framework towards Roma inclusion, with the exception of Greece and Spain. In Germany, Italy and the UK there are some measures and instruments developed at regional or local level, usually focusing on just one or more policy areas, and usually delivered through uncoordinated and discrete projects with variable funding. Greece and Spain, both newer MS with sizeable Roma populations, have more comprehensive institutional and policy arrangements. The strategic orientation towards Roma inclusion in France is extremely limited, with a focus on the control of the movement of the travelling people, and in the case of immigrant Roma from Bulgaria and Romania the policies under the transitional regime are purposefully discriminatory in regard to access to employment.

### 2.2.1. New Member States

#### 2.2.1.1. Bulgaria

Institutional and policy framework	
Supervising organisation	Council of Ministers
Implementing agency	Depends on policy field
Organisation responsible for policy related to Roma	National Council for Cooperation on Ethnic and Democratic Issues within the Council of Ministers
Main strategic document	Framework Programme for Integration of Roma in the Bulgarian Society for the period 2010-2020
Action plan	National Action Plan (NAP) on the initiative "Roma Inclusion Decade 2005-2015"
Main measures and instruments	Operational Programme Human Resources Development National Network of Health Mediators Operational Programme Regional Development
Monitoring and evaluation	National Council for Cooperation on Ethnic and Democratic Issues within the Council of Ministers
Inter-institutional coordination	Ministry of Labour and Social Policy (MLSP)

The "Framework Programme for Equal Integration of Roma in the Bulgarian Society" was adopted in 1999. It sets out policy on protection against discrimination on the basis of ethnicity. The subsequent "Framework Programme for Integration of Roma in Bulgarian Society for the period 2010-2020" was adopted in May 2010. It states that the national strategies, action plans and measures are based on the principles of inter-institutional coordination and improving the coordination with civil society organisations through the National Council for Cooperation on Ethnic and Demographic Issues (NCCEDI)<sup>22</sup>, the Council for Roma Integration in Bulgarian Society (CRIBS)<sup>23</sup>, and through advisory structures within line ministries, district government and local authorities, and with the participation of civil society.

<sup>22</sup> This institution is based within the Council of Ministers.

<sup>23</sup> This institution is based within the Ministry of Labour and Social Policy.

The strategic aims are to be achieved by ensuring equality of access for Roma to education, employment, housing, health, social services, and culture; participation of Roma in economic and political life, executive power and civil society; overcoming negative stereotypes and prejudices, and affirming positive public attitudes towards the Roma community. It is implemented through the National Action Plan (NAP) of the initiative "Roma Inclusion Decade 2005-2015" which integrates the sectoral strategic and operational documents in the area of Roma integration as follows:

- Strategy for Educational Integration of Children and Pupils from Ethnic Minorities (adopted 2004, updated 2010).
- Health Strategy for Disadvantaged Persons Belonging to Ethnic Minorities (adopted 2005).
- National Programme for Improvement of Roma Housing Conditions for the period 2005-2015 (adopted 2006).
- National Programmes included in the National Employment Strategy for the period 2008-2015.
- Employment National Action Plan (adopted annually).

The National Action Plan<sup>24</sup> for 2008-2010 puts additional focus on:

- Effective application of anti-discrimination legislation and prevention and elimination of all forms of discrimination.
- Provision of specific integrated services in vulnerable ethnic communities in order to improve their labour, family and public life.
- Acceleration and deepening of the process of educational integration of the Roma children.
- Development of special package of measures for women and girls from certain ethnic communities who did not have the chance to complete their education or are at risk of dropping out.
- Practical implementation of the established measures for improvement of the housing conditions of the Roma.

The Operational Programme "Regional Development" 2007-2013 also takes into account the needs of disadvantaged groups. The measures include promoting initiatives targeted towards the social, educational and health problems of the Roma and measures for preservation of the Roma cultural identity (Roma cultural centres)<sup>25</sup>.

#### 2.2.1.2. Czech Republic

Institutional and policy framework	
Supervising organisation	Government of the Czech Republic
Implementing agency	Ministries, Regional and Municipal authorities
Organisation responsible for policy related to Roma	Government Council for Romani Minority Affairs
Main strategic document	Concept for Romani Integration (MHR 2009)
Action plan	Decade of Roma Inclusion 2005 - 2015 National Action Plan; National Action Plan for Social Inclusion, 2006-2008

<sup>24</sup> National Report on Strategies for Social Protection and Social Inclusion 2008-2010, p. 29.

<sup>25</sup> Ibid, p. 36.

Main measures and instruments	Concept for Romani Integration (MHR 2009)
Monitoring and evaluation	Government Council for Romani Minority Affairs
Inter-institutional coordination	Government Council for Romani Minority Affairs

Several government resolutions specifically address the integration of Romani communities. Following the Bratinka Report of 1997, an Inter-departmental Commission for Romani Community Affairs was established in September 1997, becoming a permanent advisory body known as the Government Council for Romani Community Affairs in 2001. This was further reformed in March 2010, and given the new title of Government Council for Romani Minority Affairs. It monitors the situation of Roma, and produces annual reports but has no authority to enforce decisions. The Council has 30 members of which at least half must be Roma. The Chair of the Council is the Prime Minister, while members of the Council include various line ministries.

The key strategy document is the *Concept on Romani Integration*, approved by parliament in 2000 (Government of the Czech Republic, 2000). It aims at the full integration of Romani communities by 2020. The strategy requires the inclusion of Roma as partners in the policy process. Its most recent update (2010-2013), produced by the Council for Romani Affairs, covers Romani culture and language, education, employment, debt, housing, social protection, health, security, criminality and high risk behaviour (MHR 2009). It includes chapters with specific aims and actions plans for each policy area. However it also provides a list of more general action points including creating a more tolerant society; removing discrimination; improving educational qualifications and employability skills; reducing unemployment; improving housing; improving healthcare; supporting the development of Romani culture and language; ensuring the security of Roma. The *Concept* is further supported by a range of Strategies and Action Plans relevant to Romani integration. These include:

- National Programme of Reforms 2008- 2010 (MFCR 2008).
- Concept of Early Childhood Education and Care for Children from Socio-culturally Disadvantaged Environments (MEYS 2008).
- Concept on the State Approach to Resolving the Problems of Deprived Parts of Cities which are Predominantly Inhabited by Romani Citizens (MLD 2008).
- National Report on Strategies for Social Protection and Social Inclusion Czech Republic 2008-2010 (MLSA 2008).
- Action Plan for the Realisation of the Concept of Early Childhood Education and Care (MEYS 2009a).
- National Action Plan for Inclusive Education (MEYS 2010).
- National Action Plan to Transform and Unify the System of Care for Children at Risk 2009-2011(MLSA 2009).

In addition, the "Programme Focused on Preventing Social Exclusion in Roma Communities and Removing its Effects" is targeted at municipalities where there are segregated Roma communities by providing social work services. However, according to the government evaluation, these interventions are not markedly successful, especially in regard to employment and housing. Furthermore, the evaluation showed that municipalities have a little awareness of the benefits of social field work as a tool in the prevention of social exclusion<sup>26</sup>.

<sup>26</sup> National Report on Strategies for Social Protection and Social Inclusion 2008–2010: Czech Republic" Ministry of Labour and Social Affairs of the Czech Republic, 2008, p.17.

An Agency for the Removal of Social Exclusion in Roma Localities was founded in 2007, financed from the European Social Fund. Its objective is to carry out capacity building in municipalities to improve the implementation of projects for social integration in segregated Roma communities over the period 2007-2013. So far, the Agency has implemented a pilot programme under the National Action Plan for Social Inclusion 2006-08 in twelve municipalities supporting employment and education and improving the quality of housing in segregated communities<sup>27</sup>.

### 2.2.1.3. Hungary

Institutional and policy framework	
Supervising organisation	Ministry of Public Administration
Implementing agency for Roma integration policy	Secretariat for Social Convergence
Organisation responsible for policies related to Roma	Department for Minority Relations
Main strategic document	Strategic Plan for the Decade of Roma Inclusion; New Hungary Development Plan
Action plan	Government Action Plan for 2008-2009 (for Roma inclusion)
Main measures and instruments	Social Infrastructure Operational Programme Social Renewal Operational Programme Operational Programmes of the 7 Regions
Monitoring and evaluation	Commissioner for the protection of rights of national and ethnic minorities
Inter-institutional coordination	National Authority for Equal Opportunities

In addition to the Constitutional prohibition on discrimination and protection of minorities, Act 125 of 2003 on equal opportunities protects equal rights and prohibits discrimination. Several national plans, decisions and programmes provide for Roma welfare and with reducing Roma poverty. Relevant government resolutions include the following:

- (i) "On the most urgent tasks for dealing with the situation of Roma population" (No. 1125 of 1995);
- (ii) "On medium term measures for the improvement of living of the Roma population" (No. 1093 of 1997);
- (iii) "On the improvement of living of the Roma people" (No. 1107 of 1997); (iv) "on the improvement of living conditions and social state of the Roma people" (No. 1047 of 1999); (v) "On the financial instruments and monitoring of the implementation of the resolution above" (No. 1051 of 2002); and
- (vi) "On inter-ministerial cooperation for the improvement of living of the Roma population" (No. 1186 of 2002).

Since 2007, the "New Hungary Development Plan for 2007 – 2015" has been the umbrella for most government funded actions and measures. Within the operational programmes of this plan, the bi-annual "Government Action Plan for 2008-2009" (for Roma inclusion) is based on the framework of the "Decade of the Roma Inclusion Program Strategic Plan"<sup>28</sup>.

<sup>27</sup> Ibid, pp. 17, 25.

<sup>28</sup> [Decision of the Government No. 1105/2007 1105/2007. \(XII.27.\) on the Government Action Plan for 2008–2009 related to the Decade of Roma Inclusion Program Strategic Plan](#)

The aim is to integrate of the most deprived social groups, of which the Roma form a large share.

The Council for Roma Integration, comprising representatives from ministries and Roma organisations, cooperates with the government to design the Action Plan, the first of which was elaborated for 2008-09. The Action Plan sets out the detailed measures for Roma integration in five target areas of education, employment, housing, equal treatment, culture media and sports, as well as time frames and monitoring indicators. The main objectives are the elimination of segregation in schools, raising the educational level of Roma children, integrating Roma in the labour market, improving Roma access to health services, reducing discrimination and enhancing equal opportunities. Horizontal measures include support for advocacy organisations; disseminating knowledge about Roma culture and traditions; establishing Romani cultural institutions; information on Roma in the media; access to information technology; and the participation of Roma children and youth in sports. Target numbers are given for projects to be carried out within the budget of the National Development Plan. The target groups are those who live in deprived areas or suffer social deprivation (such as long-term unemployment or a low educational level). The measures identified in the Action Plan are the responsibility of the relevant Ministries, each of which has a Department for Roma Integration employing Romani civil servants. Parliamentary Resolution 68/2007 sets out two dates, 2011 and 2015, for the government to report to the Parliament on the progress of the Action Plan. Ministers concerned are to submit a report on progress and cooperation with the representatives of the target groups of each action every six months to the Council for Roma Integration. The projects for each measure are financed within the framework of the New Hungary Development Plan, the Operational Programmes for Economic Development, Social Renewal, and Social Infrastructure and the Operational Programmes of the Regions<sup>29</sup>.

Various other institutions are involved in promoting Roma inclusion. An increasingly important role is performed by the Commissioner for the Protection of Rights of National and Ethnic Minorities (the Ombudsman) who is responsible for promoting the rights of minorities. The Authority on Equal Treatment, established in 2003, is responsible for securing equal rights for all with special regard to the minorities and the vulnerable groups. Roma NGOs are increasingly active, some of which are highly effective. ROMANET is a cross-border network of Roma civil organisations in North Hungary and Slovakia for exchange of experience, information on training possibilities, and tenders. The Roma Anti-discrimination Customer Service provides legal aid. The Phralipe Independent Roma Organisation provides advocacy and self-help functions through a national network. The Roma Parliament Hungary is the umbrella organisation of Hungarian Roma civil groups.

The government report on the implementation of the National Action Plan for Social Inclusion, within which Roma integration policies were streamlined, conceded that policy towards the Roma has not been very effective, and promised further efforts to develop an integrated policy for Roma inclusion making use of EU funding instruments:

“As the isolated programmes of the past years focusing on solving a particular problem did not deliver result, the Government initiated a comprehensive programme providing simultaneous, multiple assistance to fight the disadvantages of the Roma population. The EU funds, in particular the integrated development

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<sup>29</sup> An exception is the free catering of schoolchildren receiving child protection allowance which is financed from the central government budget.

programmes focusing on the most disadvantaged micro regions play a key role in the implementation<sup>30</sup>.

The situation of Roma in disadvantaged microregions is addressed by a special programme for 'closing-up' for 33 of these regions called the 'New Hungary Closing Up Programme' which covers the period 2008-2013. In addition, all other disadvantaged micro-regions are also given preference in the various regional development programmes and programmes based on EU funds<sup>31</sup>.

#### 2.2.1.4. Poland

Institutional and policy framework	
Supervising organisation for policies on Roma	Ministry of Interior and Administration Ministry of National Education
Implementing agency for policies on Roma	Unit for Ethnic and National Minorities at the Department for Denominations and National and Ethnic Minorities of the Ministry of Interior and Administration Implementing authority for European Programmes
Organisation responsible for policy related to Roma	Ministry of Interior and Administration Ministry of National Education
Main strategic document	Programme for the Roma Community in Poland (2004-2013)
Action plan	Programme for the Roma Community in Poland (2004-2013)
Main measures and instruments	Subsidies for Roma projects from the state budget, and matching funding from the Voivodships Roma Component of the ESF
Monitoring and evaluation	Joint Committee of the Government and Ethnic and National Minorities The Commissioner for Civil Rights Protection Implementing authority for European Programmes
Inter-institutional coordination	Ministry of Interior and Administration Joint Committee of the Government and Ethnic National Minorities

The Programme for the Roma Community in Poland (2004-2013) is a targeted subsidy programme which offers funding to projects that respond to a call for proposals. Its objectives are to improve the social and living conditions of the Roma and reduce unemployment; promote Roma identity among Roma communities, and preserve Roma culture and traditions; and disseminate knowledge about the Roma among the wider population. The Programme is coordinated by the Departments of the Minister of Education and the Minister of Interior and Administration. Its main focus is on education, employment, housing and health. Coordination of the different policy areas is organised through the Joint Committee of the Government and Ethnic and National Minorities and the Team for Roma Issues. NGOs, civic organisations, local government institutions, schools, and churches can apply for funding from the state budget in order to support activities and initiatives that fit within the framework of this Programme. Although it has no specific benchmarks, monitoring and evaluation takes place annually. However, the Programme lacks specific targets formulated for the separate policy areas (such as the number of Roma assistants that are needed or targets for increasing Roma employment).

<sup>30</sup> See "Report on the Implementation of the National Action Programme 2008-2010 Hungary", p.66.

<sup>31</sup> Ibid., p. 16.

The Programme is financed from a state budget reserve fund, and additional funding is provided by the Ministry of Interior and Administration (about PLN 300,000 per year) and the Ministry of National Education (about PLN 700,000 per year). Matching funding is sometimes given from regional and local governments. In order to increase funding for the Programme the government allocates funds from the European Social Fund (ESF) for projects that fit within the Roma Programme. This "Roma Component" is part of Priority I (Employment and Social Integration) of the Operational Programme Human Capital. For the period of 2007-2013 a budget is made available of PLN 12m (about €3m) per year, the rest provided by the ESF. The "Roma Component" aims to strengthen the impact of the Roma Programme. Implementation is decentralized to regional (Voivodship) self-governments. Independent regional institutions, such as regional employment offices, are responsible for the approval, monitoring and evaluation of projects. In addition, several projects have been supported by the European Regional Development Fund (ERDF) in regions where Roma are present. However, these projects do not contain any initiatives that are targeted exclusively at the Roma. This does not preclude, however, that, at least indirectly, Roma can benefit from these programmes.

Consultation has taken place in the Joint Committee of the Government and Ethnic and National Minorities, composed of representatives of relevant ministries and minorities. Its issues opinions on the rights and needs of minorities, on programmes and draft laws in the field, on the principles of allocation and levels of resources from the state budget directed to preserving the cultural identity of minorities, and takes action to combat discrimination and foster integration. The Roma are represented by two appointed members from the two largest Roma groups. A Team for Roma Issues with a consultative and advisory status was established in 2008, comprising government representatives and about 20 members of Roma NGOs. It monitors the implementation of projects within the framework of the Roma Programme and the ESF Roma Component.

#### 2.2.1.5. Romania

Institutional and policy framework	
Supervising organisation for policies on Roma	Ministry of Labour and Social Protection
Implementing agency for policies on Roma	Commission for Social Inclusion
Organisation responsible for policy related to Roma	National Agency for Roma
Main strategic document	Governmental Strategy for Improving the Situation of the Roma (2001-2010)
Action plan	Action Plan of the Strategy for Improving the Situation of the Roma
Main measures and instruments	Master Plan of Measures for the period 2006-2008; County Action Plans for Roma
Monitoring and evaluation	
Inter-institutional coordination	Working Group for Public Policies for Roma; County Mixed Working Groups

Roma citizens have the same rights as all other citizens, which mean that they have access to the entire legal framework for social protection, health, welfare and education. There are no legal obstacles for Roma to gain property on houses and land, and their property is protected by the Constitution. Key policy documents include the National Strategic Report

on Social Protection and Inclusion (2008–2010); the Strategy of the Government of Romania for Improving the Condition of the Roma; the Decade of Roma Inclusion; the Joint Inclusion Memorandum and the document “Accelerating the Implementation of the Strategy of the Government of Romania for Improving the Condition of the Roma”. The main bodies involved in designing policy are the Ministry of Labour and Social Protection, National Agency for Roma, Commission for Social Inclusion (NCSI), and County Commissions for Social Inclusion.

The National Strategic Report on Social Protection and Inclusion (2008–2010), continues the Joint Inclusion Memorandum. It sets out the central objective of the Romanian Government, regarding social inclusion, and refers to the efforts to develop an inclusive society based on integrated social services based on assessment of the individual needs, ensuring equal opportunities for all, with a special emphasis on vulnerable groups. The report presents the main challenges for the following reporting period, namely 2008-2010, and establishes one objective for Roma as Priority Objective no. 3 - the continuation of efforts to improve the quality of life for Roma citizens.

The “Strategy of the Government of Romania for Improving the Condition of the Roma” was adopted by the Government in 2001 and updated in 2006 (Government Decision no 522/2006 – updated document for the Government Decision 430/2001). The Strategy highlights the need to establish measures to improve the situation of the Roma, to support the formation of a Roma elite, to determine a positive change in perceptions of the Roma among civil servants and the public at large, to stimulate Roma participation in society, and to ensure equal opportunities for the Roma. The Strategy sets out an Action Plan to be implemented within relevant sectors. It contains a master plan of measures, and identifies the structures needed to ensure the organisation and coordination of the activities. However, an evaluation of the Strategy carried out in 2005 found several problems in implementation (Nita 2009: 18). While the Strategy is directed at Roma, Ministries and local authorities adopt an inclusive approach, failing to adequately target the Roma; there is a lack of adequate funding amounting to only one tenth of the amount envisaged, as well as a lack of local initiatives to fund; and there is a lack of implementation and coordination capacity which has resulted in an inability to identify problems and solutions.

The main aim is to achieve a significant improvement of the condition of Roma, through promotion of social inclusion measures. Its objectives are furthermore to:

- Institutionalize national objectives concerning the Roma and allocate responsibilities to central and local authorities.
- Support the formation of a Roma elite to facilitate social integration.
- Remove the stereotypes, prejudices and practices of civil servants.
- Encourage a positive change in public opinion concerning the Roma.
- Stimulate Roma participation in economic, social, educational, cultural and political life.
- Prevent discrimination against Roma in access to services.
- Ensure equal opportunities for Roma.

County strategies are set out in a Master Plan of Measures for the period 2006-2008 covering the six areas of intervention; and in County Action Plans for Roma developed for the period 2006-2008, covering the strategy areas of intervention. Funding for activities under Master Plan of Measures for 2006-2008 are provided by the state budget, pre-accession funds and other European Union funds, as well as attracting other internal and external resources. The Working Group for Public Policies for Roma is the main coordination

body for the implementation of the Strategy, consisting of representatives of the ministries involved in the areas of intervention. The County Mixed Working Groups are the coordination structures at local level, consisting of public institutions and NGO representatives.

A EU PHARE programme supported the Strategy through a project on "Accelerating the Implementation of the Strategy of the Government of Romania for Improving the Condition of the Roma" (Phare 2004-2006). The aims were to consolidate the institutional framework at all levels and support the implementation of specific measures for the improvement of the situation of the Roma at the community level. The main measures were to strengthen capacity and build partnerships, and to improve access to education for disadvantaged groups. The 2004 programme assisted preparation for a Grants Scheme in 2005 to address the issue of ID and property documents for Roma, while another Grants Scheme 2006 dealt with housing, small infrastructure, income generating activities and health.

The Decade of Roma Inclusion Programme 2005–2015 brings together ministries and NGOs to improve the welfare of Roma. The priority areas of intervention are education, employment, health, and housing, and other core issues like poverty, discrimination, and gender mainstreaming. The aims are to improve the socio-economic status and social inclusion of Roma by including Roma in the decision-making process. The Action Plan aims to strengthen Roma inclusion; learn and exchange experiences; involve Roma in policy making; bring in international experience and expertise; raise public awareness of the situation of Roma. The Decade Action Plans in the field of education, employment, health, and housing have been partially elaborated, but never adopted or put into practice.

The Joint Inclusion Memorandum (JIM), adopted in 2005, is a policy document which identifies key issues and challenges and outlines directions for action in the field of social inclusion for vulnerable groups<sup>32</sup>. The JIM states that one of the key problems in the Roma minority is low participation in the formal labour market. The main actions to be carried out are:

- Implementing a national program for solving the problem of lack of IDs.
- Ensuring participation of Roma children in pre-school and compulsory education and vocational school, and encouraging their participation in higher education.
- Developing the ability of Roma families and communities to support the social development of their children with a view to their integration in society.
- Fostering Roma employment by vocational training and promoting active employment measures; stimulating their motivation to get involved in formal economic activities; combating discriminatory attitudes against Roma in the labour market; Promoting Roma specific occupations and handicrafts; increasing employment in fields which, by their nature, allow on-the-job training; supporting economic development projects in Roma communities.
- Developing a system of social security and medical services focusing on the access of Roma individuals to primary medical services, information about healthy reproduction, as well as on the social and medical care of mother and child.
- Developing a system of health mediators, as a temporary solution until a relationship is established between the system of social workers and the community
- Supporting the development of the community infrastructure in problem areas and providing support for the refurbishing and construction of residential buildings.

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<sup>32</sup> See <http://www.caspis.ro/downloads/JIM.pdf>.

- Developing inclusion structures in all aspects and areas of social life (school, workplace, mass media), promoting support for Roma who try to integrate in a modern society.
- Strengthening the partnership between public institutions and the representative groups of the Roma.
- Running public awareness campaigns to combat discrimination and promote positive attitudes towards Roma.

#### 2.2.1.6. Slovakia

Institutional and policy framework	
Supervising organisation for policies on Roma	
Implementing agency for policies on Roma	
Organisation responsible for policy related to Roma	Plenipotentiary Government Office for Roma Communities
Main strategic document	Medium- Term Concept of the Development of the Roma National Minority 2008-2013
Action plan	National Action Plan of the Slovak Republic Regarding the Decade of Roma Inclusion 2005 – 2015
Main measures and instruments	
Monitoring and evaluation	
Inter-institutional coordination	Council for National Minorities and Ethnic Groups

The main strategic documents are the National Action Plan on Decade of Roma Inclusion (2005 -2015); the National Reform Programme 2008-2010; and the Medium- Term Concept of the Development of the Roma National Minority 2008-2013.

The Plenipotentiary Government Office for Roma Communities was created in 1995 as a response to the pressure of human rights organisations and Roma communities. It is a consultative body that seeks to address the problems of Roma communities by implementing measures to improve the situation of the Roma. The Office operates through five regional branch offices. The Plenipotentiary is responsible for:

- Establishing the Interdepartmental Commission for Affairs of Roma Communities and
- Establishing advisory bodies. The priorities are to improve the situation of the Roma in the areas of education, employment, health, housing, poverty and equal opportunities. In addition to implementing and monitoring the Roma strategies and action plans, the Plenipotentiary allocates approximately €1.4m each year in a grant scheme for the Roma.

Other institutions protect the rights of minorities in general including the Public Defender of Rights (Ombudsman), established in 2002; the Council of the Government for National Minorities and Ethnic Groups; and the Slovak National Centre for Human Rights which the implementation of the Anti-Discrimination Act<sup>33</sup>.

<sup>33</sup> For further details on these organisations see the Country Report.

The Ministry of Labour, Social Affairs and Family, and the Ministry of Health, monitor the results of the Roma Decade NAP, and the ESF OP on Employment. In general, ESF funding is also largely connected to the so-called National Strategic Reference Framework 2007-2013. Coordination of the National Reform Programme is done by the Office of the Government and the Ministry of Finance.

Overall, the institutional framework does not enable Roma to access their socio-economic rights. With the exception of the Plenipotentiary with its regional offices, there is a missing link between the central state level and the regional and local levels. Neither institutions nor policies are elaborated on the local and regional levels, even though the Roma population in Slovakia is concentrated in marginalised settlements and depressed regions.

## 2.2.2. Old Member States

### 2.2.2.1. France

Institutional and policy framework	
Supervising organisation for general policy	National consultative commission combining state services, elected officials, experts and travellers
Implementing agency for general policy	None
Organisation responsible for general policy related to Roma	None
Main strategic document	None
Action plan	None
Main measures and instruments	None
Monitoring and evaluation	None
Inter-institutional coordination	None

There is no specific legislation on Roma in any field of public policy. Legal instruments for access to social provision depend on the nationality of the persons. No laws or policies targets Roma as an ethnic minority<sup>34</sup>. However, some policies and projects target a way of life (i.e. nomadism). Otherwise, long-standing Roma communities are not the subject of public policies, although some projects are carried out by NGOs. However, many Roma projects are implemented by municipalities or by NGOs (associations) on the basis of general and common laws.

### 2.2.2.2. Germany

There are no Roma-specific legal instruments since Roma have the same rights as any other citizen. A few of the most important acts are described in the Country Report. The Federal Ministry of the Interior and the Federal Commissioner for Culture and Media deal with issues related to ethnic minorities, including Roma citizens. The State Ministry for Migration, Refugees and Integration is responsible for matters regarding Roma migration. The federal government supports the Roma Documentation and Cultural Centre in

<sup>34</sup> Recently, the President of France decided to expel "300 illegal camps of migrant Roma" and to implement "general expulsion policies and returning these Roma to their country of origin".

Heidelberg which documents and researches the history, culture and situation of the Roma people, and organises seminars and educational trips<sup>35</sup>.

Germany has no government Action Plan for the inclusion of Roma. The federal strategy is based on integration through recognition, education and representation, and through support for the cultural identity of the Roma through the funding of the Central Council of German Sinti and Roma<sup>36</sup>. The Central Council is the umbrella organisation of nine Länder associations of German Roma and of a number of regional and local associations and institutions. The Central Council represents the Roma interests regarding equal political status, enforcement of minority rights; compensation claims of prosecuted Roma; cooperation with the -"Länder"-associations of the Roma; and collaboration with international minority and human rights organisations.

As discussed above, migrant Roma have a weak legal status and live under far less favourable conditions compared to Roma who are German citizens. At the government level, there seems to be neither a strategy nor willingness to promote their integration into society. They are not represented by the Central Council and they have no other official representation in Germany so far. Some smaller local programmes, often organised by refugee organisations or local Roma representatives, try to promote their cause with very limited financial means.

Several factors explain the non-existence of further federal policy programmes on Roma. Firstly, the number of Roma is not large enough for large scale campaigns. Secondly, the federal structure of Germany makes it feasible to implement problem orientated policies at the Länder, and many policy-fields fall under the administrative responsibility of the Länder. Few Roma organisations support the implementation of federal programmes because promoting a special group would create prejudices and so Roma often do not want to be treated differently and prefer to benefit from general programmes.

#### 2.2.2.3. Greece

Institutional and policy framework	
Supervising organisation	Inter-Ministerial Committee under the Ministry of Interior.
Implementing agency	Implementation Committee that includes Ministry of Interior officials, advisors and representatives from Roma associations
Organisation responsible for Roma policy	Ministry of Interior
Main strategic document	Integrated Action Plan for the social inclusion of Greek Roma
Action plan	Integrated Action Plan for the social inclusion of Greek Roma
Main measures and instruments	Infrastructure and Services
Monitoring and evaluation	Inter-Ministerial Committee under the Ministry of Interior.
Inter-institutional coordination	Inter-Ministerial Committee under the Ministry of Interior.

<sup>35</sup> 90% of the Documentation and Cultural Centre's budget (1.200.000€ p.a.) is federally funded and 10% from Baden-Württemberg.

<sup>36</sup> The Central Council's budget is fully funded by the federal government (€480.000 p.a.).

The "Integrated Action Plan for the Social Inclusion of the Greek Roma", adopted in 2002 pursues a long-term policy of social inclusion following an integrated approach covering housing, education, employment and health. The objective is to deliver initiatives locally, taking into consideration the local social context, but within the framework of a national plan. It aims to combat social exclusion and discrimination through a series of complementary measures, policies and schemes which fall into two categories (i) infrastructure projects and (ii) services. The first category of measures focuses on the provision of housing and public facilities for the Roma communities, whereas the second includes measures focusing on employment, health, education, culture and sports. It promotes equal treatment irrespective of ethnic origin in employment.

An Implementation Committee has been established by the Ministry of Interior responsible for the management of the Integrated Action Plan. It includes, as partners, a network of Roma associations known as the Pan-Hellenic Federation of Greek Roma Associations, and an inter-municipal Roma network established by local authorities with Roma inhabitants known as ROMNET. In this way, Roma representatives take part in the design, coordination and monitoring of all schemes concerning the social inclusion of the Roma<sup>37</sup>.

An Inter-Ministerial Committee for Roma Affairs (chaired by the Alternate Minister of the Interior) is charged with overseeing the entire programme and ensuring cooperation between all agencies involved, and for the effective application, monitoring and assessment of the Action Plan. The ministries of Economy, Education, Health, Employment, Culture and Sports take part in the Committee, which is coordinated by the Alternate Minister of Interior. Furthermore, the design of the IAP includes the provision of key services at national, regional and local level, through collaboration with prefectural and municipal authorities and with the participation of Roma representatives and associations.

The institutional framework is underpinned by the principle of subsidiarity. Given the fact that municipalities have better knowledge of the problems of the Roma communities, and considering that the objective is the delivery of policy at the local level, active municipal participation is considered an essential part for the overall success of the Action Plan. In this context, the 2006 Municipal Code<sup>38</sup> provides for extensive powers at the municipal level over the planning and implementation of all programmes for the social inclusion of Roma.

#### 2.2.2.4. Italy

Institutional and policy framework	
Supervising organisation	None (other than for specific policy fields)
Implementing agency	None (other than for specific policy fields)
Organisation responsible for policy related to Roma	None (other than for specific policy fields)
Main strategic document	None
Action plan	None
Main measures and instruments	Workshops, conferences and seminars
Monitoring and evaluation	None
Inter-institutional	The Roma National Table

<sup>37</sup> <http://www.rom.net.gr/node/30>.

<sup>38</sup> Official Gazette A/114, Law 3463/2006.

coordination	
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In Italy, there are no specific programmes aimed at the social inclusion of the Roma population. However the respect of general rights for equal treatment for all people is guaranteed on three different levels: national, regional and local. Law 654/1975 "Ratification of the International Convention on the elimination of all forms of discrimination" defines the framework of law against discrimination and racism. Law 205/1993 "Urgent measures concerning racial, ethnic and religious discrimination" further elaborates these measures. About 60% of the estimated Roma population have Italian citizenship and thus have formal access to all the country's institutions and service provision, without discrimination.

Since 2008, the Directorate-General for Guidance and Training Policies of the Ministry of Labour and Social Policies in cooperation with ISFOL (National Institute for the Development of the Vocational Training of Workers) has promoted the national network "National Table for Roma social and employment inclusion" with the objectives to share the information regarding the initiatives carried out in Italy; to promote cooperation between those who operate for the inclusion of the Roma; to contribute in the activities of the EURoma Network; to diffuse its results and to collect and diffuse information to network of national references and institutions. Several regional bodies take part in this Table, including the Regions of Calabria, Emilia Romagna, Lazio, Marche, Piedmont, Sardinia, Liguria, Autonomous Province of Bolzano, Tecnostruttura (technical support to Regions about ESF) as well as Universities and Associations involved in Roma issues. The Table coordinates institutions involved in Roma activities. A Memorandum of understanding, submitted by the Presidency of the Council of Ministers at the beginning of 2008, aims to carry out a survey on the living and working conditions of the Roma in order to develop measures concerning their integration, and to set up a working group for monitoring the allocation of resources.

Some international cooperation projects have been introduced. In December 2007 the Ministry of Social Solidarity signed a Memorandum with the Ministry of Labour of Romania in order to combat poverty and social exclusion of Romanian citizens in Italy, including Roma people. In January 2008, the Italian and Romanian Ministries of Foreign Affairs signed an agreement to jointly develop programmes in the field of social inclusion and employment of disadvantaged groups, including Roma.

#### 2.2.2.5. Spain

Institutional and policy framework	
Supervising organisation	Ministry of Health and Social Policy
Implementing agency	
Organisation responsible for policy related to Roma	
Main strategic document	Roma Development Programme
Action plan	Action Plan for the Development of the Roma Population 2010-2012
Main measures and instruments	
Monitoring and evaluation	Inter-ministerial Commission for the study of problems affecting the Roma community
Inter-institutional coordination	State Council of the Roma people

Since the outset of democracy in Spain, Spanish legislation has agreed and ratified all the international agreements in favour of promoting integration policies<sup>39</sup>.

In 1978, the "Inter-ministerial Commission for the study of problems affecting the Roma community" was established under the supervision of the Ministry of Culture. The Commission aimed at conducting research and publishing policy documents related to the Roma. Simultaneously, a law was passed on the "Legal Situation of the Roma Population" to abolish the legal norms that stigmatised the Roma. On October 3<sup>rd</sup> 1985, the Spanish Parliament approved another law on the "creation of a National Development Plan for the Roma." In 1989, the Roma Development Programme was established under the supervision of the Ministry of Social Affairs, currently under the Ministry of Health and Social Policy. Since 1989, the Budget has provided funds for social projects for Roma communities. In 1999, the Parliament created a Subcommittee to study the problems of the Roma, as within the Committee of Social Policy and Employment.

The State Council of the Roma People was created in 2005. It is a consultative and advisory Council, affiliated to the Ministry of Labour and Social Affairs. It promotes institutional cooperation between Roma associations and the State Administration for the development of social policies. The Council has, inter alia, the functions of proposing measures for the promotion of Roma, providing advice on development plans for the Roma, promote studies and promote exchange of information to facilitate social cohesion among Roma citizens and society in general. Overall, the State Council of the Roma People has been a major step towards the institutional recognition of the Roma community in Spain. Furthermore, there are other participatory councils in some Autonomous Communities which are able to draft legislative proposals primarily on cultural matters. An Institute of Roma Culture was created in 2007 (linked to the Ministry of Culture). The Council is structured in a Plenary and a Standing Committee: The Plenum is composed of a president, two vice-chairs, 40 Committee membership and secretariat, and meets at least twice a year; the Standing Committee, which acts as the executive organ of the Council and holds at least two regular meetings a year.

In the current parliament, the Government has pledged to devote particular attention to the Roma community and to implement an Action Plan aimed at improving the living conditions of the Roma and promoting their social development. The "Action Plan for the Development of the Roma Population 2010-2012" was approved in April 2010. The Action Plan is based on five guiding principles: equality, citizenship, participation, social inclusion and institutional cooperation. The strategic aims of the Action Plan are to combat discrimination against the Roma community, to change the image that the general population has of the Roma community, and to promote equal participation of Roma in private and public institutions and representative bodies of the Roma. The Measures are to develop a set of performance indicators in order to evaluate situations where discrimination occurs; to create information materials that help to combat discrimination; to develop training schemes for key public servants dealing with discrimination issues; to promote studies and reports showing the situation of the Roma community; to create communication strategy together with NGOs tackling discrimination issues and to

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<sup>39</sup> Ratification of Protocol 12 for the Protection of Human Rights and Fundamental Liberties (Number 177, Council of Europe) (BOE number 64, 14 March 2008); ratification of the Agreement for the Protection of Minorities (number 157, Council of Europe) (BOE number 20, 23 January 1998).

strengthen all communication activities; to promote the approval of a set of norms, agreed by local authorities, NGOs and the media with the aim of protecting the image of ethnic minorities; and to promote the inclusion of Roma men and women in the electoral lists of political parties.

#### 2.2.2.6. UK

UK: Institutional and policy framework	
Supervising organisation	The Department of Communities and Local Government (CLG)
Implementing agency	
Organisation responsible for general policy related to Roma	Within CLG there was a Gypsy and Traveller Unit. It has recently been merged into a Race Unit.
Main strategic document	None
Action plan	There is no specific action plan on GRT but the UK National Action Plan on Social Inclusion 2008-2010 contains some general provisions.
Main measures and instruments	A major instrument for general equality is the Equality Act 2010
Monitoring and evaluation	The Equalities and Human Rights Commission All policies should undergo a race impact assessment. The Race Relations (Amendment) Act 2000 requires local race equality schemes. However under the Equality Act 2010 specific race equality strategies will be merged with other equality strands
Inter-institutional coordination	The Coalition Government will formalise inter-departmental dialogue through the establishment of an inter-departmental forum; the CLG has a GRT stakeholders' forum

The Roma who have been resident in the UK for a long time are known as "Gypsy, Roma, and Traveller" (GRT) community and have British citizenship. In this report we refer to these collectively as Roma, together with new immigrant Roma EU citizens from elsewhere in the EU. The Race Relations and Equality laws (1976, 2000, 2010) provide protection for Roma citizens as a result of case law. There is protection under the 1998 Human Rights Act, in particular sections 8 and 14. Northern Ireland Travellers are included as a named group in the Race Relations (Northern Ireland) Order 1997. The Single Equality Act 2010 reaffirms previous protections afforded to minorities on the basis of race and ethnicity, concerning equality in employment and access to services.

There is no specific Roma strategy in the UK. In a number of policy areas the needs of the Roma are mainstreamed, but the Roma still face institutional barriers in accessing services (Cemlyn et al 2009) and the former Commission for Racial Equality found widespread evidence of public bodies failing in their equality duties and not recognising or meeting the needs of the Roma (CRE 2006). An "All-Party Parliamentary Group for Traveller Law Reform" was established in 2003, holding joint meetings with Roma representatives.

In England, the Communities and Local Government (CLG) in England established a "Gypsy and Traveller Unit" which in 2004 became the "CLG Gypsy and Traveller Forum", where Roma representatives meet civil servants, ministers and other stakeholders. Discussions feed into development of new policies on sites. In 2006, CLG established the "Task Group

on Site Provision and Enforcement for Gypsies and Travellers" which includes three Roma representatives. A "Traveller Law Reform Project" was begun in 2006 to focus on lobbying, and a "Federation of Gypsy Liaison Groups" was formed to focus on the development of small community groups. Since 2007 civil servants from the relevant government departments have met in a cross-departmental group on GRT issues to review progress and discuss departmental overlap (DWP 2008). There are 21 Roma organisations on the register of charities in England.

Significant policy developments have taken place in Wales, Scotland and Northern Ireland which differ from the institutions and policies established in England. In Wales, the Welsh Assembly Government is developing a policy framework for the provision of services to Roma in Wales, in consultation with Roma stakeholders. The Scottish Government provided £5 million for the refurbishment and construction of sites from 2005/6 to 2009/10 (ECRI, 2010, 87), and there have been meetings with Gypsy Traveller stakeholders. The Northern Ireland Housing Executive (NIHE) has statutory responsibility for the development of Traveller accommodation in Northern Ireland. Based on Traveller accommodation assessment studies, it has developed two five-year Traveller Accommodation Plans (2003, 2008). The NIHE has established a Traveller Accommodation Consultative Committee in which Roma representatives participate.

### 3. EDUCATION POLICIES

#### KEY FINDINGS

**In terms of both access to education and educational attainment, Roma children lag behind the majority populations in their countries of residence.**

**The quality of education in schools with predominantly Roma children, where many Roma children are still schooled, tends to be lower than the national average.**

**Some positive initiatives have been undertaken to ensure early intervention through pre-school programmes, and to train and appoint teaching assistants and cultural mediators to provide support to Roma children and families and thus foster improvements in registration, retention and achievement.**

In all the countries in this study the Roma population lags significantly behind the rest of the population in their completion rates of primary and secondary let alone tertiary education. Thus before they even try to enter the labour market, Romani people often find themselves at a distinct disadvantage in terms of basic skills and educational qualifications. Spain stands as an interesting and potentially instructive exception having made considerable advances through a range of policy initiatives since the 1980s in integrating its Roma community into the pre-school and primary education systems, some progress at the secondary level and now taking measures to advance Roma enrolment in the tertiary sector. In some countries primarily in Western Europe (FR, DE and IT in particular) there are significant differences in access to education between deep-rooted Roma communities and newly arrived EU Roma immigrant populations.

Most member states do not have specifically targeted educational policies directed at the Roma seeking rather to address their needs through anti-discrimination policy, intercultural education policies and/or policies targeted more broadly at members of socially deprived communities. (Roma and Travellers in Public Education, An overview of the situation in the

EU Member States, European Monitoring Centre on Racism and Xenophobia, May 2006, henceforth EUMC Report) This section explores the policy framework for Roma education in the 12 countries of the study exploring the institutional and legal framework for education, measures and instruments which have been put in place as well providing a critical assessment of the education policy and making some reflections on best practice and policy successes. Though some steps have been taken to ameliorate access and retention rates, reduce desegregation and promote intercultural understanding, progress has at best been slow due in large part to institutional, financial and attitudinal obstacles. The imperative of improving scholasticity rates and raising the educational attainments of Roma children as a means of facilitating their social inclusion is further underlined by the youthful demographic of this growing population group which contrasts starkly with the ageing demographic of many majority populations in Western Europe.

### **3.1. Institutional and legal framework for Roma Education**

In the twelve case study countries, Roma citizens have the same individual legal rights of access to education as other citizens in their respective countries. (This is not necessarily the case for those EU Roma migrants that arrive in other countries without the requisite documentation). The rights and interests of children are guaranteed through a variety of pieces of legislation such as the 2004 Children's Act in the UK. At the same time most member states do not have specifically targeted educational policies directed at Roma seeking rather to address their needs through the anti-discrimination framework, intercultural education policy and/or policies targeted more broadly at members of socially deprived communities. (EUMC Report) The educational policy framework is specified in laws such as the 2008 Act on Upbringing and Education in Slovakia which prohibits all forms of discrimination though in the case of the Czech Republic an act has been passed (No. 561/2004) specifically addressing Roma treatment in the education system and tightening up procedures on assessing children with special educational needs.

Several countries have introduced specific national strategies and action plans for improving the situation of the Roma of which education forms a fundamental part. These are mainly found among the New Member States and in countries with relatively large Roma populations (BG, CZ, HU, PL, RO, SK, ES) and in many cases are linked to initiatives under the World Bank/Open Society Institute's Decade for Roma Inclusion and the Roma Education Fund. Other countries have separate action plans in the field of education (EL). Some countries have policies that have been developed in a fragmented way at the sub-national level though these are not always sustained due to lack of funds, institutional follow-through and also insufficient political will (DE, IT). Other countries have rather limited or no programmes specifically targeted at Roma education (FR, UK).

### **3.2. Measures and Instruments: Overview**

A range of measures and instruments have been employed in the 12 countries of the current study to improve access to and raise the quality of education for Roma children, some of these are directly targeted at Roma children, others directed more generally at socio-economically disadvantaged groups and/or travelling communities. There is widespread recognition of the fundamental place of education in breaking the socio-economic poverty cycles of marginalisation and deprivation which continue to be the norm for the majority of Roma populations in both new and old member states as well as growing acceptance of the critical importance of developing sustainable pre-school interventions to tie children into the education system from a very young age and extending opportunities

for lifelong learning for Roma adults among whom there are high levels of functional illiteracy in this process.

### 3.2.1. Access and retention

The 12 countries have introduced a range of measures and instruments (educational, financial, and capacity-building) with the aim of facilitating school attendance, keeping Roma children in school and lowering the high drop-out rates. These have included the appointment of Roma school and cultural mediators to facilitate communication and partnership between schools and families (DE, EL, IT, RO, ES, UK), the establishment of preparatory pre-school classes for Roma children (CZ, DE, HU, SK, ES), the provision of extra after school-tutorial support (DE, EL, IT, PL, SK, ES), the establishment of programmes to support transitions from one level of education to the next (CZ, ES), the development of programmes for returnees to education (BG, ES), the provision of financial incentives for school attendance for Roma families and/or schools including the linking of social assistance to school attendance, a system sometimes referred to as 'conditional cash transfers' (EL, CZ, ES, UK), the pre-allocation of places in secondary schools and university for Roma children (RO) and the introduction of adult education courses (PL) to encourage lifelong learning. In the case of migrant or travelling families a number of constructive instruments and measures have been employed to improve access to education including the establishment of special schooling centres for travellers (FR), the introduction of distance learning programmes (FR), the issuing of special 'record cards' to pupils who lack permanent residence status (EL) and the waiving of certain administrative procedures to facilitate the enrolment of travelling or migrant children in school (UK).

### 3.2.2. Improvements in the quality of education

Likewise a number of different policy measures and instruments have been adopted in an attempt to improve the quality of the education that Roma children and young adults are receiving. There is a clear link between the segregation of Roma children be it in special educational schools, separate schools, often the result of residential segregation or separate classes within supposedly integrated schools and the quality of the education.

Policies have sought to eliminate previous discriminatory practices, raise general educational awareness about the Roma people and create mechanisms to support Roma children in their studies at different levels. These have included the provision of extra training for teachers (EL, RO, SK) and the modification of existing teacher's training programmes (BG, HU), the appointment of special teaching assistants and youth workers (CZ, DE, HU, PL, SK), the improvement of diagnostic facilities and the subsequent removal of Roma children without special needs from special schools (BG, HU, SK), the abolition of special classes for Roma children (RO), the desegregation of schools in Roma neighbourhoods (BG, HU) and the broadening of the curriculum to include the history and traditions of the Roma and a focus on intercultural education more generally with the development of accompanying educational materials (BG, RO, PL, SK, UK).

## 3.3. Country experiences in education policy

A range of at times innovative policies to improve access to and quality of education for Roma children and families have been initiated in the countries under study in this report, yet shortcomings have remained in the implementation of such policies. The effective implementation of policy has been hampered by inadequate institutional coordination, limited administrative capacities at the sub-national level, insufficient commitment or buy-

in at the national, regional and local levels, inadequate funding particularly as many policies or projects rely on short-term project funding instruments, and thus limited sustainability and finally an absence of adequate monitoring and evaluation procedures. These shortcomings are highlighted in particular country cases below. Education is fundamental to facilitating the social inclusion of the Roma. Exclusion from education locks in the cycle of social and economic marginalisation at a very early stage. It is therefore critical that policy measures which are all too often implemented in piecemeal fashion are more effectively implemented and sustained, that local administrative and schooling capacities are enhanced, that intercultural education programmes are developed to promote greater understanding and acceptance and reduce the prejudices which are rife at the local level and that EU funding is carefully harnessed and targeted to ensure that Roma children are attending school from a young age and remaining within the educational system so that they can then enter the labour market with a marketable set of skills and educational qualifications.

### 3.3.1. New Member States

#### 3.3.1.1. *Bulgaria*

Though initial access to primary school is relatively high in Bulgaria (71% according to Open Society Institute data cited above), many fewer Roma children complete primary school and even fewer go on to secondary school let alone university. Roma children have limited access to pre-school education given the prohibitive fees which may subsequently affect their ability to settle once they arrive at primary school and contribute to the resulting retention problem. Arguably Roma children are virtually 'lost to the system' before they have even started. Furthermore up to three-quarters of Roma children are still schooled in segregated establishments though as in the case of Slovakia this is in part related to the effects of the Roma's socio-economic situation and their resulting housing situation. Beyond the effects of segregation itself these schools tend to be less well resourced both financially and in terms of human capacities and basically deliver a much lower quality of education which inevitably affects retention rates of children in the school system. Given the significant cultural and social barriers in which they are operating it is even more crucial that the early year's experience of education of Roma children is a positive one. (European Commission Against Racism and Intolerance (ECRI), Fourth Report on Bulgaria, 2009; Advancing Education of Roma in Bulgaria, Country Assessment and the Roma Education Fund's Strategic Directions, Roma Education Fund, 2007, 10).

Though the European Union during the country's accession process pushed the Bulgarian government to improve provision for its Roma population, it is indisputable that the socio-economic situation of the Roma has deteriorated since the beginning of post-communist transition. In the area of education and basic life skills, it is estimated that that one in four adults are functionally illiterate and that the literacy rate is about 15-20 percent lower than that of the majority population. Roma are the only group in the population where the educational level of women is much lower than that of men highlighting the stark gender dimension of the socio-economic situation of the Roma and in education in particular. This is particularly critical as education experts have highlighted the key role that mothers play in promoting the early years' development of their children. Since women are overwhelmingly responsible for raising children in Roma communities, their illiteracy and low educational level are of key importance in shaping the educational aspirations and future school achievements of their offspring.

*Institutional and policy framework for education*

Bulgaria	
Supervising organisation	Ministry of Education, Youth and Science (MEYS)
Implementing agency for educational policy	Centre for Educational Integration of Children and Pupils from Ethnic Minorities, Regional Educational Inspectorates (CIECPEM)
Organisation responsible for educational policy related to Roma	Access to Education and Development Support Directorate within MEYS
Legal Framework	National Education Act (1991); Curriculum Act (1999); Provisions in Protection Against Discrimination Act (2003); Special Law of Ombudsman (2003)
Main strategic document(s)	Strategy for Educational Integration of Children and Pupils from Ethnic Minorities
Action plan	National Action Plan (NAP) on the initiative 'Roma Inclusion Decade 2005-2015'; Action Plan for the Framework Programme for Equal Integration of Roma in Bulgarian Society (2006), National Programme for the Development of Primary, Secondary and Preparatory Education (2006-2015)
Measures and Instruments	Compulsory preparatory classes, free textbooks and free transportation to school, bussing children to school outside their neighbourhoods, moving ethnic minority children from special schools into mainstream education, intercultural education measures including preparation of curricula, textbooks and teaching materials on Roma language, training for pedagogic advisors and psychologists working with Roma families, elaboration of Second Chance programme for Roma school children
Monitoring and evaluation	National Council for cooperation on Ethnic and Democratic Issues within the Council of Ministers (NCCEDI)
Inter-institutional coordination	Ministry of Labour and Social Policy (MLSP)

In Bulgaria there is a relatively extensive legal and policy framework which supposedly guarantees all children the right to education irrespective of their ethnicity. In addition there is a series of action plans in the area of education, some targeted at the Roma, other more broadly at members of ethnic minorities with the aim of facilitating their educational integration and thus raising the chances for subsequent social inclusion. Under both the Bulgarian Constitution and the National Education Act first promulgated in 1991 (and subsequently amended) all citizens in Bulgaria have the right to education and qualification without any restriction based on ethnic origin. Furthermore the Level of Education, General Education, Minimum and Curriculum Act (1999) stipulates the general educational minimum as well as curriculum-related issues. The 2003 Protection Against Discrimination Act also includes provisions relating to the field of education. Section 9 (1) stipulates that the Ministry of Education and Science and local self-governments must take measures to prevent racial segregation in educational establishments (ECRI, 2009, 19).

The main strategic document addressing the socio-economic situation of the Roma community in Bulgaria is the Framework Programme for Equal Integration of Roma into

Bulgarian Society (1999) which among other things calls for the 'elimination of the practice of sending normal Roma children to special schools for the mentally retarded' (REF, 2007, 30). In addition, as indicated in the table above, successive governments have put in place a range of action plans in the area of education targeted both directly at Roma population, others more broadly at members of ethnic minorities – these include the Action Plan for the Implementation of the Roma Inclusion Decade which *inter alia* enumerates 10 tasks and 41 actions in the area of education, the Plan of Action for the Educational Integration of Children and Pupils from Ethnic Minorities (2004/5-2008/9); the Action Plan for the Framework Programme for Equal Integration of Roma in Bulgarian Society (2006); National Programme for the Development of Primary, Secondary and Preparatory Education (2006-2015). The overarching aim of these policy initiatives is to invest human and financial resources in the provision of equal access and high quality education to Roma children and pupils. However many of the government commitments laid out in the action plans are long-term and consequently there is a lack of more detailed one or two-year action plans on different educational priorities (with clear time horizons and deadlines, state budget financial provisions and specified quantitative and qualitative indicators subject to continuous monitoring).

The Ministry of Education, Youth and Science is the main body responsible for education policy in Bulgaria. It is responsible for determining national priorities in education and overseeing the fulfilment of state educational criteria. In addition the National Council for Cooperation on Ethnic and Demographic Issues plays a supervisory role. In terms of the implementation of education policy, at the sub-national level Regional Educational Inspectorates of the Ministry of Education, Youth and Science play a key role. In addition, in terms of the Roma in particular the Centre for the School Integration of Children and Teenagers from Ethnic Minorities which was set up in 2005 in the Ministry of Education and Science seeks 'to help municipalities and NGOs combat the various forms of de facto segregation that Roma pupils face' (ECRI, 2009, 19). It does this by designing, funding and supporting projects to 'promote access for children from minority groups to quality education and improve their academic results' (ECRI, 2009, 19). Furthermore in terms of implementation of measures at the local level authorities often work in cooperation with the NGO sector.

A range of measures have been introduced designed to increase educational access and retention rates at different levels of the educational system, to improve the quality of education to raise attainment levels and along with these to reduce school segregation and improve intercultural understanding, which objectives directly influence outcomes in access and attainment. Measures to increase access and improve retention rates have included the introduction of free school transport and free textbooks and in some areas though on a limited basis the introduction of preparatory classes. Measures and projects to raise attainment levels have included the introduction of free textbooks, the preparation of Roma high school graduates for application to higher educational institutions as well as supporting Roma students with scholarship. In addition the Second Chance programme for Roma school children has been introduced in some vocational schools with the aim of providing a vocational qualification and education for Roma school children.

Furthermore measures have also been introduced in an attempt to reduce the degree of segregation in Roma schooling, a strand of policy which has been supported by the European Union. Initiatives have including sending children to schools outside their neighbourhoods and moving ethnic minority children who do not have disabilities from special schools into mainstream education. Phare money was directed towards funding reconstruction for schools seeking to integrate Roma children. Moreover some

desegregation activities have been included in the Operational Programme Human Resources Development co-funded by EU Structural Funds and a government budget for the period 2007-2013. Priority axis IV envisages actions to enhance the education of vulnerable groups. The specific activities are targeted at overcoming the high school drop-out rates, and improving school access; providing opportunities for Roma children to access quality education both in their own areas and outside those areas in order to reduce exclusion from the labour market in future; developing adequate measures for pupils' motivation; literacy and continuing education for Roma of active working age.

In the area of intercultural education which has been one of the main focal points of education policy, a range of projects has been initiated aimed at encouraging greater intercultural understanding on the part of both Roma and other members of society as well as at bridging the gap between the Roma community and school environment. At the Ministry of Education, Youth and Science an e-library has been created and information databases are being set up for collecting materials on intercultural education, human rights and mother tongue language learning. Other projects in this area have included working with parents who prevent their children from attending school, the preparation of curricula, textbooks and teaching materials on Roma language, the organisation of festivals celebrating Roma traditions and folklore, as well as multicultural clubs for children and parents, training courses for pedagogic advisors and psychologists working with Roma families. Under the Phare programme money was allocated to the training of teachers to work with children working in a multicultural environment. ECRI reports on one particular project which provided funds for the enhanced training of 60 primary school teachers, ten of whom were Roma (ECRI, 2009: 20).

MRDPW is the managing authority for the Operational Programme Regional Development 2007-13 (OPRD) under which projects covering Roma as a disadvantaged group are implemented. The following grant schemes have been initiated under OPRD:

- "Support for ensuring favourable and profitable educational, social and cultural infrastructure, contributing to the development of sustainable urban areas" covering 86 municipalities in urban areas. 63 contracts for reconstruction and modernisation of educational, social and cultural buildings for €122m have been signed and are being implemented. 60,000 pupils and disadvantaged persons, including Roma are expected to benefit from the project.
- "Support for ensuring favourable and profitable educational infrastructure, contributing to sustainable local development" covers 178 municipalities outside urban areas. Under this grant scheme 58 contracts for reconstruction and modernisation of buildings belonging to the educational infrastructure for the total amount of €27,758,692 have been signed and are currently under implementation. Over 5,000 pupils and disadvantaged persons, including Roma are expected to be favoured by the renewed educational infrastructure.

The activities under these two schemes are expected to benefit about 15,000 Roma or a little over 23% of the total number of beneficiaries.

### Policy Assessment

Though as the above analysis has suggested there has been a proliferation of plans and resulting measures and instruments it is as yet hard to measure any clear impact in terms of improvements in Roma schooling (ECRI, 2009, 20). Progress with the educational

integration of Roma children has been slow. There is an absence of qualitative and quantitative indicators, regular monitoring and a basic lack of data on the situation of Roma children in education in Bulgaria. In addition as the country case study on Bulgaria stresses despite a legal framework which stipulates the rights of all Bulgarian citizens to education, the educational legal framework often fails to provide effective protection against the infringement of the rights of children from ethnic minorities, including Roma. Thus, for example, the Anti-Discrimination Commission was created in 2005 further to the passage of the Protection Against Discrimination Act but so far has not been effective. (REF, Bulgaria, 2007, 9. There are also institutional problems in the delivery of policy as a result of the absence of adequate horizontal coordination at national level coupled with evident shortcomings at sub-national level as well which means that institutional lacunae exacerbated by weakness in the legal framework mean that envisaged integration policy initiatives are either unsuccessful or not carried out at all. Though the NAP on Roma Inclusion Decade envisages direct involvement of local authorities in the implementation of education policy, the regional level is the weakest spot in the Roma inclusion framework marred as it is by weak institutional capacity.

The above provisos notwithstanding a number of measures appear to have achieved some initial success in terms of improving access to and also in a very beginning way improving the quality of education that Roma children receive but it is noteworthy that many of these projects have been initiated by NGOs rather than the relevant national or sub-national government authorities. Despite efforts in the area of intercultural education, inadequate skills training for teachers means that they find it difficult to work effectively with Roma children, to manage interactions with Roma families in large part due to experienced ethno-cultural distance between themselves and Roma parents. In terms of moves towards desegregation which have made little headway, these have been opposed by non-Roma families and in addition Roma families themselves have not been given adequate support to enable them to make this transition. Though there is a dearth of accurate data, it is suggested that Roma children continue to make up around two-third of children enrolled in special schools (REF Bulgaria, 2007, 29-30).

#### *3.3.1.2. The Czech Republic*

Estimates suggest that Roma make up approximately 2.25% of the population of the Czech Republic with 48% of this community being of school age. Roma education in the Czech Republic is hampered both by poor attendance and frequent absenteeism, high drop-out rates, particularly in the transition from primacy to secondary education coupled with low attainment rates in vocational apprentice centres (EUMC, 2006, 22). The data in the table suggests very low rates of secondary school completion and even more parlous outcomes in tertiary education. In addition Roma education in the Czech Republic has been characterised by high levels of segregation. According to ERRC data in 2000 75% of Roma school-age children attended special schools for children who are deemed to be mentally and/or physically handicapped or with developmental disorders. In May 2005 the persistence of this phenomenon culminated in the judgement of the European Court of Human Rights in the case of *DH and Others vs. the Czech Republic* on the grounds of racial discrimination in the enjoyment of the right to education (EUMC, 2006, 48) which ruled against the Czech Republic recognising the discriminatory nature of placing a disproportionately high number of Roma children in schools for learners with mental disabilities.

*Institutional and policy framework for education*

Czech Republic	
Supervising organisation	Ministry of Education, Youth and Support (MEYS)
Implementing agency	Regional and municipal authorities
Organisation responsible for education policy related to Roma	Ministry of Education, Youth and Support (MEYS)
Main strategic document	Concept for Romani Integration (MHR 2009)
Legal framework	Education Act No. 561/2004,,
Action plan	Concept for Romani Integration (MHR 2009); National Action Plan for Inclusive Education (MEYS 2010); Action Plan for the Realisation of the Concept of Early Childhood Education and Care (MEYS 2009)
Main measures and instruments	Preparatory classes, Teaching assistants programme, Support to Roma secondary school students,
Monitoring and evaluation	Government Council for Romani Minority Affairs
Inter-institutional coordination	Government Council for Romani Minority Affairs

The main aim behind the Czech Roma Integration Policy Concept (2005) in the field of education is to create an inclusive education system which allows Roma children to achieve their potential and graduate with the necessary qualifications to compete in the labour market through increasing the number of Roma children in mainstream schools, developing models of inclusive education in mainstream schools, increasing the educational attainment of Roma children and increasing the number of Roma studying at secondary school and at the university level. The Czech Republic has introduced a number of potentially effective policy measures to facilitate Roma (i) access to education including boosting school attendance through tying the distribution of benefits to school attendance<sup>40</sup>, the introduction of free preparatory classes for children from socio-culturally disadvantaged backgrounds and the establishment of a programme of grants to support Roma secondary school pupils with financial support for school fees, textbooks, transport and food as well as (ii) improvements in educational attainment such as through the appointment of teaching assistants. A further thrust of Czech educational policy has been to boost intercultural education by ensuring, inter alia, that teachers receive some training in the area of Roma language, culture and mediation skills (EUMC, 2006, 70).

Moves have also been taken, particularly in the wake of the European Court of Human Rights ruling, to reduce levels of segregation. The 2005 Concept includes the development of methodological and diagnostic tools for identifying the educational needs of children from disadvantaged backgrounds and promoting their integration into mainstream education. (DecadeWatch, Roma Activists Assess the Progress of the Decade of Roma Inclusion, 2007, 28). In 2005-2006 the government introduced a major school reform a critical aspect of which was the transformation of remedial schools into regular primary schools though this has had a limited effect on the segregation of Roma children in education, many of which remain overwhelmingly dominated by Roma children and continue to deliver a rather low quality of education. (DecadeWatch 2007, 28-29).

<sup>40</sup> Law on Social Needs No. 422/2003.

The Ministerial Commissioner for Integration of Roma and Disadvantaged Children is responsible at the ministerial level for the programs and actions promoting integrated education.

Policy assessment

Two of the most promising measures that have been undertaken at the primary level in the Czech Republic to improve attendance rates and boost attainment levels of Roma children have been the introduction of preparatory classes and the establishment of teaching assistants in local schools. There is evidence to suggest that pupils who complete the preparatory classes do better in the mainstream primary school. However, the benefits of attending the preparatory classes are most visible in the early years. Over time the performance of children tends to fall off if they do not have continued support to overcome the barriers posed by exclusion. (MEYS, 2009b).

Preparatory classes

1997/98 – 47 preparatory classes with 638 pupils

2003/04 - 137 classes based in 108 schools teaching 1,824 pupils

2009 - 181 classes with 2131 registered students

(Czech Country Report, 2010)

In terms of teaching assistants, in 2007 the Ministry of Education allocated money for the employment of 318 teaching assistants to support Roma children. Teachers and teaching assistants in Ostrava were very positive about the scheme (Cashman, 2009) both from the perspective of providing more individual attention to pupils as well as in terms of dealing with parents. But the administrative burden, lack of willingness to allocate funds from existing school budgets and only to rely on central funding, and uncertainty about contracts has deterred some schools from engaging with the Teaching Assistant programme.

Teaching assistants

1998/9 - 56 TAs in Czech Schools

2007 - 307 TAs

2009 – 451 TAs in 270 schools across the country

MEYS (2006) and Council (2009)

In terms of policies furthering the attendance of Roma children in secondary education, a system of education grants for secondary school pupils has been established. Money is allocated twice annually but there has been a low take-up on this grant which is considered an insufficient financial incentive for young Roma to continue their education. The scholarship is not intended to match the earning a student would receive were they to find employment. Take-up has also been affected by the reluctance among the Roma population to self-identify as Roma for fear of discrimination and prejudice and concerns that secondary school grants might bar Roma families from other forms of social welfare. No figures available on how many recipients actually complete their education.

The lack of measurable targets and benchmarks in government documents on the integration of the Roma makes it impossible to quantify impact and progress of activities (DecadeWatch 2007: 28). In general it is fair to say that the efficacy of measures directed

at the Roma or at socially deprived communities more generally has been constrained by complex funding and administrative procedures and the insufficient engagement of local authorities and schools coupled with negative parental attitudes. The reforms to abolish remedial special school and replace them by 'mainstream schools with special educational programmes for pupils with special educational needs' which were undertaken as part of the large scale reforms to the education system in 2005 have also had limited results. The changes were largely cosmetic and have made little real difference to their lives or educational opportunities of the children enrolled in these schools (MHR, 2009: 16). Finally there is significant variation between regions in terms of the extent to which regions support different integration initiatives. For example, in 2009 69 schools offered preparatory classes in the Usti region compared with 10 schools in the Prague region and only one school in the Plzen region. (Council, 2009, 39-40).

### 3.3.1.3. Hungary

Though Hungary has made considerable advances both in promoting the enrolment and completion of Roma children at the primary level for education and based on available data performs better than any of its Central European neighbours, at the secondary and tertiary level enrolment and retention still pose a considerable challenge. The tendency to place disadvantaged children in special educational institutions has persisted notwithstanding measures to reduce desegregation and this is also exacerbated by the concentration of the Roma population in poor rural communities which results in de facto segregation with Roma children attending schools where educational achievement is low, drop-out rates are high and there are significant numbers of children who have to repeat school years<sup>41</sup>. Moreover Roma children often face language barriers at school as there are considerable differences between the Hungarian spoken at school and the language and vocabulary used by families with low levels of education (Lisko, 2005; Berek 2008).

#### *Institutional and policy framework in education*

Hungary	
Supervising organisation	Ministry of National Resources (Health, Education, Social Issues)
Implementing agency	National Authority of Public of Education; Ministerial Department for Roma Integration in Education, local governments
Legal Framework	Act on Education and amendments (original law 1993), anti-discrimination legislation
Main strategic document	Strategic Plan for the Decade of Roma Inclusion
Action plan	New Hungary Development Plan
Main measures and instruments	Social Renewal Operational Programme, network of consultants in inclusive education, employment of Roma as youth helpers and assistant teachers through the EQUAL programme, review of school district regulations to eliminate segregation and of tests for determining children with special educational needs, pre-school and preparatory activities for Roma children, catch-up classes
Monitoring and	Ministerial Commissioner for Integration of Roma and

<sup>41</sup> Advancing Education of Roma in Hungary, 2007 Country's Assessment and the Roma Education Fund: Strategic Directions.

evaluation	Disadvantaged Children
Inter-institutional coordination	National Education Integration Network

The main objectives of the Strategic Plan for the Decade of Roma Inclusion in Hungary are to raise the educational level of the Roma population, to lower the drop-out rates, to promote access to secondary school and to build an integrated public school system with the elimination of school segregation. Roma have been the focus of a number of mainstream social inclusion measures in the area of education as well as projects and measures specifically targeted at the Roma community. The education priority is a key component of the EU Operational Programme Human Resources Development which formulated the aim of 'ensur[ing] equal opportunities in education for disadvantaged pupils'. Moreover the National Development Plan requires municipalities and inter-municipal structures to develop equal opportunities plans as a condition for applying for Structural Funds though it not clear to what extent such equal opportunities plans contain Roma specific objectives and measures (DecadeWatch, 2007).

To advance the key objective of desegregation, the following measures have been undertaken -- the review of school district regulations to eliminate segregation, the revision of the special needs' test to eliminate the practice of mis-labelling children as having special needs and along with this the introduction of programmes for Roma children with low school achievement scores. Furthermore a network of consultants in inclusive education has been established in Budapest and other deprived areas. To strengthen enrolment and retention rates, pre-school education programmes have been put in place with particular concentration on remote, peripheral areas where Roma may be concentrated in communities characterised by high levels of socio-economic deprivation, catch-up classes have been introduced to assist those pupils who may have fallen behind. Measures have also been introduced to smooth the transition from one level of the education system to the next and also to support and promote disadvantaged children in secondary school with free transportation, textbooks and scholarships. Another strand of policy has been to co-opt Roma adults into the education and training. Thus under the ESF's EQUAL programme, unemployed Roma have been taken on as youth helpers and assistant teachers and as part of this scheme they also receive adult education and vocational training.

### Policy Assessment

Despite amendments to the Act on Education and the passage of anti-discrimination legislation in Hungary together with a range of innovative policy initiatives, including the involvement of Roma in education and training, such as through the EQUAL programme, overall there have been mixed results in terms of meeting the overarching policy objectives of Roma education. In the last ten years there has been considerable growth in educational participation, especially at the primary school level and to a lesser extent at the secondary school level. Thus between 1993 and 2003 the likelihood of Roma children completing primary education rose some 20% and there was a similar rise in the number of students continuing their studies (not necessarily completing) at the secondary school level. Nonetheless limitations persist in the implementation of Roma integration policies in education, drop-out rates from secondary school remain worryingly high, there are obstacles to the implementation of policy at the local level and there has been a neglect of quality over quantity in the number initiatives that have been launched. Moreover in the non-Roma population there is evidence of significant levels of mistrust and resistance to moves towards greater inclusion in education policy, attitudes which have been capitalised upon by the extreme right political party Jobbik. Finally there is insufficient recognition of the inter-connected nature of the challenges facing the Roma community across the whole

range of socio-economic policy areas spanning, health, housing, education and employment.

Even though Roma receive priority among beneficiaries in a number of mainstream social inclusion measures not to mention the range of measures targeted directly at the Roma, it is less clear what impact these measures have had given the absence of mechanisms to evaluate their effects on the Roma population. (DecadeWatch 2007, 30-31). In the area of school segregation, there is evidence to suggest that measures to eliminate segregated education have been met with resistance by some local authorities and school managements, teachers themselves are not trained to work in multicultural classes and that available funding has been underused/or misused due to lack of interest in promoting the integrated education of Roma by educational institutions at the local level. Furthermore the instrument of catch-up classes has been seen by some as simply another mechanism for entrenching Roma separation including the former Commissioner for Integration of Roma and Disadvantaged Children Viktoria Mohacsi. According to DecadeWatch 2007 there continues to exist Roma schools/classes in approximately 170 settlements. (DecadeWatch, 2007, 31).

#### 3.3.1.4. Poland

The relative size of the Roma population in Poland is small both in comparison to the overall population of Poland as well as in relation to the size of Roma populations in other new member states. Nonetheless the Roma in Poland share many of the same problems in the area of education identified across the European Union. The level of education among Roma in Poland is generally low though literacy rates are higher among younger generations. Even so school attendance and the integration of Roma pupils in the regular educational curricula continue to pose serious problems.

Though the Roma are recognised as an ethnic minority in Poland and are legally protected under the Minorities Law, this does not lead to any additional provision in the area of social policy. Nonetheless the government's Programme for the Roma Community includes priorities for the Ministry of Education and an accompanying allocation of additional funding. The number of successful Roma pupils and students has apparently increased but the long-term effects of the proliferation of initiatives are unclear given the lack of quantitative data and qualitative evaluation of outcomes following participation in such initiatives.

#### *Institutional and policy framework for education*

Poland	
Supervising organisation	Ministry of National Education
Implementing agency	Ministry of National Education
Main strategic document	Programme for the Roma Community in Poland
Action plan	No action plan for Roma education.
Main measures and instruments	Employment of Roma education assistants, employment of support teachers, organisation of extra classes and extra-curricular activities , adult education courses for parents, funding of teaching materials, funding for production and purchase of textbooks, scholarships for talented pupils, organisation of 'zero classes', extra

	classes on social orientation and integration
Monitoring and evaluation	Commissioner for Civil Protection (Ombudsman)

The main aims of the Programme for the Roma Community in Poland in the area of education (which was based on the experience of the programme for the Roma community in Malopolskie voivodship 2001-2003) are to achieve higher attendance and completion rates of Roma in compulsory education and to achieve higher attainment levels among Roma pupils and students including advancing the continuation of learning in schools above the elementary level and in universities for Roma youth and in this way to better prepare Roma for their future entry to the labour market. The gradual elimination of segregated classes which still operate in a number of regions by introducing Roma pupils into mainstream classes is its long-term goal<sup>42</sup>.

Policies have been targeted at improving Roma access to education through the employment of Roma education assistants who serve as intermediaries between school and pupils' families facilitating communication and enabling the monitoring of the educational progress of Roma pupils and the organisation of 'zero' or pre-school classes'; at facilitating the retention of Roma children once they are in school and also furthering their educational achievements such as through the employment of support teachers inside schools, the elimination of segregated classes, the organisation of extra classes and extra-curricular activities, scholarships for talented pupils; at promoting a lifelong learning agenda through the setting up of adult education courses for parents; and at fostering intercultural education through the funding of the production and purchase of textbooks and teaching materials in the Roma language and the development of Roma culture and history as part of the curriculum and the introduction of extra classes on social orientation and integration. (See EUMC, 2006 and Case study report on Poland).

### Policy assessment

It is not clear what the long-term effects of the rising number of initiatives funded under the framework of the Roma programme will be. There are no data on the track record and further educational achievement of the pupils who have started to participate in compulsory education with the help of initiatives supported by the Roma programme. Moreover government statistics are rather inconclusive and uneven. Despite a reported increase in the number of pupils that complete compulsory education of 3%, in fact in 6 of the 16 voivodships the number of children has increased but in the others it has declined. In 2009, the number of Roma assistants increased overall but in some voivodships the number decreased slight.

#### *3.3.1.5. Romania*

Though official data suggest Roma make up some 2.5% of the population in Romania, unofficial estimates put the figure closer to 10% underlining the critical importance of addressing the education deficits which beset the Roma community and as already suggested entrench from a very early age the cycles of socio-economic deprivation and poverty. While some practical measures have been undertaken by governments in Romania to improve the school participation of Roma pupils in Romania, to decrease school segregation and to increase the visibility of Roma culture, these measures have not yet led

<sup>42</sup> On history of special classes in Poland, see Andrzej Mirga:  
<http://www.per-usa.org/1997-2007/PolandRomaeducation.doc>

to a substantial change in the likelihood of school failure for Roma pupils. As the data presented in the table above highlights at best some 59% of Roma children are enrolled in primary education, 7.3% in secondary education and only 1% in tertiary education. Significant numbers drop out before completing the particular education cycle. These percentages are based on official data, if the estimated number of Roma is factored in the percentages are significantly lower. In sum in many communities there is a high likelihood of educational failure for Roma pupils – few young Roma complete secondary education, the number going on to university is extremely low and even those who complete primary school do not necessarily have a command of the basic elements of literacy. Around 7% of Roma aged 14 or more who graduate from elementary school are illiterate. Overall, 22% of all Roma aged 14 or more are illiterate. Moreover the perpetuation of segregated schools and classes has (for this and other reasons) resulted in a perpetuation of low achievement levels for Roma pupils. Roma pupils in segregated classes have a significantly higher risk of illiteracy.

#### *Institutional and policy framework in education*

Romania	
Supervising organisation:	Ministry of Education, Research and Innovation
Implementing agency:	Ministry of Education, Research and Innovation, General Directorate for Minority Language Education
Main strategic document	Strategy of the Government of Romania for Improving the Condition of the Roma
Legal Framework	No education legal provision – beyond existing legal framework – Constitution, 1991, Law on Education (1995, modified 1999 and 2010)
Action plan	Decade of Roma Action Plan in the field of education; National Action Plan for Social Protection and Inclusion (2008–2010); The Joint Inclusion Memorandum
Main measures and instruments	Network of school inspectors for educational problems of the Roma, school mediators, Romani language teachers, Romani language curricula, desegregation measures, special places allocated for Roma students at school and university level and the Second Chance Programme
Monitoring and Evaluation	County School Inspectorates

In education, some affirmative actions have been implemented in the last decade. Chapter XII of the 1995 Education Law makes provisions for minority education. Article 118 of this law echoes the constitution in stating that, "The persons belonging to national minorities have the right to study and receive instruction in their mother tongue at all levels and all forms of education in accordance with the present law." In addition, an ordinance of the Ministry of Education in 1998 provides for education in Romani language as one of the minority languages to be offered for four hours per week in grades I-IV and VI-IX, and five hours per week in grade V, a clear indication of the state's recognition of the language and willingness to teach it in schools. During the last two years strategic programmes were elaborated for the education of Roma over a seven-year period. These have been aimed at forming an elite group of Roma by giving them special places and different facilities when they take exams to get to the universities or colleges.

An array of action plans have been put in place across a whole range policy areas to address the problems faced by the Roma. In the field of education the main objectives of the plans have been to improve the education participation of the Roma, extending access at all levels of the education system (pre-school, primary, secondary, tertiary and adult

compulsory education sectors), improve the quality of education and reduce the high levels of illiteracy and stem the large numbers of pupils who drop out from school without completing the full statutory period of compulsory education which in Romania is from six to sixteen years old. A supporting objective in this regard has been the consolidation of the institutional framework at all levels to support the implementation of measures for the improvements of the situation of the Roma at the local level. Phare funding from 2001 to 2003 was directed toward capacity-building in this area as well as seeking to improve the education environment in specific schools. In addition starting in 1999, a network of school inspectors for the educational problems of the Roma was set up with provision for a school inspector for each Council School Inspectorate across the country.

A number of measures and instruments have been adopted reflecting a series of approaches to the improvements of access to education of Roma children as well as their attainment levels. These include measures to promote inclusive education and to end segregated classes and thereby ensure equal access to all forms of education for all children without discrimination against ethnicity or language. Thus starting in the school year 2007-2008 an interdiction came into force prohibiting the setting up of first and fifth grade classes (which have tended to be predominantly or entirely made up of Roma pupils) with a clearly defined complaints procedure issued by the National Council for Combating Discrimination. In the area of intercultural education policy measures have been introduced to make provision for the training of Romani language teachers and also to incorporate Roma-related history and cultural traditions into school curricula. Places have been made available at distance learning establishments as well as regular higher education institutions for the study of the Romani language. In terms of the integration of Roma history and culture into school curricular, since 2003 textbooks and support materials have been developed for use in schools.

In addition, a number of affirmative action measures have been taken to promote the access of places in post-primary higher educational establishments – in secondary school, up to two places may be made available for Roma students in each class and similar instruments are being introduced in the university sector though candidates have to prove their ethnicity with a letter from a Roma NGO which may prove a deterrent. In 2002 the position of school mediators in localities with large numbers of Roma children and problems with school participation was established to facilitate communication between the Roma community and schools, to carry out data collection functions for the national data-base in education, to encourage school registration in the early years and to work to promote retention and reduce the high drop-out rates. In order also to raise the educational qualification of those Roma students who have failed to complete their education, a Second Chance programme has been introduced – structured on both the primary and a more vocational-oriented training for secondary levels students.

### Policy Assessment

It is evident that a wide range of policy measures have been put in place in Romania espousing different approaches to addressing the problem of school enrolment, attendance and achievement of Roma pupils though at present there is rather limited capacity for monitoring and evaluating the efficacy of such measures. Nonetheless it is evident that very limited progress has been made in improving enrolment and retention rates, raising attainment levels and also in eradicating school segregation. It is clear, however, that a considerable investment has been made in developing human capacities ranging from university-level Romani language teacher training, the appointment of school inspectors for the educational issues of the Roma and school mediators. At the same time limited financial

resources in the country which are likely to be further constrained in the context of the economic crisis may limit the sustainability of such projects and in particular the development of the rather promising position of school mediators. Teaching, particularly at the school level, is poorly remunerated which affects the quality of personnel entering the profession. Furthermore the effective implementation of the measures outlined above is also hampered by institutional limitations at the sub-national level.

### 3.3.1.6. Slovakia

Though Slovakia has an extensive legal and policy framework for improving Roma access and attainment in the education system, and a range of measures have been adopted, there is sparse evidence to suggest any improvements over time in Roma education and conversely some reports have even noted a deterioration in the education of Roma (EUMC, 2006, 40). Rates of non-attendance of Roma children in school have remained disproportionately high and notwithstanding legislative attempts to counter this, lingering problems with segregation remain.

#### *Institutional and policy framework in Slovakia*

Slovakia	
Supervising organisation:	Ministry of Education, Science, Research and Support
Implementing agency:	Regional School Authorities
Legal Framework	Concept of Education and Training of Roma Children and Pupils, 2008; Act on Upbringing and Education (Schools Act) 2009
Main strategic documents	Basic Principles of the Slovak Government's Policy to Integrate Romany Communities, 2001; Concept of Integrated Education for Roma Children, 2004; and Medium-term Concept of Development of the Roma National Minority (2008-2013)
Action plan	National Action Plan for the Decade of Roma Inclusion (2005-2015); National Action Plan on Social Inclusion and Social Protection (2008-2010)
Main measures and instruments	Preparation of culturally fair assessment measures for special primary schools, zero classes, recruitment of teaching assistants, increased budgetary allocation to special schools, award of 'merit' scholarships for good performance and attendance rates, social scholarship grants for secondary pupils and university students, grant schemes for development of cultural needs of disadvantaged groups, linking allocation of child allowance to school attendance
Monitoring and evaluation	No collection of data to measure impact of school policies

Slovakia has an extensive legal and policy framework to facilitate Roma inclusion which has developed over the course of the last ten years – arguably in large part as a result of the operationalisation of the EU's minority conditionality as part of Slovakia's EU accession process. As part of the accession negotiations, Slovakia in line with other Central European Countries with sizeable Roma populations (Bulgaria, Czech Republic, Hungary, Romania, Slovakia) was asked to improve its fulfilment of the minority conditionality in the Copenhagen Criteria and the regular reports 'regularly' chivvied the Slovaks into putting in place better provision for its Roma minority. The first policy document directly targeted at the situation of the Roma was the 2001 Concept for Schooling of Roma and Students which

has been criticised for the absence of measurable outputs and assessable results. The 2003 Basic Principles of the Slovak Government's Policy to Integrate Romany Communities tackled the need to develop Roma education on a long-term basis. The Basic Principles included proposals for the funding and training of Roma assistant teachers who would work in pre-school and primary education. The 2004 Strategy of Integrated Education of Roma Children and Youth, including Development of Secondary and University Education highlighted two main objectives – 'that education fulfils adequately pupils' needs and influences positively societal attitudes towards minorities. The strategy also introduced some new measures including new diagnostic tests for assessing children's mental capacities and in 2003 a measure linking the payment of child allowances to school attendance (EUMC, 2006, 88). The Act on Upbringing and Education which came into force in 2009 prohibits all forms discrimination including segregation.

Taken together the National Action Plan for the Decade of Roma Inclusion, 2005-2015, National Action Plan on Social Inclusion and Social Protection (2008-2010) and the Medium-term Concept of Development of the Roma National Minority (2008-2013) lay out a series of objectives for Slovak education policy vis-à-vis the Roma -- to improve the educational achievements of the Roma at all levels, to increase the number of Roma students attending secondary school, to improve basic educational skills of primary and secondary school pupils, to promote the lifelong training and learning of Roma who have an incomplete education, to strengthen inclusion and reintegration into the labour market, to transform school curricula to better reflect the needs of children, to reform the vocational training system and to enhance of lifelong learning in a knowledge based society in line with Lisbon Strategy and Europe 2020.

A number of policy instruments and measures have been put in place under these action plans though these have not necessarily been implemented throughout the country. Measures range from those targeted at socially deprived members of society, of which Roma form a significant portion and those directly targeted at the Roma community and Roma children. Some measures are directly at encouraging access, retention and smoothing the transition from one level of education to the next by better preparing Roma children and pupils for the next educational stage. At the pre-school level zero classes have been introduced from the age of 4 designed to tie Roma children into processes of socialization and pre-school education at an early age and higher in the education system provision has been made for the award of social scholarship grants for secondary pupils and university studies.

Other policies are more clearly focused on raising levels of educational attainment in part though improving the educational environment of Roma children. Evidently there is a close relationship between access, retention and achievement. The appointment of teaching assistants has been a promising policy departure -- currently there are 1000 persons occupying this position though no indication that they are necessarily working with Roma children. There have also been moves to improve the training of educators as research suggests teachers that have no experience of Roma children have a more negative perception of them. Under these two overarching strands of improving access and educational attainment, policy has also been driven by the cross-cutting objectives of ending school segregation and also improving intercultural education. Inter alia the moves to end school segregation and the closely related phenomenon of disproportionate numbers of Roma children being placed in special schools have included improving diagnostic tools

for special needs versus language difficulties or other cultural barriers.<sup>43</sup> In terms of intercultural education, steps have included the introduction of teaching assistants, the development and introduction of higher quality materials and methodological tools including a pilot project to introduce the teaching of some subjects or classes in Romani, and the introduction of information in textbooks at all levels on Roma history, culture, literature and life. A number of these projects have been introduced with the aid of European Social Fund funding which includes an Operational Programme on Education, providing support for people with special education needs with the aim of combating marginalization in society.

### Policy Assessment

As already intimated despite the wide range of provision, many of the pre-existing problems of low attendance, low educational attainment and continued segregation of Roma children have persisted in Slovakia. Though segregation is in part the result of the segregated settlement patterns of many Roma communities, it is also the result of direct discrimination and the over-placement of Roma children in Special Elementary Schools. Confusion persists when it comes to differentiating between social disadvantage, language barriers and mental disability (which the 2009 Schools Act has so far failed to resolve) and these difficulties have been further exacerbated by negative attitudes in society towards the Roma. Research cited in ECRI report suggests that Roma children are 28% more likely to be placed in Special Elementary Schools than non-Roma children and that up to 50% of those have been erroneously placed in such schools (ECRI, 2008: 18). Moreover though the passage and enactment of the 2009 School Act and the Anti-Discrimination Act (adopted 2004, amended 2008) are indeed a positive development there is little evidence that major steps have been made to implement these laws.

There are no official mechanisms to collect data enabling authorities to measure the impact of school policies – moreover a number of measures outlined above have been adopted quite recently though a recent report of the European Commission Against Racism and Intolerance does point out that initial positive results have been noted by civil society actors with regard to the zero classes (ECRI, 2008, 18) which were first introduced on a pilot basis and then extended throughout the country in 2002. Up until 1989 and the collapse of the communist system pre-school education had been free and obligatory whereas in the period after the collapse fees were introduced and pre-school education became optional. The introduction of zero classes can be seen as a way to try to bridge this gap. However given the complexity of the socio-economic and cultural challenges to Roma inclusion, a single year of pre-school education, in classes which themselves run the risk of becoming Roma ghettos, is clearly not enough to secure the stable entry and retention of Roma children in the education system in Slovakia. Moreover given limited spaces there is evidence that some Roma children have been unable to access these classes. The other promising policy measure in Slovakia is the development of the system of teaching assistants to support children in the classroom. However, there is evidence that though many school directors may wish to employ teaching assistants, complex administrative procedures deter school directors from making the necessary applications.

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<sup>43</sup> In September 2008 a decree from the Ministry of Education came into effect with a new procedure for placing children in Special Elementary Schools. See ECRI Report on Slovakia, 2008, page 18.

### 3.3.2. Old Member States

#### 3.3.2.1. France

In contrast to the Roma populations in the majority of countries in our study in which most of the Roma communities are by now sedentary, a significant proportion of the Roma community in France – commonly referred to as ‘gitans’ or gypsies - is non-sedentary. Arriving at an accurate estimate of the size of the Roma travelling community in France not to mention of Roma migrants is therefore problematic at best. The 1990 Traveller’s Gens de Voyage Situation Report estimated that there were around 100,000 sedentary, 70,000 non-sedentary and 65,000 semi-sedentary travellers. The same report suggested that 50% of non-sedentary children were enrolled in education compared to 85% of sedentary children (cited in EUMC, 2006, 28-29). Other reports draw a much more pessimistic picture and of course enrolment is by no means tantamount to regular attendance.

#### *Institutional and policy framework in Education*

France	
Supervising organisation:	Ministry of Education
Implementing agency:	Departements and local authorities
Main strategic document	No overarching strategy
Action plan	No action plan
Main measures and instruments	Travelling children schools or halting places schools, itinerant schools or itinerant schooling vehicles, the National Centre of Distance Education, School District Centres for Schooling of Newcomers and Travelling Children, Welcoming classes in primary and secondary schools
Monitoring and evaluation	

In line with France’s integrationist policies and the lack of recognition of ethnic minorities, there are no pieces of legislation, institutional provision, overarching strategy or action plans specifically directed towards Gypsies and Roma in the area of education. By law children have to attend school from 6 to 16 years old. Though there are no measures directly targeted at the gypsies, some measures and instruments have been put in place which target travelling children (les enfants du voyage), who are predominantly made up of French Gypsies and others directed at the children of newcomers, considered as foreigners and still others which target schools in disadvantaged areas.

The main measures which have been adopted include:

- (i) the establishment of School District Centres for the Schooling of Newcomers and Travelling Children;
- (ii) the organisation of itinerant schools or itinerant schooling vehicles which travel from place to place – mainly for French Gypsy children but also nowadays accessible to some Roma immigrant children – which are dedicated to teaching ‘travelling children’. By now there are around 40 mobile school units mostly operated by ASET (Association d’aide a la scolarisation des enfants tsiganes);
- (iii) the appointment of specifically designated teachers to teach ‘travelling children’ either in mainstream schools or in itinerant vehicles as mentioned above;
- (iv) the introduction of welcoming classes for non-French speaking pupils and French gypsy children both in primary and secondary schools. These were first created for non

- French-speaking pupils. Nowadays they are open to French gypsy children and focus rather on their difficulties at school;
- (v) Gypsy or travelling children can access the National Centre for Distance Education (CNED) and this has been further facilitated by the establishment of the post of Manager of Schooling for 'gens du voyage'. The CNED provides French children whose parents have 'circulation documents' or 'professional cards' to follow normal programmes, adapted lessons or refresher courses. 7100 traveller children are registered with the CNED. Moreover to further improve the educational chances of so-called travelling communities an agreement has been concluded between the National Centre for Distance Education and some schools (76 in the secondary system and 2 in the primary one) to make possible the double schooling of itinerant pupils. Finally a number of travelling children schools or halting place schools (located on or near halting places) have been set up on or near halting places. 15 primary schools of this type exist and depend on the National Education Minister. However they only welcome French 'travelling children' and thus run the risk of reinforcing already existing residential segregation with educational segregation.

### Policy assessment

Despite the lack of specifically targeted policies for the Roma population, France has put in place a number of measures which have sought to facilitate the access of travelling families to the French educational system and also to try to ensure some degree of educational continuation and continuity in spite of their non-sedentary lifestyle. The National Centre for Distance Education (CNED) – offers a flexible service; the School District Centres for Schooling of Newcomers and Travellers also play a positive role and the possibility of pursuing a double track of distance learning programmes together with attendance in a mainstream school further increases the educational chances of Roma children and the possibility that they may proceed further their education. The development of a booklet which follows travelling children wherever they go is certainly a promising initiative. When children follow their parents, their scholarship is often very discontinuous, not necessarily because they miss school, but because they may have the same lesson several times over. Currently a number of organisations – local association, teachers, Academic Inspection Services, offices of the concerned School District Centres for Schooling of Newcomers and Travelling Children – are collaborating on this endeavour.

However significant problems remain with educational access and attainment of France's travelling community not to mention its recently arrived immigrant Roma community. Firstly given the decentralised implementation of policy vis-à-vis French gypsies and migrant Roma in France, each department decides on its own policies. Though there are some positive local initiatives, implementation at local level means that policies can be adapted to the local area but that there is huge diversity of policy practice and implementation and of attention to les enfants du voyage and migrant Roma children and widespread implementation problems remain. There is definitely a need to improve coordination between all actors involved in schooling issues at both national and local levels. Secondly, there is evidence of negative attitudes among local authorities and school heads towards Gypsy/Roma which may lead to refusals to register them at school in the first place, their a priori marginalisation as they are labelled from the start them as bad pupils and continuous expulsions become a self-fulfilling prophecy. These attitudes are often compounded by those of and teachers and local families.

#### 3.3.2.2. *Germany*

De jure German Roma have the same access to education as any other member of the German population. However though Roma pupils are not specifically identified in the statistics, the indications are that the school performance of Roma children lags behind the average with higher levels of absenteeism and drop-out rates. Roma children are still overrepresented in special schools; and there is evidence to suggest that Roma children continue to be placed in special classes as a result of anti-social behaviour, insufficient language skills and poor school performance. Roma children display the same low level of educational attainment as other children that come from a low educational background though it is apparent that other factors work to further entrench this situation including the limited interest of Roma parents in the educational attainments of their children. These attitudes may stem from a combination of their own low level of educational attainment as well as their own personal negative experiences, epitomised by the social marginalisation experienced during their own school days.

*Institutional and policy framework for education*

Germany	
Supervising organisation:	
Implementing agency:	Educational ministries of Lander
Legal Framework	School Acts of the 'Länder'
Main strategic document	No federal strategy for Roma Inclusion
Action plan	No federal action plan
Main measures and instruments	Wide variation across lander
Monitoring and evaluation	Lack of data, assessments by Central Council of German Sinti and the Roma and the Sinti Alliance

Germany lacks a nationally unified strategy for improving the school situation of Roma. Education is rather the prerogative of the länder and there are varying degrees of engagement in the plight of the Roma across different länder. The School Acts of the Länder specifies the guaranteed equal opportunities of national minorities and other ethnic groups with regard to access to all levels of education. Each land pursues its own educational strategy, resulting in wide variation in policy approaches to the Roma and different curricula, programmes, etc. Ultimately the overarching aim of the länder education policy is to improve the educational attainment of the local Roma children and youth in order to facilitate their subsequent equal access to the labour market. Some länder have implemented indirect measures in the education plan or through adjustments to the curriculum to expand multicultural or multi-ethnic content; other programmes -- though to a lesser extent -- are focused on migrant populations who belabour under inadequate support mechanisms.

The Schools Acts of the "Länder" specifies the guaranteed equal opportunities for members of national minorities and ethnic groups in regards to access to all levels of education under Article 3 (1) and (3) of the Basic Law.

Measures and instruments range from special support classes in primary schools, German language support usually for up to one year (as in Keil, Schleswig Holstein), courses preparing children for regular schools (Hesse), the placement of teachers, assistants and mediators in schools for Roma children (Bremen), the employment of Roma and Sinti as mediators to improve communication between children, parents and teachers (Schleswig Holstein, Hessen and Hamburg), the employment of Roma teachers and mediators in schools (Hamburg), the provision of homework assistance and other special intensive support courses, the development of special educational and awareness-raising materials for schools and educational institutions to combat racism and prejudice (Brandenburg and

North Rhine Westphalia), adult education programmes and educational assistance for refugee families (as in North Rhine Westphalia) and day care centres providing substitute education (Frankfurt, Hesse) (Country case study report and EUMC, 2006, 71-72).

### Policy assessment

Though a range of promising small-scale programmes have been introduced these are often short-term and not sustained which is reflected in the continued poor educational attainments of Roma. Moreover as has already been suggested there is wide variation in practice across the lander. Some lander governments have put in place a range of small-scale programmes which have achieved positive (though limited) results at the micro level though these are not necessarily shared horizontally across the lander. So, for example, the employment of nine Roma and Sinti teachers in Hamburg and social workers has improved enrolment and attendance rates while reducing learning problems (EUMC, 2006, 72). Others manifest a lack of awareness of Roma problems and the whole policy design and delivery process is hampered by the dearth of sharing of practice across lander let alone countries.

#### *3.3.2.3. Greece*

The Roma in Greece are not regarded as a minority and as such there is no special regime defining their status and guaranteeing their rights. In line with this there are no intercultural education policies and measures targeted at Roma. Instead policy provision results from the designation of the Roma as a 'socially vulnerable group' and as such they are subject of 'measures and actions of positive discrimination'. In the area of education as part of this legal framework, provision exists to ensure the access of vulnerable groups to education which may also involve seeking out children that may not be registered or are not being sent to school by their parents for other reasons<sup>44</sup>. However despite this robust legal framework, policy practice on the ground is much less positive.

In Greece, notwithstanding the wide variation in statistics, school attendance rates for Roma children are low and this is further exacerbated by high drop-out rates and continued segregation both in the form of Roma schools and segregated classes. Only 36% of Roma families with children younger than 15 reported that they had a child who was attending school. Though the Ministry of Education has initiated a number of literacy projects since 1984, literacy rates among the Roma population (especially nomadic Roma) remain extremely high. Roma families face the challenge of reluctance at the local, regional and central state level to implement the legal provision in the area of education which stipulates a mandatory nine-year schooling for all children (as per Article 16 of the Greek Constitution) and this is compounded by negative reactions from teachers and local communities with some evidence of so-called 'white flight' in certain schools compounding the already existing problems of educational segregation. Moreover basic lack of documentation including proof of vaccination militates against school enrolment. As in many of the case study countries data on school enrolment is unreliable – school records are not systematically kept and there is some indication that Roma enrol in order to collect the annual education benefit but fail to attend (EUMC, 2006: 26).

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<sup>44</sup> See study 'Roma Denied Education or Sent to Segregated Schools in Greece: A Case Study and General Information', Greek Helsinki Monitor, 11, available at [http://cms.horus.be/files/99935/MediaArchive/pdfevents/panayote\\_dimitras.doc](http://cms.horus.be/files/99935/MediaArchive/pdfevents/panayote_dimitras.doc)

*Institutional and policy framework for education*

Greece	
Supervising organisation:	Ministry of Education
Implementing agency:	Ad hoc institutional structure
Legal framework	Directive Φ4/350/Γ1/1028/22 August 1995 (Ministry of National Education and Religious Affairs)
Main strategic document	No comprehensive national strategy
Action plan	Programme for the School Integration of Roma
Main measures and instruments	Roma student school, after school tutorial support, extra-curricular training activities for teachers, financial incentives for school attendance, development of new training and educational material including publication of Roma-specific textbooks
Monitoring and evaluation	Lack of clear indicators

Though Greece lacks a comprehensive national strategy, the Programme for the School Integration of the Roma has been developed with the aim of further integrating Roma children into mainstream education by increasing the enrolment and attendance rate of Roma pupils and by improving the educational experience of Roma Children through the development of curricular resources with elements of Roma culture. (Country Report on Greece and EUMC, 2006, 73) With this objective a number of measures have been introduced in Greece to facilitate Roma education. These include the Roma student card introduced in 2000 to facilitate school enrolment, after school tutorial support, extra-curricular training activities for teachers, financial incentives for school attendance for families with an annual income of less than €3,000 receiving €300 for every child enrolled in primary education, and the publication of Roma-specific textbooks.

Policy Assessment

The ad hoc institutional structure which is not adequately integrated with the ministerial bureaucracy has hampered the effective implementation of the Programme for the School Integration of Roma. Policy implementation has been hindered by a lack of cooperation by many headmasters who fail to engage with the challenges posed by Roma education. Likewise despite early positive uptake of the additional training provision, teachers have shown indifference in taking part in the additional training programme (21% participation rate). In addition to the reluctant state and school authorities, problems of segregation have been further compounded by the negative attitudes of parents. Finally the lack of clear indicators and flaws in the system of monitoring and evaluation has made it difficult to assess actual effects of policies more broadly targeted at socially deprived groups.

*3.3.2.4. Italy*

The Roma community in Italy is made up of a combination of long-standing Roma and Sinti communities as well as recently arrived Roma migrants mainly from other EU countries, in particular new member states. The new Roma arrivals have put increasing strain on already limited local capacities in terms of the provision of schooling and attempts at social and cultural inclusion for Roma and Sinti communities. In educational terms, a small number of Roma children complete primary school and there continues to be a high drop-out rate

particularly in the higher classes of each school level<sup>45</sup>. In addition there appears to be considerable regional variation with Naples recording the lowest school attendance among Roma/Sinti pupils. (EUMC, 2006, 31) The education situation of Roma is exacerbated by cultural and communication barriers, language issues and a strong degree of resistance from Italian families who are not keen to have Roma children integrated in their local schools (the 'nimby' phenomenon). The consequence of this is that Roma children either do not access school in the first place or leave with low levels of literacy and an absence of qualification and skills hindering their future entry to the labour market.

#### *Policy and institutional framework in education*

Italy	
Supervising organisation:	Ministry of Education (MIUR) and General Direction for the student integration, participation and communication, regional governments and their Education Offices
Implementing agency:	Regional Education Offices, local bodies including NGOs
	Law 176/1991 'Ratification and implementation of the Convention on the rights of the child', Circular of Ministry of Education No. 5 (1994) establishing access to schooling for children with permit to stay, regional laws (Eg. 47/1988 Emilia Romagna, 77/1989 of Lombardy)
Main strategic document	No overarching strategy of Roma integration
Action plan	No national action plan
Main measures and instruments	Open schools, cultural and linguistic mediators, development of educational materials, assessment cards, study records, extra-school support provision
Monitoring and evaluation	Office VI of General Direction for student integration, participation and communication monitors expenditures on an annual basis. Possibility for new monitoring procedures for schools located in high risk and high immigration areas.

In Italy education is seen as the central policy objective for the long-term inclusion of the Roma, particularly given the predominantly young demographic of this community (45-50% are estimated to be younger than 16 years also, Eurobarometer 2008). The central objective has been further broken down into more specific aims including promoting access to education services for the Roma and Sinti communities, preventing youth problems and school drop-outs, improving relationships between schools and families, encouraging participation initiatives and an increased focus on intercultural initiatives. Several initiatives have been taken at the National Level by the Ministry of Education directed both at the long-standing Roma populations as well as also some measures targeting Roma migrants financed by the National Fund on Migration Policies of 2007 and 2008 and the Immigrants Social Inclusion Fund (2007) of the Ministry of Internal and Social Policies. In 1986 under Circular 207 the Ministry of Education made schooling compulsory for Roma children and sought to introduce the notion of 'mutual responsibility' (EUMC, 2006: 79). Moreover since the publication of Circular No. 5 of the Ministry of Education in 1994, it has been made possible for foreign children without residence permits to attend school. The General Directorate for Student Integration, Participation and Communication of the Ministry of Education plays a significant role in questions of Roma education. In addition an interdepartmental working group for intercultural education and integration of foreign

<sup>45</sup> A study conducted by Opera Nomadi and cited in EUMC report, 2006 31 recorded 73% drop-out rates in primary education and 84% in lower secondary.

students has also been created within the General Directorate for Primacy Education of the Ministry of Education (EUMC, 2006, 79).

There has also been a wide range of policy initiatives many confined to regional and local levels (that are not generalised across the country) both to promote educational access, to facilitate retention and also to encourage intercultural education. These have included the training of linguistic and cultural mediators to support education services (A pilot scheme was introduced in Turin and then successfully extended to Rome, Turin and Mantua (EUMC, 2006, 79)), special training programmes for schools with high numbers of Roma and Sinti children, the development and provision of information leaflets to promote school inclusion particularly at the primary level, the facilitation of dialogue with Roma and Sinti families, the use of didactic cards and photocopies from textbooks, the development of study records and assessment cards for Roma pupils as well as provision for some individualised interventions to provide support both inside school and in addition to the school day. Since 2009 under the auspices of the 'Open Schools' Programme, almost 1,000 projects have been introduced to teach Italian to recently arrived school age children at the primary and secondary level. The total funding for this plan was €6,000,000 distributed by Regional Education Offices depending on the school population without Italian citizenship. In the same year a New Protocol signed with Opera Nomadi Association was introduced to support the reception and integration of Roma and Sinti children, both Italian citizens as well as new migrants. The goal of the Protocol is to provide training to teachers and headmasters of schools with a significant number of Roma pupils, carried out in collaboration with local bodies. In addition the General Directorate has committed €1,220,000 for the academic year 2010/11 to carry out national actions to support training for the integration of foreign and Roma and Sinti pupils in the area of intercultural education.

Under the auspices of the General Directorate whose remit is also to prevent school dropouts and to study policies linking the education and employment policy, the National forum for lifelong learning was set up in October 2009. This is an inter-institutional body to create collaborative networks with the local territory and with all parties involved in the integration of disadvantaged groups with specific attention to the Roma and Sinti in the lifelong learning.

Several projects in particular merit particular attention. Firstly the Network Project, Following Exhibitions and Fairs in Padua (Veneto Region), organised by the Regional Education Office of Veneto and the Rete Senza Confini of Padua which is a network of primary and secondary schools in partnership with the NGO Opera Nomadi Association, has been designed with the aim of reducing youth problems and limiting school dropouts by promoting social and cultural inclusion of the young generation, improving relationships between families and schools and supporting a balanced transition to different school levels. Under the project individual particularised interventions (specific learning goals for individual students) as well as group activities. The main instruments involved are pedagogy sheets and photocopies from selected textbooks, considered best adapted to Roma children, use of notebooks and folders by the pupils, and ongoing assessments in a logbook. Secondly in Lombardy a project has been developed to coordinate and promote the action of mediators in both the fields of Education and Social Health. As part of this endeavour the Ministry of Social Solidarity and USR Lombardy Region has worked in partnership with APL of Milan, Provincial Schools Office and the NGO Opera Nomadi Association. In the field of education the objective of the project has been to promote access to education through the training and provision of linguistic and cultural mediators. With this objective training has been provided to professional women mediators from the Roma community and resources have been invested in the development a

guidebook/information leaflet 'Tutti a scuola' translated into Roma and Sinti designed to encouraged broader educational inclusion and dialogue with Roma and Sinti families. After its initial successes the project was subsequent renewed and extended in Pavia.

Though the Ministry of Education has for some time now through its national survey been systematically monitoring the progress of enrolment and learning outcomes of foreign students in every school. There is now a move under the 'General Direction for the student, integration, participation and communication to extend this annual survey to specifically include Roma and Sinti children and all aspects related to their school integration including the outcomes of schooling and the quality of their integration.

### Policy Assessment

There is some preliminary evidence to suggest that certain policy initiatives introduced at the regional level and capitalising on the country's devolved regional capacities have contributed to an improvement in scholarship rates of young Roma children in certain parts of Italy. The appointment and training of cultural and linguistic mediators and in particular of Roma women to serve as cultural mediators has had a certain success and could be extended more broadly across the country – it is good for Roma women whose role is critical in committing to the education of their children -- and potentially if extended more broadly could also have positive effects on the facilitation of the intercultural education agenda which has only been poorly implemented to date. This raises the possibility of generalising such programmes across more regions of the country. At the same time the strength of the regional level in Italy also highlights a potential weakness in furthering programmes designed to promote educational access and attainment among Roma communities. Programmes are largely locally based and thus lack a national focus. Local capacities have been put under pressure by the recent rise in the number of migrants. Regional administrations only have limited financial capacities to address the increasing demand for education and for additional support in schools for the Roma children and are likely to be further strained by prospective budget cuts from national education budget. The diversity of responses at the regional and local levels points to the need for more national coordination of regional/local actions as well as more continuous monitoring of activities taken at both national and regional levels.

#### *3.3.2.5. Spain*

In terms of improving educational participation in the Roma population in the key areas of attendance and achievement, Spain, which has the largest overall and relative Roma population among the Old Member States in this study, is a qualified success story. Since the 1980s concerted efforts have been undertaken to boost the enrolment and attainment rates of Roma children in the school system through a particular focus on compensatory education programmes for vulnerable groups --- of which Roma form a significant part. Schooling outcomes – both in terms of enrolment and attainment – still lag behind that of other social groups in Spain but noticeable improvements have been made and Roma children are now reaching levels of education superior to that of their parents. As the EURoma website states, 'Just over 7 out of every 10 Roma over the age of 15 is completely or functionally illiterate.'<sup>46</sup> This stands in stark contrast to Roma children in the new member states who are achieving lower educational outcomes than previous generations who benefitted from educational provision as well as the employment and housing situation under the communist system. There is now almost universal schooling for Roma children at

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<sup>46</sup> <http://www.euromanet.eu/facts/es/index.html> (accessed December 1, 2010).

the pre-school and primary level in Spain and some advances have been made at the secondary level (approximately 30% complete secondary education) as well with a small number proceeding to the tertiary level. However there is no room for complacency. Problems persist including irregular attendance, weak relations between families and schools and there is a clear gender dimension to the phenomenon of girls exiting the school system at the age of 12-13 to take up traditional domestic roles and responsibilities within the family and thus not having the chance to complete secondary let alone tertiary education.<sup>47</sup> Boys also drop out lacking motivation and more interested in seeking remunerated work than pursuing the educational path.

#### *Institutional and policy framework for education*

Spain	
Supervising organisation:	Ministry of Education and Science, Ministry of Health and Social Policy
Implementing agency:	Departments of Education of the Autonomous Communities
Main strategic document	Roma Development Programme (1989)
Legal Framework	Education Law (2002)
Action plan	The National Action Plan for the Development of the Roma Population, 2010-2012 National Action Plan on Social Protection and Social Inclusion 2008-2010
Main measures and instruments	Coordinated action with social services and local authorities, stakeholder participation, Gitano mediators, distribution of educational materials, follow up and monitoring in order to combat drop-outs
Monitoring and evaluation	

By law everyone in Spain must be enrolled in school until the age of 16. Though still falling far short of this statutory prerequisite, on the whole Roma education in Spain has progressed thanks to a range of policies directed at vulnerable groups in the country of which Roma form a significant part. There has been no legislation that specifically targets Roma educational policies and Roma language rights with the exception of the bridge schools which were set in 1978 upon agreement between the Ministry of Education and the Catholic Church for Roma children of a low socioeconomic status and abolished in 1986 when Roma students were integrated into mainstream schools. (Salinas, 2007, 35 and 37). The 1983 Royal Decree 1.174/83 on Compensatory Education has played a key role in addressing the educational needs of Spain's Roma Children. (Salinas, 2007, 35) Though not specifically targeted at the Roma, it contains a set of actions—including the allocation of more teachers and resources, the creation of resource centres and services, scholarships and flexibility to facilitate enrolment—intended to counter the difficulties some students face in the educational systems on the grounds of place of residence, social status or low socioeconomic level (Salinas 2007: 37).

According to Salinas two further pieces of legislation have also had a positive impact on Roma education. These are the 1983 Organic Law on the Right to an Education and the 1990 Law on the General Structure of the Educational System which sought to operationalise key principles of the Spanish Constitution including respect for the linguistic and cultural plurality of Spain, respect for all cultures and opposition to discrimination and

<sup>47</sup> See presentation by Monica Chamarro, available at: <http://www.enar-eu.org/Page.asp?docid=16034&langue=EN> (accessed November 15, 2010).

inequality due to origin, race, gender religion or opinions. According to a 1993 report from the Ministry of Education cited by Salinas 'Measures from the application of Compensatory Education have become a policy of positive discrimination and have redefined the notion of equality of opportunities in education. They have also been effective in lessening prejudice among minority groups' (Salinas, 2007, 37)<sup>48</sup>. Teachers who work with Roma children have been less positive in their evaluation of the compensatory education policies. Furthermore Spanish policies towards its Roma population have also been criticised for the lack of sufficient attention to intercultural education (Salinas, 2007: 45).

The Ministry of Education and Science, and the Ministry of Health and Social Policy have overarching responsibility for policies directed at vulnerable groups. However given the decentralised structure of the country, discretion over policy design and implementation is devolved to the seventeen autonomous communities at the regional level in the areas of education, public health, housing and social issues. The *Fundación Secretariado Gitano*, a prominent Spanish NGO founded in 1984 has also been directly involved in policies affecting the Roma population with branches throughout the country and is also now playing a significant role as the Technical Secretariat of EURoma were also involved. The main strategic document setting out Roma policy in Spain is the Roma Development Programme (1989). The central aims of Roma policy have been to standardise the number of Roma children accessing schooling, primarily secondary schooling and in so doing combat absenteeism and reduce drop-out rates. Emphasis has also been placed on increasing participation in university education. Under the Roma Development Programme (EUMC, 2006, 74) a number of education policy initiatives have been undertaken including the introduction of elements of Roma culture into primary education curricula and the development of intercultural mediator training programmes. Given the decentralised governance structure in Spain, regional governments are in the position (they have funding and institutional capacities) to develop their own particularised policy programmes. Thus Departments of Education in the Autonomous Communities have also funded training programmes as well as have supported initiatives to develop post-16 students who have not achieved adequate levels of secondary education attainment.

A number of promising policy initiatives have been undertaken at the regional level. In Madrid a range of complementary actions has been developed to support the integration of Roma students – specific mediation programmes, school monitoring and support in collaboration with social organisations; promoting the incorporation of Roma students in early childhood education, improving the performance of Roma students in primary education and actions to support transition to compulsory secondary education. In Andalusia where the highest number of Roma reside, a School Monitoring Programme has been introduced to facilitate the integration of Roma children into the regular school system though to date it has only had limited results. Remedial education has been offered to disadvantaged children and also provision has been made for Roma children to receive free school textbooks, free meals, hygiene programmes and vaccinations under this programme. In Valencia a programme has been introduced by the Institute for the Women of the Valencia Community to promote the continuity of education for Roma girls, including funding for projects investigating and experimenting with mechanisms that reduce absenteeism and drop-out rate of females Roma.

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<sup>48</sup> Salinas cites a paper by Fernandez Enguita citing the Ministry of Education report.

## Policy Assessment

Spain has clearly made big strides forward in the area of Roma education with the majority of Roma children now attending pre-school and primary school and some improvements at the secondary level. However more targeted measures including financial incentives (scholarships) and educational awareness programmes with greater use of cultural mediators need to be focused on girls and their families, possibly on the model of the Valencia programme mentioned above to encourage them to remain in the education system beyond the primary level, develop their educational and future employment possibilities rather than a priori being excluded from such opportunities due to the pressures of family and traditional role paths. The compensatory education measures, the moves to link housing to school attendance and the encouragement of partnerships among social services, local authorities and Roma families have clearly had positive effect though absenteeism persists, drop-out rates remain high particularly at the secondary level, insidious segregation remains a problem and there are high levels of illiteracy among the older population, and particular women. From a policy perspective the approach to Roma education has also been criticised for the dearth of attention to intercultural education. As a 2001 report by the Asociacion de Enseñantes con Gitanos 'Gypsies still do not exist in textbooks. (Salinas, 2007, 45).

### *3.3.2.6. United Kingdom*

In the United Kingdom, Gypsy, Roma and Traveller children (GRT) have the same right to education as all other children in the UK but many children only have intermittent access to schools due to the shortage of stopping places for GRT families. In the UK there has been slow albeit limited progress in raising GRT educational participation rates particularly at the primary level but limited evidence of improvements in attainment levels. A 2003 Ofsted report recorded school attendance rates of 84% for Key Stage 2 (10-11 year olds) and 47% for Key Stage 4 (14-16), highlighting a major fall-off in attendance at the secondary level (EUMC, 2006, 43). In Northern Ireland, for example, recent research found that the majority of Traveller children do not attend secondary school.

#### *Institutional and Policy Framework for Education*

United Kingdom	
Supervising organisation	Department for Education (until 2010 Department for Children, Schools and Families)
Implementing agency	Within the DoE there is a 'Raising Community Aspirations and Attainment Team' with policy advisers on GRT issues
Organisation responsible for education policy related to GRT	There is a large but declining network of Local Authority Traveller Education Services that help deliver education policies for GRT
Main strategic document	i) DfES (Department for Education and Skills) (2003) 'Aiming High. Raising the Achievement of Gypsy Traveller Pupils' ii) DfES (2005) 'Aiming High. Partnerships between schools and Traveller Education Support', and iii) DCSF (Department for Children Schools and Families) (2005) 'A New Relationship with Schools: Next steps'
Legal Framework	Single Equality Act (2010), The Children's Act 2004
Action plan	There is no specific GRT action plan but the UK National Action Plan on Social Inclusion 2008-2010 contains some

	educational provisions.
Main measures and instruments	Traveller Education Service (TES), Gypsy Roma Traveller History Month, Curricular innovation, Sure Start
Monitoring and evaluation	The Coalition Government will formalise inter-departmental dialogue through the establishment of an inter-departmental forum

In the UK public authorities have a statutory duty to promote race equality, which also applies to schools and the tackling of inequalities in education (EUMC, 2006, 90). The Children's Act (2004) provides a strategy for improving children's lives, covering universal services which every child accesses as well as for more targeted services for those with additional needs, including Gypsy, Roma and Travellers. In the area of education the key aim is to increase the educational inclusion of the GRT population. This encompasses participation, enrolment and regular attendance at school as well as improving levels of achievement. The Ministry of Education's 2003 'Aiming High' education publication lays out a strategy for raising the achievement of ethnic minority pupils and includes a particular strand for GRT pupils<sup>49</sup>. 'Aiming High' offers advice and guidance to schools and local authorities as well as including practical guidance and examples of good practice. For example, schools are required to offer flexible admission procedures in order to facilitate stable provision for GRT children who may have nomadic lifestyles such as by permitting and accommodating dual registration with other schools (DFES, 2003).

The pivotal support and development organisation for GRT children in England is the Traveller Education Services (TES), first set up by local education authorities in the 1970s. The TES provides outreach, training, curriculum and resource development, support for GRT in schools and encourages schools to focus on equality and inclusion, to monitor achievement and participation and to include GRT in race equality strategies. TES liaise with other TES in localities where GRT children have formerly resided thus providing the possibility of a certain educational continuity (EUMC, 2006: 91). At the same time given UK's devolved system of governance it is important to note that there are differences in the approach to and delivery of policy between the education systems of England, Scotland, Wales and Northern Ireland.

Though not specifically targeted at Roma, GRT are in some cases in a position to access the British Government's early intervention programme, Sure Start. Sure Start which was first introduced by the New Labour Government in England, Wales and Scotland in 1998 but has since been rolled out in Northern Ireland aims to support young children and their families by integrating early education, childcare, healthcare and family support services in disadvantaged areas. The design of the Sure Start scheme in the UK suggests an underlying recognition of the critical role mothers play in their children's early development and wellbeing, an integral part of which is their preparation and transition into early years education. This is particularly apt in the case of Gypsy and Roma communities though in terms of participation in Sure Start programmes, residency requirements may make access difficult for some parts of the Roma community.

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<sup>49</sup> Department for Education and Skills (2003), Aiming High: Raising the Achievement of Gypsy Traveller Pupils – A Guide to Good Practice available at [http://www.standards.dfes.gov.uk/ethnicminorities/links\\_and\\_publications/763027/](http://www.standards.dfes.gov.uk/ethnicminorities/links_and_publications/763027/) (accessed 21/11/2010).

Finally the introduction of Gypsy Roma Traveller History Month in England merits consideration. This educational initiative has led to the establishment of a successful partnership between the Department for Education, community groups, schools and TES in promoting and celebrating Roma culture and thus facilitating intercultural understanding.

### Policy assessment

Despite the absence of data on the overall size of the Roma community in the UK, there is a widespread recognition in the UK in contrast to certain other countries in the EU of the importance of data collection in improving the targeting and delivery of public policy. This extends to the area of education where the monitoring of ethnic pupil performance is construed as a 'key management tool' by a growing number of schools and underlined in Ofsted reports (EUMC, 2006, 91). Sure Start and another similar programmes in other European Union countries reflect the growing understanding among educationalists, both practitioners and academics alike, of the crucial role of early years in delivering successful education outcomes, and the implicit accent on the role of mothers arguably holds additional weight in Roma communities given the traditional division of labour particularly in Roma households. With this in mind it would be useful if mechanisms could be found to assist Roma in getting round the residency requirements to enable them to access the scheme more widely and consistently.

The Travellers Education Service provides an invaluable service but it is severely overstretched and suffers from a lack of funding, which is even more uncertain in the current economic and financial climate in the UK. There is already evidence that Traveller Education Services are being eroded by cutbacks given the lack of ring-fenced funding. The new pupil premium in England being proposed by the coalition government holds out the potential to improve Roma integration into the school system as it may give schools an incentive to take on potentially more challenging pupils. Improving educational inclusion will in part depend on whether schools which will be able to use the extra payments at their discretion to 'buy-in' extra services from the TES, employ teaching assistants and devise targeted and tailored services to increase educational inclusion. Moreover the dual registration process permitted under the Aiming High initiative may in practice be difficult to implement given the emphasis on school attendance targets monitored by Education Welfare Offices and pressure for place in certain Local Education Authorities.

### **3.4. Critical assessment of education policies: overview**

Educational policies and measures to promote the education of EU Roma communities in the twelve countries of this Study can be broadly sub-divided into four main (at times cross-cutting) categories:

- (i) Policies aimed at improving access to schooling particularly at the primary and secondary level;
- (ii) Policies aimed at raising educational attainment;
- (iii) Policies aimed at promoting intercultural education, and
- (iv) policies aimed at limiting segregation.

The particular mix of policy measures that has been put in place varies from country to country. In addition some measures have been targeted at Roma families, and Roma women in recognition of the likelihood of transfer of functional literacy and painfully low levels of educational achievement from one generation to the next, and also of the key role played by women in the rearing of children in Roma communities.

The measures laid out in section 3.3 have had varying degrees of success, increasing access to schooling for Roma children to some extent in some countries (SP, HU). But there is scant evidence of improvements in retention, in the quality of education despite moves towards desegregation in many NMS and in levels of educational achievement with the partial exception of Spain. In many cases potentially promising programmes and measures have been constrained by inadequate supporting institutional and financial capacities, including short-term project funding periods, as well as by limited political will and societal support. Due to the lack of impact assessment studies, it is not possible to provide a definitive account of the more successful approaches compared to the less successful. Nonetheless it is clear from the case of Spain which started to introduce education policies to improve Roma education in the 1980s that over time considerable advances have been made in educational access at both primary and secondary levels, and in educational achievement at the primary level though at the secondary and tertiary level further progress is still needed.

In the case of the twelve countries in our study, particularly the New Member States and Greece and Spain, a number of specific programmes and measures which have been introduced appear more promising. In the area of broadening access, these include the pre-school preparatory classes (CZ, EL, HU, SK, ES), programmes to smooth the transition from primary to secondary school (ES), second chance programmes for school-drop outs (BG and ES), financial incentives for school attendance for Roma families and/or schools (CZ, EL, ES, UK) and the issuing of special 'record' cards to pupils who lack permanent residence status. In the area of raising the quality of education these include the provision of extra training for teachers (EL, RO, SK), the appointment of special teaching assistants, school and cultural mediators and youth workers (CZ, DE, HU, PL, SK), the removal of Roma children misdiagnosed with special needs from special schools (BG, HU, SK) and the desegregation of Roma neighbourhoods though this latter policy is highly problematic given the closely related problems of housing segregation as well as societal resistance (BG, HU). Policies targeted at early intervention through placing disadvantaged students in pre-school education in part a recognition of the critical influence of the socioeconomic background of pupils in poor educational performance, at the improvement of teacher training and where possible placing well qualified teachers in challenging schools as well as encouraging inclusive approaches to schooling closely align with the findings of latest educational research including the PISA 2009 Survey Results<sup>50</sup>. It is important that financial investment and political commitment be sustained to ensure the long-term continuity and/or further development of such programmes.

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<sup>50</sup> Among the key findings of the PISA 2009 study relevant to the current investigation of Roma education policies the following should be highlighted: (i) Students who have attended pre-primary school tend to perform better than students who have not and the advantage is greater where pre-primary education lasts longer; (ii) Home background influences educational access and low quality schooling often appears to reinforce its effects; (iii) Students attending schools with a socio-economically advantaged intake tend to perform better than those attending schools with more disadvantageous peers suggesting that overcoming socio-economic barriers of achievement is possible; (iv) Quantity of resources does not necessarily translate into quality of resources; well qualified, full-time, well-paid teachers with an advanced university degree are more likely to be found in advantaged schools. The OECD Programme for International Student Assessment (PISA) 2009 Results, See Executive Summary available at [http://www.oecd.org/document/61/0,3343,en\\_2649\\_35845621\\_46567613\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/document/61/0,3343,en_2649_35845621_46567613_1_1_1_1,00.html) (accessed December 5, 2010).

### 3.5. The EU Policy Context

Though the content of education and organisation of education systems have remained the prerogative of Member States and the quality of education a focus of inter-state cooperation with the EU playing only a supporting role as per Article 165 of the Treaty on the Functioning of the European Union<sup>51</sup>, education and training have gradually entered the EU's agenda as the Union's remit for social policy has widened. In addition to underlining the direct interlinkage between education, training, competitiveness and growth, the objective of 'combating exclusion' was highlighted as one of the five main objectives of the 1995 white paper on training and education reflecting a recognition that societal exclusion might hold back growth and competitiveness and hamper social cohesion as well as the important role of education and training in countering this phenomenon (Hantrais, 2007: 47-54)<sup>52</sup>. Moreover, with the key priorities of promoting growth and competitiveness through the building of a dynamic, knowledge-based economy firmly established as central to the Lisbon Strategy and Europe 2020 and reinforced by the recognition of the importance of ensuring social cohesion and raising levels of employment as an integral part of this process, education and training have increasingly moved centre stage.

In the field of education the EU's focus has largely remained at the university level, on the development of mechanisms and programmes to facilitate the recognition of educational qualifications across countries and on the promotion of educational exchanges (such as through the Erasmus programme) over time leading to the development of a European Educational Area as part of the Bologna process. The transferability of qualifications and the mobility of students have been seen as instrumental in facilitating labour mobility in a common economic space. Alongside this focus on labour mobility attention has also been paid to the promotion of vocational training with an accent on the right of workers to vocational training and retraining throughout their working lives. The growing emphasis on lifelong learning (Lifelong Learning Programme 2007-2013) as critical to retaining the competitiveness of workforces has also led to the introduction of a number of programmes to facilitate the continuous training and re-skilling or up-skilling of workers, shaping attitudes and empowering young people as well as creating opportunities for networking, educational and information exchange across Member States which involves the multiple levels of the system of education. These range from programmes at the primary and secondary level (the Comenius Programme) to initiatives in higher education (Erasmus Programme) and adult education (the Grundtvig Programme).

Under the Lisbon Strategy and Europe 2020, a number of education-related targets have been set which also suggest the opportunity for greater EU involvement in the social aspects of education and a possible extension of the EU's engagement in secondary and even primary education. Already in 2001 under a 2001 Commission Report on the concrete future objectives of education and training, targets were set to halve the number of 18-24 year olds with only lower secondary education by 2010 as well as to ensure internet access and increase per capita investment in human resources, etc. (Hantrais, 2007, 54). Furthermore one of the five headline targets under the EU's Europe 2020 strategy

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<sup>51</sup> According to Art. 165 of the Treaty on the Functioning of the European Union, the Union « shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity».

<sup>52</sup> White Paper on Training and Education, 1995, [europa.eu/documents/comm/white\\_papers/pdf/com95\\_590\\_en.pdf](http://europa.eu/documents/comm/white_papers/pdf/com95_590_en.pdf) (accessed December 28, 2010).

(which are to be adapted at national level to reflect 'differing starting points') is the reduction in the share of early school leavers from the current 15% to under 10% and ensuring at least 40% of young people have a degree or diploma-level qualifications, an ostensible challenge to countries with sizeable Roma populations. Currently, the figure for 25-34 year-olds is 34%, with Ireland leading the EU at a 45%. Other headline targets for raising the level of employment and reducing the number of people living below the poverty line also have direct implications for school-level education policy design and delivery in Member States.

The increasing involvement of EU in education and training and support of Member States is further spelled out in the "Education and Training 2020" (ET 2020) strategic framework which provides common strategic objectives for further developing the educational and training systems of Member States, through a set of principles as well as common working methods with priority areas for each periodic work cycle<sup>53</sup>. 'The framework should take into consideration the whole spectrum of education and training systems from a lifelong learning perspective, covering all levels and contexts (including non-formal and informal learning).' In terms of the focus on education for combating the social exclusion of the Roma, under the strategic objectives of promoting equity, social cohesion and active citizenship, Education and Training 2020 stresses the imperative of addressing educational disadvantage 'through high quality inclusive and early education'. Moreover the Youth on the Move Commission Communication (2010) lays out a number of key actions which if effectively applied, adapted and targeted could contribute to promotion of the socioeconomic situation of the Roma. Under the developing modern education and training systems to deliver key competences and excellence objective, the Commission proposes, inter alia, a draft Council Recommendation on reducing early school leaving and the creation of a high level expert group on literacy. Under the supporting a strong development of transnational learning and employment mobility for young people objective, the Commission proposes the development of a youth on the move card and a European skills passport and thirdly under the framework for youth employment objective, the Commission has proposed measures to support youth at risk or NEETs who are at risk of being permanently excluded from the labour market, including developing partnerships and agreements with employers who are offered special support for recruitment of young people at risk and also the provision adequate social safety nets for young people<sup>54</sup>.

Though the structure of education systems and the content of curriculum particularly at the school level are competences reserved to the Member States, firstly by means of the minority conditionality criterion during accession together with Phare funding and post-accession by means of the Structural Funds, as well as more recently through the Europe 2020 and Education and Training 2020 framework, the EU has been in a position to wield a certain influence in the area of education. Firstly through Phare money, and now through the European Social Fund, considerable sums of money have been invested in an array of projects designed to facilitate the educational integration of socially vulnerable, marginalised groups and the Roma in particular. However certain shortcomings of EU-funded projects vis-à-vis Roma communities (particularly in the NMS) have been noted, including the isolated nature of such interventions lacking connection to government policies and institutional structures, the top-down approach to funding together with the

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<sup>53</sup> For Education and Training 2020, see: [http://europa.eu/legislation\\_summaries/education\\_training\\_youth/general\\_framework/ef0016\\_en.htm](http://europa.eu/legislation_summaries/education_training_youth/general_framework/ef0016_en.htm)

<sup>54</sup> For Youth on the Move Commission Communication, see: [ec.europa.eu/...ia/.../12\\_eac\\_youth\\_on\\_the\\_move\\_communication\\_en.pdf](http://ec.europa.eu/...ia/.../12_eac_youth_on_the_move_communication_en.pdf)

insufficient scale of Roma participation, the limited duration of such funding interventions, and poor implementation and execution at the local levels. Nonetheless programmes supporting the training and appointment of teaching assistants and teachers (BU, CZ, RO), the appointment of cultural mediators where possible from among Roma communities (IT, RO), pre-school education programmes (CZ, SK) and parallel schooling support programmes (CZ, HU), the development of new secondary school curriculum in Roma studies (SK) as well as programmes specifically targeting women (HU, RO, SP) would seem to be among the most promising. A considerable number of vocational education projects have also been funded though there is insufficient evidence to evaluate their effectiveness either as they are still underway or due to the absence of impact assessment. (CZ, HU, PL, RO).

### **3.6. Best practice and policy success in promoting Roma Education**

Due to the lack of impact assessment studies, the knowledge base on the actual effectiveness of different education policies directed at Roma students is rather feeble. Therefore, it is not possible to provide a definitive account of the more successful policy approaches compared to the less successful. Nonetheless, drawing on the findings of state-of-the-art education research it is possible to suggest that certain approaches and measures are in line with international good practice and merit further investment, development and sustained implementation in order to increase Roma access to education and ensure improved achievement levels, thereby beginning the process of breaking the socio-economic poverty trap outlined in the introduction of this Study. These include short-term measures focused on early intervention including extending access to and the duration of pre-school education programmes where necessary covering the cost of transport, school meals and materials for socially disadvantaged students; and investment in teaching training programmes for new teachers and teaching assistants or refresher courses for existing teachers including in intercultural education and where necessary financially incentivising attendance at such training courses. In the short to long term Member States should continue to pay attention to furthering the processes of desegregation given the clear evidence of the improved educational performance of socioeconomically disadvantaged pupils that attend schools with a socioeconomically advantaged intake and future likelihood of social inclusion (PISA, 2009). Though the diverse territorial spread of Roma communities, the prevalence of housing segregation as well as the complex attitudinal mix of Roma and non-Roma communities suggest that promoting this inclusive schooling policy objective demands considerable time and resources and is integrally linked to other aspects of their socio-economic exclusion.

## 4. EMPLOYMENT POLICIES

### KEY FINDINGS

**Roma employment rates are low in relation to the general population, especially in some NMS and especially for women, and Roma people suffer well documented discrimination in the EU labour markets.**

**France, Germany, Italy and UK continue to impose transitional restrictions on workers from Bulgaria and Romania limiting the employment prospects of Roma EU citizens from those countries.**

**Numerous programmes and measures have been introduced to support Roma in the labour markets mainly of the NMS and Spain, often funded by the EU Structural Funds. These include both direct and temporary employment measures; active labour market policies, training and guidance; support for local economic development; promotion of self-employment, cooperatives and business start-up; support for rural employment; capacity building in employment offices; gender and equal opportunity measures. Few or no targeted measures have been introduced in France, Germany, Italy and UK.**

**Even in countries which have developed specific Strategies and Action Plans for Roma integration in the labour market, the coordination of policy has often been poor, and implementation of policy has often been weak.**

**Best practice policies to integrate Roma into the labour market involve integrated programmes which provide training, counselling, and direct links to employers. The classic example is the Acceder programme in Spain, but other similar if smaller scale examples be found in Italy and Hungary, where Roma monitors have played an important role. In rural areas, provision of land for farming has provided a useful means to provide assets for income generation activities related to employment.**

One of the targets of the European Employment Strategy has been to raise employment rates in the EU to 70%, yet employment rates in most NMS are well below this target, especially for Roma. For example in Bulgaria male employment rates are 66%, but for Roma are just 35% (World Bank 2010a). Roma employment rates are higher in the Czech Republic at 55%, and in Romania approach the target at 69%. Female employment rates are significantly lower (22%, 25% and 31% respectively), bringing down the average for all Roma.

A high level of discrimination against Romani jobseekers in many EU Member States is well documented. The nature and extent of discrimination has been investigated by the European Agency for Fundamental Rights (FRA), which has conducted a survey among Roma people in Bulgaria, Greece, Hungary, Poland, Romania and Slovakia (FRA 2009a). This demonstrated a relatively high level of employment discrimination whether looking for work or at work in the Czech Republic, Greece, Hungary and Slovakia where more than 20% of respondents reported such discrimination (32% in both the Czech Republic and Hungary), while discrimination was relatively low in Romania (9%) and Bulgaria (15%). The relatively low level of discrimination in Bulgaria and Romania was explained by the isolation of many Romani settlements from mainstream society in those countries.

Research carried out by the European Roma Rights Centre has demonstrated the discrimination that occurs on the labour market against Roma looking for work. It concludes that “a glass box excludes Roma from gainful employment, denies Roma access to major segments of the labour market, blocks Roma from having access to well-remunerated work, isolates Roma at the workplace, and secludes Roma into segregated work arrangements dealing solely with Roma issues” (ERRC 2007:11). The research also found that, although all countries had adopted formal equality legislation, few had taken this into the stage of positive action to support equality in the labour market in practice. It is therefore up to individuals to bring court action against discriminatory employers, and institutional mechanisms are rare (such as ethnic monitoring by employers, equality action plans by employers, action against institutionalized racism in employment offices, monitoring of equal opportunities practices, and opinion shaping activities through media). Positive discrimination is legally allowed in some countries (BG, HU) but prevented on the grounds of equal treatment in others (SK) (ERRC: 47).

The European Commission concludes that “Not enough is being done to tackle long term unemployment that is endemic in many Roma communities” and that “More should be spent to tackle Roma unemployment. Government active labour market policies and ESF should include Roma as a priority group, and the measures should be oriented to overcome the barriers that exclude Roma from the labour market” (EC 2008: p. 51).

The High-Level Advisory Group of Experts on the social integration of minorities and their full participation in the labour market has identified a number of barriers to access to employment facing Roma including lack of education; lack of language skills; lack of recognition of skills and qualifications; lack of access to professions; lack of access to citizenship; lack of integration policies; stereotypes, prejudices and negative attitudes; lack of mobility and concentration in certain areas; industrial change; disincentives through the welfare system; discrimination; lack of information; labour market competition; and undeclared work (EC 2007). The Group of Experts recommended that policy needs to take into account that many of these barriers are interdependent and their solution requires a holistic approach. The policy recommendations which the Group put forward include:

- (i) a strong focus on education e.g. the abolition of segregated schools.
- (ii) a better use of European Structural Funds, and in particular the ESF.
- (iii) the full implementation of Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of their ethnic or racial origin.
- (iv) a transfer of good practice (e.g. of the Spanish ACCEDER programme) to Central and Eastern Europe.

The right of movement between Member States to seek employment or to establish a self-employed activity is enshrined in the Lisbon Treaty (stemming from the original founding Treaties of the EU and its predecessors). The Free Movement Directive stipulates that citizens cannot be expelled as long as they are seeking employment and they have a genuine chance of being engaged<sup>55</sup>. However, this right of movement has been substantially qualified for workers in several Member States by the transitional arrangements following the accession of Bulgaria and Romania in 2007. The citizens of these states remain excluded from the labour markets of some OMS up until the end of

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<sup>55</sup> The European Court of Justice has also confirmed that EU citizens have the right to reside for a period of at least six months if they provide evidence that they are continuing to seek employment and have a genuine chance of being engaged (FRA 2009b: 44).

2013<sup>56</sup>. Among the countries of this study, France, Germany, Italy and UK have imposed transitional restrictions on workers from Bulgaria and Romania, while Greece and Spain have provided free access since January 2009<sup>57</sup>. It is important to note that these restrictions on access to the national labour markets apply only to workers, and not to the right of movement of citizens between EU countries.

The European Commission has argued against these transitional restrictions on workers, and that lifting the restrictions would make economic sense by avoiding the harm done by closed labour markets, namely the stimulus to undeclared work and bogus self-employment<sup>58</sup>. The practical negative effect of these restrictions is documented in a recent report by the Fundamental Rights Agency (FRA 2009b: 43-50). The survey uncovered many examples of Roma EU citizens from Romania who had lost jobs in Romania in sectors such as construction, and had travelled to Italy or France in search of work. However, they often faced discrimination in the labour market in the host countries, as well as the prohibition of formal work. Since they are often not eligible for social assistance, many end up begging on the streets to generate income for their families. Roma are also open to exploitation and often work without breaks and without holidays, in contravention of EU health and safety legislation.

In the rest of this section we review the employment situation of the Roma in the different countries covered by the report.

#### **4.1. Institutional and legal framework for Roma employment**

Several countries have introduced specific national strategies and action plans for improving the situation of the Roma. These are mainly found among the NMS and in countries with relatively large Roma populations (BG, CZ, HU, PL, RO, SK, SP), and are closely linked to the Decade for Roma Inclusion initiative. Elsewhere, strategic policies towards Roma employment are scarce. Other countries have no, or very limited programmes (FR, DE, EL, IT, UK). In Germany and Italy some Roma employment policies have been developed in a fragmented way at regional level. It is notable that such policies are best developed in Spain and in some of the NMS (Bulgaria being an example).

Council Directive 2000/78/EC establishes a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.200). The framework Employment Directive prohibits direct and indirect discrimination on the basis of ethnicity (and other dimensions) in employment. However, evaluations of the effectiveness of this legislation are not available.

#### **4.2. Measures and instruments for employment: overview**

A large variety of measures and instruments are utilised in the countries of the EU to improve the access of the Roma to employment opportunities. These include direct employment measures; active labour market policies of different types and enhancing

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<sup>56</sup> When national restrictions are ended, the EU-25 Member States are not allowed to require a work permit as a condition of access to the labour market. However, they may still issue work permits to Bulgarian and Romanian workers, provided these are *only* for monitoring and statistical purposes.

<sup>57</sup> Other Old Member States applying restrictions are Austria, Belgium and Ireland, while Denmark, Finland, Portugal and Sweden have already permitted free access to labour markets by workers from Bulgaria and Romania.

<sup>58</sup> 'Commission report on transitional arrangements regarding free movement of workers' MEMO/08/718 Brussels, 18 November 2008 p.2.

employability through training; to assistance with self employment and business start up and encouraging the establishment of cooperatives, and social enterprises; support for agriculture and improved access to land; support for local economic development for Roma communities; formalisation of the informal sector; gender and equal opportunity measures; specific anti-crisis measures introduced in the last two years; capacity building in employment offices for staff to engage with Roma issues; and specific projects to create employment funded by the EU European Social Fund.

As can be seen from Table 4, the most commonly used policy measures in the field of employment are active labour market policies, including training and career guidance and measures to support self-employment cooperatives and business start-ups. Policy design appears to be most developed in the NMS with five out a potential eight measures adopted in Bulgaria, Czech Republic and Hungary. Germany and Spain, along with Slovakia, have no specific measures in the field of employment policy.

**Table 4: Policy measures to promote Roma employment, by country**

	<i>Direct employment measures and temporary employment</i>	<i>Active labour market policies, training and guidance</i>	<i>Support for local economic development</i>	<i>Self-employment, cooperatives and business start-up</i>	<i>Rural employment</i>	<i>Capacity building in employment offices</i>	<i>Gender and equal opportunity measures</i>	<i>No. of policy areas covered</i>
BG	X	X		X	X	X		5
CZ	X	X	X	X			X	5
DE								0
EL		X	X	X				3
FR		X		X				2
IT		X		X				2
HU	X	X	X	X	X			5
PL	X	X		X				3
RO	X							1
SK								0
ES		X					X	2
UK								0

#### *Direct employment measures and temporary employment*

Some countries have addressed the problem of low employment rates among the Roma population by implementing various measures to directly create jobs, either by subsidies for new job openings (BG, CZ, PL), or for preserving existing jobs (BG). In Hungary these measures have taken the form of promoting employment of deprived people including Roma supported by the National Employment Foundation with a budget of HUF 997m in 2008 (Measure 2.3 of the Social Infrastructure Operational Program). A programme to provide temporary employment for the unemployed has resulted in the creation of 66,000 temporary jobs at a cost of HUF 97bn (Measure 1.1.3 of the Social Renewal Operational Programme: "Way to Work" begun in 2009). A measure for the supporting probationary employment for the long-term unemployed has been adopted in Romania.

### *Active labour market policies, training and guidance*

Active labour market policy measures seek to increase the employability of the clients. The instruments involved include vocational training, individual job search counselling, creating individual employment pathways, and improving the capacity of labour office officials to address the special needs of the Roma. These methods have been used in several countries targeted at Roma unemployed job seekers. Measures to provide vocational training have been introduced in several countries (IT, BG, FR, HU, EL, PL, and ES). Other measures for labour market activation have included literacy courses (BG, PL); measures to improve the quality of career guidance and job search counselling services (BG, IT); internships for Roma (PL), and information measures specific for the Roma community (ES); assistance by NGOs to job seekers to overcome administrative difficulties in applying for a job (FR); taking action to prevent illegal employment (CZ); formalising professional activities that are currently not declared (ES); and provision by NGOs of legal advice to companies wishing to hire Roma (FR). Several countries have introduced new measures in response to the economic crisis, including training for persons laid-off as a result of the economic crisis (BG), and training for individuals transferred to short time working as a result of the economic crisis (CZ).

A notable example from Hungary is the provision of training in occupational skills for 10,000 people yearly, 40% of whom are Roma, under a project funded by ESF with a budget of HUF 23.5bn (Measure 2.1.1 of the Social Renewal Operational Programme: "One step forward") as well as training programs which have been organised by local Employment Centres with funding of HUF 7.4bn in 2004, which has since been gradually increasing.

### *Local economic development*

In several countries, measures of local economic development have been adopted targeted at localities with large Roma populations. These include the creation and implementation of strategies to create jobs in socially excluded Romani localities (CZ, EL, HU); small local projects to improve qualifications and provide vocational training (DE); small local projects to provide career guidance (DE); and local public work programmes (HU). Notable among these are measures of local aid in Hungary amounting to HUF 1bn per year for employment and training of several thousand Roma people annually (HU).

### *Self-employment, cooperatives and business start-up*

Minority groups who experience discrimination in the labour market often respond by achieving higher levels of self-employment, and by establishing SMEs or cooperative enterprises. Measures to encourage and support self-employment and business start-up have been adopted in several countries. These measures are designed to tap entrepreneurial initiative, but also to act as an alternative form of job creation where the Roma face discrimination on the labour market and are disadvantaged in finding regular employment. Measures to support entrepreneurship among Roma and to start their own businesses and crafts have been adopted in some countries (BG, FR, HU, IT) supplemented with grants for the promotion of entrepreneurship (EL). Support for entrepreneurship in a variety of forms such as these can be supported by policy actions including micro-credits. The Regulation on the European Social Fund (Article 11) explicitly mentions the eligibility of micro-credits as a form of assistance.

The development of Romani cooperative and social enterprises have been supported in several countries. These measures range from establishing centres for cooperation and partnership (BG); support for social enterprises to assist jobseekers who are defined as 'difficult to employ' (CZ) to initiatives of local associative and local public services (FR) and the organisation of self-help groups (PL).

Support for entrepreneurship in a variety of forms such as these can be supported by policy actions including micro-credits. At EU level, the Regulation on the European Social Fund (Article 11) explicitly mentions the eligibility of micro-credits as a form of assistance. The JEREMIE programme which is part of the European Regional Development Fund (ERDF) also supports SME development. Further, an initiative for the development of microcredit in Europe was adopted by the Commission on 13 November 2007, focusing on disadvantaged persons including ethnic minorities who wish to enter self-employment but do not have access to traditional banking services. Provided it complies with established selection criteria (still to be drafted), a nonbank MFI specialised in Roma could qualify to receive funds to start micro-lending operations.

#### *Rural employment*

Providing land at district and municipal level to Roma for small family farms (BG, HU); creating Roma agricultural co-operatives (BG); providing subsidised use of machinery, seeds, and other farm inputs at reduced price (HU).

#### *Capacity building in employment offices*

Training courses for Local Labour Offices staff for acquiring specific skills for working with members of Roma community and other minorities (BG); training and appointment of Roma in NEA regional labour offices in districts with predominant Roma population (BG).

#### *Gender and equal opportunity measures*

Promoting principle of diversity in employment (CZ); promoting gender inclusion at all levels (ES).

### **4.3. Country experiences in employment policy**

#### **4.3.1. New Member States**

##### **4.3.1.1. Bulgaria**

In the early 1990s, many Roma workers were laid off from state-owned companies during the transition period, and today the Roma unemployment rate is estimated at 80%. Only one in ten Roma continue to practise traditional crafts, and only 8.5% own any farm land (MLSP 2002: 11). In 1997, Roma earned one-fifth less than ethnic Bulgarians with similar observable characteristics (MLSP 2002: 12). Roma very often do not qualify for unemployment benefits. Roma people also face obstacles in accessing social assistance (MLSP 2002: 25). Roma remain largely excluded from the job market both because of their lack of qualifications and discrimination, particularly in recruitment (ERRC 2010).

*Bulgaria: Institutional and policy framework for employment*

Supervising organisation for employment policy	Ministry of Labour and Social Policy (MLSP)
Implementing agency for employment policy	National Employment Agency
Organisation responsible for employment policy related to Roma	Demographic Development, Ethnic Issues and Equal Opportunities Directorate within MLSP
Main strategic document	National Employment Strategy for the period 2008-2015
Action plan	National Action Plan (NAP) on the initiative "Roma Inclusion Decade 2005-2015"
Main measures and instruments	Operational Programme Human Resources Development (OPHRD)
Monitoring and evaluation	National Council for Cooperation on Ethnic and Democratic Issues within the Council of Ministers (NCCEDI)
Inter-institutional coordination	Ministry of Labour and Social Policy (MLSP)

The Ministry of Labour and Social Policy (MLSP) is responsible for policy towards the inclusion of Roma in the labour market, and the National Employment Agency is responsible for policy implementation. The basic strategic documents in the area of employment are the National Employment Strategy, and the Employment National Action Plan which is adopted annually. The National Employment Strategy encompasses the ten dimensions of the EES including promoting integration and fighting discrimination against disadvantaged people, and transforming undeclared labour into formal employment. The National Employment Strategy 2004-2010 aimed at the reintegration of discouraged persons, including Roma, by reducing the informal economy, and by full implementation of legal provisions related to employment in the formal sector, such as social and health insurance, better wages and working conditions, enforcement of regulated working hours, implementing labour rights under the Labour Code, and providing opportunities for professional development and further qualification<sup>59</sup>. Specific measures included creating new opportunities for sustainable employment; providing literacy courses and vocational training; nurturing entrepreneurship, and training for people with skills in traditional crafts<sup>60</sup>.

The Employment Strategy for 2008-2015 develops these aims and measures further. It aims to improve the overall situation of the Roma on the labour market. The main points of its Action Plan which refer to the Roma are to increase the competitiveness of Roma on the labour market; encourage entrepreneurship, start-up and management of own business; build capacity to encourage labour market activity among Roma; encourage social dialogue in support of labour market participation of Roma.

The main measures adopted to achieve these aims are to increase employability and qualification of unemployed Roma; provide employment for Roma actively searching for job; create conditions for preserving jobs and career development; increase entrepreneurship culture among Roma; support business start-up; develop traditional Roma crafts; improve the quality of the state employment services; support initiatives and campaigns of Romani organisations at local and national level; and establish centres for

<sup>59</sup> Employment Strategy of the Republic of Bulgaria, 2004-2010, p. 26.

<sup>60</sup> The Action Plan is submitted to the European Commission for approval as part of the European Employment Strategy.

cooperation and partnership. In order to implement the measures, the National Employment Agency (NEA) provides services to motivate active job search; career guidance; training; and literacy courses.

In order to improve the services for Romani job-seekers and potential employers, NEA trains and hires Roma people in its labour offices in regions with a predominantly Roma population as labour exchange intermediaries – Romani mediators. This is done under the National Programme "Activation of Inactive Persons". The mediators work with inactive and discouraged Roma to motivate them to register in regional labour offices, and use their services for job search and training. The NEA also conducts motivation courses to encourage business start-ups among Roma, as well as business skills development courses<sup>61</sup>.

Several projects have been funded through the ESF which have targeted Roma labour market inclusion. Five projects were initiated in 2009 under the Operational Programme Human Resources Development (OPHRD) for improving the labour market situation of a wide range of beneficiaries including Roma for the period until 2011/2012. The specific activities include training of unemployed persons, including those laid-off as a result of the economic crisis; providing alternative employment opportunities; training individuals transferred to short time working as a result of the economic crisis. The multi-annual budget allocated to these initiatives is €238m. Priority axis I is targeted at integration of unemployed people in the labour market. Specific activities towards Roma include the application of a tailored approach by the staff of the Labour Offices; motivating and supporting unemployed Roma to visit the Labour Offices; developing work habits among long term unemployed through motivation raising courses and targeted employment programmes; assistance for start-up business; combining initial literacy courses with a vocational training certificate; and improving social skills. The HRD OP also encourages capacity building within public labour market institutions so that officers can better work with Roma clients.

#### 4.3.1.2. Policy assessment

Although long-term unemployed Roma are mentioned as a target group in the strategic documents of the MLSP, a separate NAP for Roma employment has not been elaborated.<sup>62</sup> This raises concerns whether the implementation of policy for Roma employment is effectively targeted. The early impact of the measures in the Employment NAP was evaluated by a 2006 assessment report of the MLSP as follows.

- Project BUL 02/011 "Urbanization and social development of the regions with prevailing minority population" began in May 2004. Its goals were the development of public infrastructure, vocational training and employment, and support for businesses. By the end of 2004 it had achieved an assessment and definition of the needs for vocational training in the six planning regions; 26 training courses had started; six out of seven planned infrastructure projects had commenced. By the time of the assessment, training had been delivered to 1,120 people, of which had 239 found work.

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<sup>61</sup> Other initiatives, including the Beautiful Bulgaria project, which identified Roma as one of its target groups and the project Job Opportunities through Business Support (JOBS) are described in the Bulgaria Country Report.

<sup>62</sup> Employment NAPs concern all social groups and not just Roma.

- MLSP implements regional programmes for literacy, vocational training and employment for unqualified unemployed people from minority groups who have basic or elementary education. From January to September 2005, 133 people were included in the project with a budget of 57,706 leva (29,517 EUR).
- Project BG0102.06 "Social integration" (January 1, 2003 – April 1, 2005) aimed at the social and economical integration of the Roma population and other disadvantaged groups. The project succeeded in establishing six Roma Cultural and Information Centres to provide sustainable employment. Under the project, 1,372 unemployed people from the Roma population completed literacy courses; temporary employment was provided to more than 1,353 people; and 2,843 people were provided with guidance and training for entrepreneurship.

The targets laid down in the NAP on the Roma Inclusion Decade under the priority 'Employment' (80,000 Roma covered by employment initiatives) are well below the number of persons in need of support, and are unlikely to have a significant impact on employment in Roma communities in segregated neighbourhoods<sup>63</sup>. The actual results achieved have exceeded the targets, suggesting that the targets have not been sufficiently ambitious. The 2009 Monitoring Report the National Employment Agency reported that targets were easily exceeded:

- 2,946 Roma were motivated to actively seek work (target – 650 persons);
- 3,228 Roma received professional orientation (target – 300 persons);
- 746 Roma were included in literacy courses (target – 300 persons);
- 17,682 Roma were included in different employment programmes (target – 3,000 persons).

It is difficult to evaluate the extent to which the Roma covered by the different initiatives actually gained employment. The lack of data on the employment effects of the programmes means that the impact of the programmes is unknown.

#### 4.3.1.3. Czech Republic

Since the early 1990s, many Roma have lost their former jobs in state-owned enterprises as a result of economic transition, often in industries which were located in areas of industrial decline leading to the phenomenon of 'socially excluded localities' (ASE 2007). According to one study which covered 310 such communities the Roma unemployment rate reaches 90% or more (Gabal et al. 2006: 27). In the excluded communities only 44% of working age Roma actively participate in the labour market compared to 70% for the Czech population as a whole (World Bank 2008: 47-48). In 2003 the Ministry for Labour and Social Affairs (MLSA) estimated that Roma made up almost a third of the registered unemployed in the country as a whole, while Roma account for only about 2% of the population (MLSA 2003 1.2). Roma unemployment is high partly because many lack educational qualifications and work experience, but also because employers discriminate against Romani applicants. Consequently, many have been reliant on social welfare benefits their whole lives. According to the government report on the Lisbon Strategy National Reform programme:

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<sup>63</sup> According to the Bulgaria Country Report.

“The unfavourable position of Roma on the labour market is often aggravated by low qualification and [low] functional literacy, strong dependence on social security benefits with higher number of indebtedness to users. Roma women’s situation is further worsened by high fertility rate which repeatedly discards them from labour market for long periods of time. Such phenomena play a negative role in Roma’s stereotyping which by return further worsens their position on the labour market. Due to the economic crisis and its heavier impact on low skilled labour the unemployment among Roma increased more than the average”<sup>64</sup>.

*Czech Republic: Institutional and policy framework for employment*

Supervising organisation for employment policy:	Ministry of Labour and Social Affairs (MLSA), Employment Policy Section
Implementing agency for employment policy:	Labour Office
Organisation responsible for employment policy related to Roma	Labour Offices (in some areas also the Agency for Social Inclusion)
Main strategic document	Concept for Romani Integration (MHR 2009)
Action plan	Concept for Romani Integration (MHR 2009); National Report on Strategies for Social Protection and Social Inclusion Czech Republic 2008 – 2010 (MLSA 2008); Ministry of Finance (MF) (2008) National Programme of Reforms 2008-2010
Main measures and instruments	Concept for Romani Integration (MHR 2009)
Monitoring and evaluation	Government Council for Romani Minority Affairs
Inter-institutional coordination	Government Council for Romani Minority Affairs

The Ministry of Labour and Social Affairs (MLSA) is responsible for the development of policy in relation to the labour market, while the Labour Office is responsible for implementing policy. The *Employment Policy Section* of the MLSA is responsible for design of policy, including raising awareness about discrimination in the labour market and providing training for staff on the complex problems facing jobseekers from socially excluded communities. At present Labour Offices do not offer any programmes specifically for Romani jobseekers. Instead Roma are included in programmes for individuals who are ‘difficult to employ’ e.g. those who lack educational qualifications, who are long term unemployed, mothers with young children or older jobseekers. The Agency for Social Inclusion is responsible for developing a strategy to improve labour market participation in socially excluded Romani communities.

The strategic framework for Roma policy is set out in the “Concept for Romani Integration 2010 -2013” MHR (2009). The overall aims are:

<sup>64</sup> Government of the Czech Republic, “Implementation Report on the National Reform Programme of the Czech Republic, 2008 – 2010”, October 2009.

- (i) To increase employment rates among Roma,
- (ii) To increase the employability and professional qualifications of Romani jobseekers using employment and activation policies and
- (iii) To reduce the incidence of discrimination in the labour market.

The Action Plan of the Concept aims to create the conditions for higher formal employment rates among Roma; increase the employability skills and professional qualifications of Romani jobseekers; and prevent anti-Romani discrimination in the labour market; reform public employment services to meet the specific needs of Roma; create and implement a strategy to expand labour market participation in socially excluded Romani localities; promote the principle of diversity in employment, and to take action to prevent illegal employment.

ESF funding in the Czech Republic delivered through the "Operational Programme Human Resources and Employment" aims at promoting active labour policy, supporting social integration and social services and integrating socially excluded groups with the labour market. Pilot projects for dealing with problems of Roma communities are being addressed by the integrated operational programme<sup>65</sup>.

the "National Report on Strategies for Social Protection and Social Inclusion the Czech Republic 2008 – 2010" MLSA (2008), and the "National Programme of Reforms 2008-2010" MF (2008).

#### *4.3.1.4. Policy assessment*

A combination of targeted support from Labour Offices and reduced levels of social benefits are intended to encourage long-term unemployed Roma to return to the labour market. However, while social welfare payments are limited there is insufficient support to help Roma find employment. A report published by the World Bank (2008) criticised Labour Offices for failing to tailor support to the needs of long-term unemployed jobseekers, many of whom are Roma. Although Labour Offices do not formally offer specific support to Roma, they keep some records of how many Roma they assist. Estimates published in the 2009 Council report on the Situation in Romani Communities indicate that 39,187 Roma are registered as jobseekers and 38,804 individuals participated in some form of Employment Activation Programme (Council 2009 pp. 55-56). However, there is no information available about how many Roma found employment as a result of the activation programmes.

Given the discrimination they face in the labour market, in addition to the barriers posed by their lack of qualifications or work experience, many long-term unemployed Roma are reluctant to engage with retraining programmes until the issue of discrimination is seen to be taken seriously. In this situation, the World Bank (2008) recommends developing programmes which take into account the specific and complex needs of Romani jobseekers. As an example of best practice, one Romani NGO (IQ Servis) has developed a positive approach to discouraging discrimination among employers. The 'Ethnic Friendly Employer' sign is awarded to employers who have an inclusive and multiethnic workforce. It indicates to applicants that they will be given a fair interview and will not be rejected simply on the grounds of their ethnicity.

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<sup>65</sup> See: "Implementation Report on the National Reform Programme of the Czech Republic 2008 – 2010", p. 35.

The NGO *IQ Roma Servis (IQ Roma Service Civic Group)* was established in Brno in 1997. The aim of the project “*System for successful use of Roma on the labour market*” is to find solutions for the problem of Roma unemployment in the Czech Republic. The project aims to develop a comprehensive network of educational, qualification, occupational, anti-discriminatory and activating community and individual services which will result in better employability and a higher level of employment of both young and adult members of the Roma community. The project is funded by *ESF CIP EQUAL, allocation: CZK 27 727 716 (€1.1 million), 2005–2008, Brno, South Moravian Region.*

#### 4.3.1.5. Hungary

The critical employment situation of a large group of Roma is due partly to their living in isolated rural communities, and partly to their low level of skills. The ratio of long-term unemployment is high, with many Roma people having no experience of regular employment at all.

##### *Hungary: Institutional and policy framework for employment*

Supervising organisation for employment policy:	Ministry of National Economy
Implementing agency for employment policy:	National Employment Authority
Organisation responsible for employment policy related to Roma	Ministerial Department for Roma Employment
Main strategic document	Strategic Plan for the Decade of Roma Inclusion
Action plan	New Hungary Development Plan
Main measures and instruments	Social Renewal Operational Programme Social Infrastructure Operational Programme
Monitoring and evaluation	National Authority for Equal Opportunities Commissioner for the protection of rights of national and ethnic minorities
Inter-institutional coordination	National Roma Employment Management Network

In the field of employment, the strategic aim is the integration of Roma in the labour market, and increasing their employment rate. The projects for each measure are financed within the framework of the New Hungary Development Plan, the Operational Programmes for Economic Development, Social Renewal, Social Infrastructure and Operational Programmes of the Regions.

The instruments of active employment policy include wage subsidies and support for training in deprived areas and for the long-term unemployed. The aim of labour market integration is to be achieved through an action plan focusing on:

- (i) Active employment policy (wage support, support for training) in deprived areas and for long-term unemployed.
- (ii) Development of the network of Roma employment managers.
- (iii) Increased Roma employment in public administration.
- (iv) On the job training.
- (v) Public work programs.
- (vi) Information promoting legal work.

- (vii) Promoting SME's in deprived areas and communities.
- (viii) Flexible employment programmes tailored to the features of deprived areas.
- (ix) Anti-discrimination policies.

Various measures have been adopted under the National Development Plan (2004-06) and the New Hungary Development Plan (2007-13) promoting Roma employment.

- The National Roma Employment Management Network was set up in 2004 to promote Roma employment through the regional Employment and Labour Centres.
- Local assistance amounting to HUF 1bn per annum, supporting employment or training of several thousand Roma people annually.
- Training programmes organised by local Employment Centres, with a budget of HUF 7.4bn in 2004, increasing since then
- Initiatives of the National Employment Foundation through project funding of HUF 997m in 2008 for promoting Roma employment.
- Support for Roma SME's, announced by the Ministry of Economy and Transport.
- Public work programmes financed by the Government and organised by local governments, affecting several thousand Roma people.
- Measures within the 2004-2006 ESF Operational Programme on "Fighting social exclusion by promoting access to the labour market" targeted at the most disadvantaged, including Roma.
- Measure 2.3 of the Social Infrastructure Operational Program: "Promoting employment of deprived people including Roma".
- Measure 1.1.3 of the Social Renewal Operational Programme: "Way to Work" begun in 2009 for promoting temporary employment of 66,000 unemployed people with a budget of HUF 97bn.
- Measure 2.1.1 of the Social Renewal Operational Programme: "One step forward" for promoting training in appropriate occupational skills and expertise affecting 10,000 people yearly, 40% of whom were Roma, with funding of HUF 23.5bn.
- Support of deprived groups (mainly Roma people) to ensure subsistence by providing land, use of machinery, and seeds at subsidised prices, in 194 communities in 2008 - 2009, finance from the Ministry of Agriculture, HUF 283m.

Further, under the innovative initiative called "Road to Work" project, social assistance is transferred into a local Employment Fund. The grants from the fund are available for local authorities to finance public works to provide long-term work opportunities.

Priority 3 of the National Action Plan for Social Inclusion 2008-2010, "Reducing territorial and housing disadvantage with special regard to the integration of the Roma", provides for subsidized temporary employment for the most disadvantaged employees, most of whom are Roma, are to be made available in public works, community work, public utilities organised partly by labour centres and partly by municipalities<sup>66</sup>.

According to the government assessment of the implementation of the Lisbon Strategy Programme, the territorial dimension is an important element of the effort to raise the employment rate within the Roma communities.

"Employment of the Roma is supported primarily by comprehensive measures focusing on the disadvantaged groups of the labour market - where identification of the target group (on the basis of low level of education, living in disadvantaged

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<sup>66</sup> National Strategy Report on for Social Protection and Social Inclusion 2008-2010, p.18.

areas) ensures extensive involvement of the Roma people in these programs. To supplement these initiatives, a new scheme will be launched in 2010 focusing on improving the employability of the Roma and closely connected to the national programme aimed at eliminating the territorial segregation of Roma people<sup>67</sup>.

### Policy assessment

A critical issue of Roma employment is inadequate education and skills. Another barrier of access to employment is isolation of Roma communities in deprived rural areas. Subsidized transport may be a solution, as may the use of home-based work.

#### *4.3.1.6. Poland*

The general unemployment rate among the Roma in the 2002 census was 31%. According to a 2005 government report, practically all Roma face long-term unemployment. In some of the districts where Roma live in concentrated areas the average unemployment rate can be as high as 18.7% (Limanowski) and 17.5 % (Nowosądecki). The almost universal long-term unemployment that some Roma communities face is caused by a number of specific obstacles these communities have to deal with including segregation, lack of education, lack of equal opportunities, and discrimination.

#### *Poland Institutional and policy framework for employment*

Supervising organisation for employment policy and social affairs policy	Ministry of Labour and Social Affairs
Implementing agencies for employment policy and social affairs policy	- Department of Labour Market at the Ministry of Labour and Social Affairs - Department of Social Assistance and Integration at the Ministry of Labour and Social Affairs - District labour offices
Organisation responsible for employment policy related to Roma	- Department of Labour Market at the Ministry of Labour and Social Affairs - Department of Social Assistance and Integration at the Ministry of Labour and Social Affairs
Main strategic document related to Roma	- Programme for the Roma Community in Poland - No separate document on Roma employment
Action plan	No separate document on Roma employment
Main measures and instruments	Roma Component of the ESF
Monitoring and evaluation	- Joint Committee of the Government and Ethnic and National Minorities - Implementing authority for European Programmes
Inter-institutional coordination	Joint Committee of the Government and Ethnic and National Minorities

<sup>67</sup> See: "Report on the Implementation of the National Action Programme 2008-2010, Hungary", October 2009, p.66.

Article 18 3a (1) of the Labour Code stipulates that employees shall be treated equally on the labour market regardless of ethnic origin. Article 18 3b (1) stipulates that it is the employer's duty to prove that an employee has not suffered discrimination. In 2008, amendment to the Code put national legislation in line with the relevant EU Directives. Article 18a (4) of the Act on the Promotion of Employment and Labour Market Institutions of 1 June 2004 prohibits employment agencies to discriminate against persons, for whom the agency seeks employment, on grounds of ethnic origin.

There are no special provisions for Roma within the general employment policy. However, the Roma Programme supports special employment policies for Roma, implemented in coordination with the Ministry of Labour and Social Policy. The aim is to increase the number of employed Roma with funds from the Roma Programme and the Roma Component of the ESF Operational Programme. Measure 1.3 of the "Polish-wide programmes for vocational integration and activation" has a sub-measure which is a call for projects for the Roma community, for activities in the field of employment, education, social integration and health. The measure has a budget of €22m, which is 85% financed from the ESF. The target group is members of Roma community, institutions and entities working for the Roma community, persons from the neighbourhoods of Roma communities. The indicative target for Roma people in the measure was 15,000<sup>68</sup>. Measures and instruments include vocational training, subsidies for the creation of new jobs, and the organisation of self-help groups, language classes, and internships. Initiatives are mainly to be implemented by the district labour offices (Powiatowe Urzędy Pracy). Apart from the fact that Roma employees are in part subsidized, there are no other clear incentives for employers to participate in these projects.

#### *4.3.1.7. Policy assessment*

One area of strength in the policy towards the employment of the Roma is the effort to create new jobs and to provide Roma with extra vocational training. However, there is too much reliance on local initiatives, in particular the actions of district labour offices. The programme does not have any strong impact on willingness of employers to hire Roma. Although there have been an increasing number of employment projects funded by the Roma Programme, they have had a very limited impact, if any, on the employment situation. In Mazowiecki Voivodship there was a decrease of 18% of unemployment in 2009 among Roma, but in all the other areas unemployment rates among Roma remained equally high or increased. Few Roma who have successfully completed education go on to find stable jobs. The main weakness is that policy does not take the broader job market situation into account. The Roma Programme does not provide any incentives for employers to change their attitude towards Roma, nor does it actively stimulate anti-discrimination actions on the labour market. The overall impact of the current Roma Programme on Roma employment has been minimal.

However there are also several opportunities. Internships could be used to introduce Roma job seekers to employers. More research should be done on the quality and the long-term impact of the newly created jobs and internships. ERDF supported programmes could be targeted at reducing unemployment in Roma communities. However, there are also several threats. There are generally high levels of structural unemployment in areas where Roma

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<sup>68</sup> See: Ministry of Regional Development – Human Capital Operational Programme, National Strategic Reference Framework 2007 – 2013, Warsaw, 7 September 2007, p.240. Available at: [http://www.efs.gov.pl/English/Documents/H COP\\_EN\\_18January2008\\_final.pdf](http://www.efs.gov.pl/English/Documents/H COP_EN_18January2008_final.pdf)

live. There are few job opportunities for students who have received financial support from the Roma Programme. There is a lack of incentives for employers to hire Roma.

#### 4.3.1.8. Romania

During the socialist period, most Roma worked as unskilled or semi-skilled workers, in factories or in public services in urban areas and in socialist agricultural cooperatives in the villages. After the state-socialist heavy industry and agriculture collapsed, the first to lose their jobs were those who had no qualifications. The unemployment rate in the country increased dramatically in the early 90s and has been a persistent feature of the labour market for Roma and many are forced to find alternative ways for survival, outside the formal labour market. Many Roma live in rural communities where there are no job vacancies. In order to get a job they must travel long distances to urban areas.

The employment rate is far lower for Roma than it is for non-Roma, and casual work is almost four times more frequent among Roma especially in socially segregated neighbourhoods, where the majority of inhabitants are poor. Roma women are more frequently economically inactive than non-Roma women. Those Roma who do have jobs tend to work in unskilled occupations. Almost one third of Roma workers are active in agriculture and forestry, while only 2% work in the fields of education, science, health and culture.

The Joint Inclusion Memorandum (JIM) adopted in 2005 identified a lack of professional qualifications, often combined with discriminatory practices on the labour market, as major obstacles in accessing the labour market. The JIM identifies an extremely high risk of poverty, difficult access to health services, and disadvantages in education and housing among the Roma. It also identifies one of the key problems in the Roma minority is their low participation in the formal labour market.

#### *Romania: Institutional and policy framework for employment*

Supervising organisation for employment policy:	Ministry of Labour and Social Policy (MLSP)
Implementing agency for employment policy:	National Employment Agency
Organisation responsible for employment policy related to Roma	Consultative Committee on Equal Opportunities for Men and Women and for Vulnerable Groups on the Labour Market (under the Minister of Labour and Social Policy).
Main strategic document	Roma Decade Strategy
Action plan	NAP on Roma Inclusion Decade; National Action Plan for Social Inclusion
Main measures and instruments	Operational Programme Human Resources Development
Monitoring and evaluation	National Council for Cooperation on Ethnic and Democratic Issues within the Council of Ministers (NCCEDI).
Inter-institutional coordination	National Council for Cooperation on Ethnic and Democratic Issues within the Council of Ministers (NCCEDI).

In Romania, the National Employment Strategy, 2004-2010 (SNOFM) is a framework document that identifies the national strategic priorities of employment policy as full employment, improved job quality and productivity, greater social cohesion and inclusion. These are to be achieved through:

- (i) The elaboration and the implementation of a programme including the Roma in employment
- (ii) Programmes to develop the entrepreneurial capacity of the Roma, and
- (iii) The elaboration of an annual professional training and reconversion programme for crafts.

The National Agency for Employment (ANOFM) is the main state institution which offers services to unemployed people and employers<sup>69</sup>. Law no.76 of 16/01/2002 regulates the unemployment insurance system and the stimulation of employment.

The Decade Action Plan in the field of employment was partially elaborated but never adopted and put into practice. It envisaged improved opportunities through education and vocational training; extended participation in the labour market through active measures; improved information about the labour market; reform of the employment services.

The JIM Action Plan specified the following measures to foster Roma employment:

- Providing vocational training and promoting active employment measures;
- Stimulating their interest and motivation to get involved in formal economic activities;
- Combating discriminatory attitudes against Roma in the labour market and increasing the receptivity of employers to hiring Roma people;
- Promoting Roma specific occupations and handicrafts;
- Increasing employment in those fields which, by their nature, allow on-the-job training.
- Supporting economic development projects in Roma communities.

Priority Objective No. 3 of the National Action Plan for Social Inclusion is to improve the living conditions for the Roma population. The Action Plan has involved measures to provide employment for the Roma which have resulted in the employment of 15,987 persons<sup>70</sup>. A job fair for people of Roma ethnicity was organised in honour of the European Year of Equal Opportunities for All, in the counties and in the city of Bucharest, and many were held among Romani communities. The final results of the job fair were:

- 6,214 employers were contacted of whom 985 participated;
- 16,347 jobs were offered, of which 13,560 for Roma people;
- 6,496 Roma participated of whom 2,786 persons were selected for employment;
- 1,187 Roma people took up their employment offers.

An initiative of the Employment Agency, the 'Employment Caravan for the Roma' has provided information and services to Roma communities, bringing services closer to the

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<sup>69</sup> ANOFM has 41 county branches, 88 local agencies and 156 working points.

<sup>70</sup> See: Ministry of Labour, Family and Social Protection (2008) Strategic National Report Regarding Social Protection And Social Inclusion (2008 - 2010), p. 18. Available at: <http://www.mmuncii.ro/pub/imagemanager/images/file/Rapoarte-Studii/081208Report2008-2010.pdf>

beneficiaries. The measure involved 46,545 Roma people (19,637 were women), of whom 9,995 persons received counselling (4,279 were women). Of these, 3,753 (1,199 women) persons gained employment.

#### 4.3.1.9. Policy assessment

The measures listed in the Strategy of the Government of Romania for Improving the Condition of the Roma (GD 522/2006) are only partially connected to those of the National Employment Strategy, which fails to include the measures mentioned in the Strategy. Similarly, the goals and the objectives of the Action Plan for the Decade for Roma Inclusion do not correspond to the objectives mentioned in Employment Strategy.

Nevertheless, the measures taken have resulted in an increase of 1.5% in Roma employed on a labour contract basis; job markets have been organised on an annual basis; professional training courses have been organised in which at least 1.5% of the registered unemployed are of Roma ethnicity; vocational training has been provided; 1,523 Roma gained employment in 2003, as did 2,257 in 2005; 1,129 in 2006. Between 2003 and 2008 altogether 15,987 Roma people were employed through the employment measures. The National Agency for Employment intends to improve the outcomes of its training actions addressed to Roma by making local partnerships more effective.

The main strengths of the employment policies towards the Roma are the creation of an institutional and legislative framework for Roma people that is relatively coherent and comparable to that in other EU countries and the design of employment policies and services better targeted towards vulnerable groups. There are however, several weaknesses. The chronic unemployment and the rates of long term unemployment and unemployment among young Roma are high and above the European average; the employers continue to discriminate the Roma community.

#### 4.3.1.10. Slovakia

Roma unemployment is estimated at 64% in Slovakia<sup>71</sup>. Roma are often involved in the informal labour market, with relatively few being involved in the formal labour market or being self-employed. The lack of available work in the regions where Roma are concentrated, together with the reform of the social benefits system have worsened living conditions for the Roma, especially by making a part of social assistance benefits conditional upon performing "activation" work<sup>72</sup>.

Section 112, para.1 of the 1996 Employment law places a ban on discrimination to specific legal relationships as follows: "The employer must not publish job offers that include any limitation or discriminatory statements....". Section 13 of the 2001 Labour Code introduced for the first time in Slovakia a definition of indirect discrimination.

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<sup>71</sup> UNDP 2004 Report, 'Avoiding the Dependency Trap'.

<sup>72</sup> Activation programmes were introduced by Act No.5/2004 Coll. on Employment Services with the intention to motivate citizens in material need to actively seek involvement in the labour market, increase their qualifications and skills while carrying out voluntary work or work for the benefit of the community.

*Slovakia: The institutional and policy framework for employment*

Supervising organisation for employment policy:	Ministry of Labour, Social Affairs and Family (MLSAF)
Implementing agency for employment policy:	MLSAF
Organisation responsible for employment policy related to Roma	Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities / MLSAF
Main strategic document	Roma Decade Strategy
Action plan	National Reform Programme 2008-2010
Main measures and instruments	Operational Programme on Employment and Social Inclusion
Monitoring and evaluation	Labour, Social Affairs and Family Office (MLSAF)/ Equal Opportunity and Anti-Discrimination Section (MLSAF) / Labour Ministry Training Centre/ Counselling and Psychological Services Centre
Inter-institutional coordination	Office of the Government /Ministry of Finance / Deputy Prime Minister for the Knowledge-Oriented Society, European Affairs, Human Rights and Minorities

The Medium-Term Concept of the Development of the Roma National Minority 2008-2013 aims to provide a more favourable environment for marginalized Roma communities. Among its main priorities are to create jobs through employment in municipal social enterprises, and to involve long-term unemployed in activation activities.

Employment constitutes one of the four priority areas of the National Action Plan on the Decade of Roma Inclusion, (2005-15). Rather than relying on an ethnic or religious principle, the Plan characterises Roma communities as a "group of vulnerable job seekers". Two broad objectives are:

- (i) The improvement of job opportunities of vulnerable groups and
- (ii) The equal treatment of all citizens on the labour market. Indicators for these priorities include the number of jobs created for vulnerable groups, the number of persons who have started their own business, and the number of state administration employees that completed the training aimed at preventing all forms of discrimination.

In addition, the National Reform Programme for 2008-2010 aims to reduce long-term unemployment that affects disproportionately the Roma in Slovakia. Its goals are combating long-term unemployment, preventive work with children and youth at risk of marginalization, improving employability, and life-long career guidance. Devised in response to the priorities set within the Lisbon Strategy, the programme addresses the need to reduce long-term unemployment which disproportionately affects the Roma. The report cites legal changes introduced<sup>73</sup> and sets the following goals:

- (i) Combating long-term unemployment through the inclusion of the long-term unemployed into the labour market,
- (ii) The preparation of a methodology to support preventive work with children and youth at high risk of marginalization,

<sup>73</sup> It mentions the amendment of the Labour Code, the amendment to the Act on Employment Services (2008) and finally the Act on Social Services (2008).

- (iii) Improving employability through increased connection between education curricula and the demands of the labour market,
- (iv) The creation of a unified system of life-long career counselling, and
- (v) Housing support with the aim to increase labour force mobility especially for regions with low demand for labour. The main instruments are the national system of
  - (a) Flexicurity to support more and higher quality jobs,
  - (b) Modernising the labour market and improve working conditions, and
  - (c) Creating evaluation systems to raise the effectiveness of active labour market policies.

An in-work benefit has been introduced to raise the motivation to seek employment and to stay in the labour market over the long-term. The concept of the in-work benefit supplements the current tax system, operating on the principle of negative tax. Income from employment lower than a set threshold is supplemented by a state transfer to the employee in a maximum amount of €83.25 per year, which on 1.3.2009 was increased to €181.03 per year in the framework of a package of anti-crisis measures for the period 2009 to 2010.

The activation policy is considered by the government to be a successful measure and an effective tool in helping unemployed people find a job. The activation policy was introduced in the beginning of 2004, when the Act on Employment Services entered into force. The Act on Assistance in Material Need (No 599/ 2003 Coll.) lists the categories of individuals who can be involved in activation policy, as well as the activation payment which they are entitled to, which is currently SKK 1,700 (approximately €45) per month. It is estimated that almost 75% of Romani households depend on aid from the state, municipalities or charitable organisations<sup>74</sup>.

The European Social Fund supports measures to invest in the workforce and reduce unemployment and long-term unemployment for the period 2007-2013, targeting in particular Roma communities. The priorities are (i) the support of employment growth through the increase of the adaptability of workers and promotion of entrepreneurship, (ii) the support of social inclusion through the promotion of equal opportunities to access the labour market and the integration of disadvantaged groups<sup>75</sup>.

The National Action Plan on Roma Decade has a budget for employment rise to SKK 982,172,845. The majority of objectives were foreseen to be co-financed by the ESF. The ESF Operational Programme on Employment and Social Inclusion has European Community Funding for this OP for the period 2007-2013 is set at 881,801,578 EUR. The national counterpart will contribute 155,612,045 EUR. The total amounts to 1,037,413,623 EUR.

#### *4.3.1.11. Policy assessment*

The main weaknesses of the employment policies are a failure of the activation programmes and inefficient system of administrative controls on the illegal employment of Roma. There is little monitoring of the implementation of policies. Equality and anti-discrimination policies do not address Roma specificities. There is no encouragement of job applications from Roma. Staffing and institutional provisions at local level are insufficient. Stakeholders and excluded groups are not included in the design or implementation of

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<sup>74</sup> Amnesty International, 'Slovak Republic – Amnesty International Report 2007', available at <http://www.amnesty.org/en/region/slovak-republic/report-2007>, last accessed 04.06.2010.

policies. Strategies such as the Medium-term Concept are very general with no specific practical measures, no evaluation criteria and no budget attached to it.<sup>76</sup> Consequently, while activation work programmes attracted 243,000 job seekers in 2004, only 1% of participants were successful in finding work after leaving the programmes<sup>77</sup>.

#### 4.3.2. Old Member States

##### 4.3.2.1. France

In France, there are different policies towards Roma with French citizenship and those without. For 'French Gypsies' the main aims are to promote professional training and professional integration; promote access to information, job offers, employment follow-up and training via Employment Centres. There are no employment policies towards migrant Roma from Bulgaria or Romania because of the "transitional" period following the EU accession of those countries. Bulgarian and Romanian Roma who are not French citizens cannot benefit from EU citizens rights, but are considered as foreign workers, therefore those who are not employed cannot be helped by the National Employment Centres, nor can they have access to professional training. Finally, such Roma EU citizens in the "transitional" period who ask for their first work authorisation in France cannot access measures in favour of professional training or retraining.

##### *France: Institutional and policy framework for employment*

Supervising organisation:	None
Implementing agency:	None
Main strategic document	None
Action plan	None
Main measures and instruments	Employment measures for the general population
Monitoring and evaluation	None

The main aims of employment strategy are to promote the professional training and insertion of persons, especially those who live in precarious conditions, and to facilitate the access to information about professional training and employment. The associated action plans propose job offers, employment follow-up, training, advising for all employees via the Employment Centre (*Pôle Emploi*), and to promote solutions to Gypsies populations adapted according to their needs as part of common law measures.

Most measures are the initiatives of local Associations (NGOs), occasionally with the help of local public services, designed to adapt the common law strategies to specific groups (Gypsies included) to really allow all citizens to benefit from common programs (rather than developing a specific policy). Measures are designed to assist Roma to create and manage individual companies through grants, legal advice, and micro-credits; promote and develop training for Roma people through local initiatives; assist access to employment, especially for young Roma. Most of these instruments are put in place and led by Associations.

<sup>75</sup> European Commission, ESF-Slovakia, [http://ec.europa.eu/employment\\_social/esf/members/sk\\_en.htm](http://ec.europa.eu/employment_social/esf/members/sk_en.htm)

<sup>76</sup> ECRI, 2008 Report, at para.107.

<sup>77</sup> ERRC, 'The Glass Box: Exclusion of Roma from Employment', 2007, pp.57-8, available at: <http://www.errc.org/cms/upload/media/02/14/m00000214.pdf>.

Employment policies towards Roma EU citizens from Bulgaria and Romania do not exist. They cannot access what exists in the common law because of the “transitional” period. As explained below, Bulgarian and Romanian citizens cannot benefit from the EU citizens’ rights, but are considered as foreign workers. Moreover, Bulgarian and Romanian citizens who are not employed cannot be helped by the national Employment Centre<sup>78</sup>. For the same reasons<sup>79</sup>, they cannot have access to professional training. Finally, EU citizens in the “transitional” period – as for all foreigners who ask for their first work authorisation in France – cannot access measures in favour of professional training or retraining. Only a few local actions, led by Associations, assist migrant Roma with the administrative problems in getting a job, or provide legal advice on administrative procedures to companies which want to hire Roma employees.

#### 4.3.2.2. Policy assessment

The Certification of Competences from Experience (VAE) is based on a diploma and theoretical knowledge rather than on practical skills, disadvantaging Roma. In general, this certification allows people to “transform” their previous experiences into a partial or full diploma. It is open to everybody whatever their diploma, age, employment status, or experience. Usually, this procedure is based on writing exercises and theoretical knowledge. Some local Associations have adapted the VAE to recognise Roma skills. These local initiatives were based on partnerships between Employment Centre Offices, the Association for the Right to Economic Initiative, social services of municipalities, local Associations and Roma families. The diploma enables persons to be registered in the National List of Professional Certifications (Répertoire national des certifications professionnelles – RNCP). Before they can start a new job they also need to be registered with the Chamber of Commerce and be officially authorized to carry out the job. Unfortunately, the official “jobs list” does not recognise the different activities usually carried out by Roma people and often makes it impossible for them to carry out their work on a legal basis.

There are many further obstacles to the employment of itinerant Roma in finding formal sector employment. Local Associations which try to develop employment projects for Roma have a weak capacity. The “transitional” period limits access to employment for immigrant Roma, and also limits their ability to undertake professional training. Companies which want to hire Roma EU citizens from Bulgaria and Romania face additional taxes. In addition, the administrative procedures for immigrant Roma are cumbersome.

#### 4.3.2.3. Germany

The Allgemeine Gleichbehandlungsgesetz [General Equal Treatment Act] entered into force in August 2006 transposing the EU Racial Equality Directive (2000/43/EC and 2000/78/EC). Although it does not contain any explicit provisions on Sinti and Roma; it bans discrimination in employment on the grounds of ethnic origin. Nevertheless, Roma persons find it more difficult than others to gain access to employment since they lack formal educational certificates. They also face discrimination on the labour market, and average income is lower than that of the national average. No other minority faces such a difficult situation on the labour market. However, the situation for immigrant Roma in Germany is even worse, because, depending on their legal status, many are prevented from gaining a formal job.

<sup>78</sup> They indeed are not included in *foreigners* categories which can be registered as job seekers by the national Employment Centre (article R5221-48 of the Labor Code (*Code du Travail*)).

<sup>79</sup> According to the circular DPM/DMI2 n°2007-323 of 22 August 2007 about work authorisations.

In Germany employment policies focus on enhancing participation of the local Roma and other migrants in the labour market. Roma receive support of several small local projects on (i) qualification initiatives, (ii) vocational training for minorities, (iii) projects for labour market integration, job orientation. Only 5 Programmes in Germany focus specifically on the labour market integration of Roma - XENOS and ESF funded. There are only a few direct labour market programmes at regional level.

#### 4.3.2.4. Policy assessment

A main strength of the policy framework is that, de jure, Roma citizens have the same access to the labour market as others. The weaknesses in the direct employment programmes are that the labour market cannot be adapted to the needs of the job seekers, while the job seeker needs to adapt to the conditions and requirements of the labour market. Therefore, general improvements are only possible by means of successful education and qualification programmes. The legal situation is insufficient for some migrant groupings. Available programmes are insufficient for the problems of some migrant groupings. There are several opportunities. Employment-success depends on two main developments, of which the first is a change of the public perception of the Roma, and the second is progress in the educational attainments of the Roma. The main threat to the successful implementation of policy is the marginalisation of the Roma migrants if their situation does not improve.

#### 4.3.2.5. Greece

##### *Greece: Institutional and policy framework for employment*

Supervising organisation for employment policy:	Ministry of Employment and Social Protection
Implementing agency for employment policy:	A partnership between government bodies, municipal development agencies, NGOs and private business accredited by the government.
Organisation responsible for employment policy related to Roma	General Directorate for Employment (under the Ministry of Employment); Council of experts for employment and social security; (appointed by the Minister of Employment); Greek Manpower Employment Organisation (OAED)
Main strategic document	Operational Programme: Employment and Vocational Training, 2000-2006
Action plan	Operational Programme for Employment and Vocational Training (Axis 2); Programmes running under the auspices of the EQUAL Initiative and OAED.
Main measures and instruments	Promotion of employment-related skills; Grants for the promotion of entrepreneurship; Integrated actions for the promotion of employment for socially-deprived persons or areas; The Roma population also benefits from horizontal actions funded under the EQUAL Initiative and OAED
Monitoring and evaluation	Monitoring Committee for the Operational Programme (under the Secretary-General of the Ministry of Employment for the Management of European and other funds); Managing authority of the Operational Programme

	(appointed by the Ministry of Employment); Provision for independent evaluation
Inter-institutional coordination	The Sub-Committee on Human Resources (appointed by the Ministry of Employment); Special Service for Coordination and Monitoring of ESF Actions (appointed by the Ministry of Employment)

The strategy aims for employment are an improvement of access to the labour market for 'socially vulnerable' groups (including the Roma)<sup>80</sup>. There is no action plan for the promotion of employment exclusively targeting the Roma community.

The Ministry of Labour<sup>81</sup> coordinates the Operational Programme for Employment and Vocational Training. Projects for the promotion of Roma employment are funded through Axis 2 '*Equal opportunities for access to the labour market for those threatened with social exclusion*' of the Operational Programme. For the years 2000-2006, the total budget is €307m, of which 75% of funding was from the European Social Fund (ESF) and 25% from national funds. There is no information on the share of this funding being directed to Roma-specific projects. The three main measures were:

- (i) Support for training.
- (ii) Grants for the promotion of entrepreneurship, and.
- (iii) Integrated actions for the promotion of employment for socially deprived persons or areas. The delivery of these initiatives is pursued through a partnership between government bodies, municipal development agencies, NGOs and private business accredited by the government. The programme was expected to improve the employment prospects of 5,200 persons from 'socially vulnerable groups'. Up to 2008, 1,334 Roma (724 women) benefited from projects under Axis 2. Of those, 12% joined employment activation schemes and 2% obtained permanent employment.

Further actions targeting the Roma are undertaken in the context of the Community initiative EQUAL as well as the Greek Manpower Employment Organisation (OAED). Several initiatives are aimed at promoting employment skills ranging from the teaching of the Greek and English language, IT skills, interview training, cv-preparation and advice on employment opportunities. In addition, there are a number of 'integrated interventions' providing grants for businesses employing Roma (and/or Muslim) staff or for members of these communities who wish to start new businesses.

Most recently as part of the package of anti-crisis measures the OAED has introduced a programme promoting self-employment among Roma. The programme provides subsidies for 500 self-employed Roma beneficiaries aged between 18 and 64, and a programme of continuing vocational training for 600 Roma on subjects of their choice, depending on demand per county. The total budget of both programmes amounts to €14m<sup>82</sup>.

### Policy assessment

The legal framework of labour market policy is poorly enforced, and leaves vulnerable groups such as the Roma exposed to discrimination. It is over-complicated and involves a

<sup>80</sup> Ministry of Employment and Social Protection 2006: 8, 11.

<sup>81</sup> Up to 2009 it was called the Ministry of Employment and Social Protection.

<sup>82</sup> See "National reform programme for growth and jobs 2008-2010 Implementation report 2009", Hellenic Republic Ministry of Finance, November 2009, p. 31.

myriad of different actors, from central ministerial bureaucracies and prefectural services who are ill prepared to perform their duties.

There are significant shortcomings in the consistency and coverage of employment-related projects. Preliminary assessments on the needs of the local Roma communities have been very poor, and the design of the programme was considered too inflexible to adjust to local conditions. Coordination between actors has been problematic and the projects suffered from significant delays. As a result their impact in promoting employment has been poor. The projects targeting vulnerable social groups have also been plagued by inflexibility and poor value for money<sup>83</sup>.

The role of the Roma community in the design and implementation of these programmes has been minimal without stable membership in the relevant bodies responsible for their delivery. The institutional framework is extremely fragmented, and coordination between different levels of government is problematic. Many of the actors involved (particularly the municipalities, but also some of the Roma NGOs) lack sufficient expertise to deliver the stated objectives. The role of the Roma representatives in the process of drafting and monitoring of projects is minimal<sup>84</sup>. The design of most projects did not meet the actual needs of the Roma community or the labour market demands of the local economy. The rather poor Roma participation in these schemes suggests that their impact on their employment prospects was minimal.

The most successful projects were those implemented near Roma settlements. Projects initiated by EQUAL and OAED seem to have been more successful in that respect. More projects are needed that will address the specific needs of the Roma community and the local economy. Moreover, action plans require a larger degree of continuity and joint-up thinking.

#### 4.3.2.6. Italy

In Italy, there is no national employment policy for Roma, but some isolated actions such as the National Fund on Migration Policies 2007 and 2008. Actions and projects at regional and local level favour partnerships of local institutions and NGOs to implement the projects, either financed through Structural Funds or regional or local programme funds. These focus on (i) overcoming the situation of exclusion and discrimination of Roma communities (youth and adults), and (ii) improving their access to local services and labour market through guidance, training, internships and job placement.

##### *Italy: Institutional and policy framework for employment*

Supervising organisation for employment policy	Ministry of Labour and Social Policies (MLSP)
Implementing agency for employment policy	Ministry of Labour and Social Policies (MLSP) and Regions
Organisation responsible for employment policy related to Roma	Ministry of Labour and Social Policies (MLSP) and Regions
Main strategic document	None
Action plan	None
Main measures and instruments	Improving access to local services network and

<sup>83</sup> Guy 2009b: 15.

<sup>84</sup> Ministry of Employment and Social Protection 2009.

	labour market through orientation, training, internships and job placement and information points.
Monitoring and evaluation	None
Inter-institutional coordination	None

Roma face great difficulty in integrating into the labour market, given their low education level, low level of skills, and their often non-resident status.

The labour market is regulated by a variety of laws and legal instruments. Article 4 of the Italian Constitution prohibits of all type of discrimination. Legislative decree 286/1998 "Unique text of legal rules concerning immigration and norms regarding the condition of foreigners" (Labour discipline Title III, in particular from article 21 to 27) and law 189/2002 "Amendment to the legislation on immigration and asylum" article 6 Residence contract for employment, article 18 Permanent and temporary employment and self-employment, article 20 Seasonal labour and article 21 Residence for self-employment.

Employment policy is also decentralized at local level so Regions have their own Regional Laws (Ex. Regional laws 47/1988 of Emilia Romagna, 77/1989 of Lombardy and 26/1993 of Piedmont). Lombardy is one of the most active Italian Regions regarding Roma integration policies. It supports the processes of employment integration of the Roma and Sinti through the project "Valore lavoro. Percorsi di inserimento lavorativo per Rom e Sinti".

#### 4.3.2.7. Policy assessment

Several successful projects on employment creation and job training at regional or local levels can be considered as "best practice". They typically involve partnerships, and are tailored to local conditions and needs through a "demand driven" approach. There is active involvement of Roma representatives and empowerment of beneficiaries. However, there are also several weaknesses in local labour markets, including difficulties in up-grading the skill and qualification of Roma people in order to meet the minimum requirements for jobs. For the young generation there is a greater opportunity for training and more positive collaboration, which can be seen as local best practice.

#### 4.3.2.8. Spain

During the economic crisis of the 1970s many previously employed Roma took up self-employment and joined the already large informal economy. Economic expansion during the 1990s enabled many Roma were to obtain permanent jobs; however, the jobs were precarious and were mainly in low-qualified sectors. As a result, street-vending remained as an informal economic activity. The future prospects of informal street-vending are however meagre and new Roma generations will have to look for more sustainable jobs.

The decline of traditional professions and activities (itinerant trading, paper collection), together with a lack of qualifications have contributed to the exclusion of the Roma from the labour market (EC 2008). The Roma community continues to have very high self-employment rates, and few have permanent and high qualified jobs. Job instability is a distinctive feature, due to the high incidence of temporary jobs, which is more than twice that of the overall population. This has remained unchanged over the last decade. Also, the Roma have high rates of part-time employment, especially among women and young Roma. Female employment remains very low. Both lack of education and discrimination towards this group are the main obstacles for the integration of the Roma community in the

job market (FSG 2005; Laparra 2007, 2008). The global economic recession has had a further negative effect on Roma employment, while the latest FSG report acknowledges an increase of discrimination in the employment front for the Roma community due to the recession.

Unusually, there is rather good data available on the employment situation of the Roma community in Spain, due to the research activities of the FSG. One recent survey carried out in 2005 revealed that the labour market situation of the Roma in Spain is far better than that in the New Member States of Eastern Europe. The survey data show that the activity rate amongst the Roma population was 72% for those aged 16+, slightly higher than for the general population (56.7%). The employment rate was 63% (similar to overall population), while unemployment rate (14%) was slightly higher. The data contradicts the common stereotypes of Roma as not being hard-working people. On the contrary, they enter the job market earlier than other Spanish people and as a result their working lives are also longer. Amongst the employed Roma, the 2005 study revealed that 59% were men and 41% were women (similar to the Spanish average). However, 70% of inactive Roma were women. Yet, they are responsible for household duties and care for dependent family members. It was also remarkable that only 7.4% of the active Roma had a permanent job and that 48.5% were self-employment. By sectors, 76% of Roma workers are employed in the service sector (Spanish average 65%). There is also a higher proportion of Roma employed in agriculture (9% vs. 5% of overall population). By contrast, there are very few Roma employed in manufacturing sector (just 5% vs. 18% of overall population). Numbers in the construction sector (11%) compare to those of the country as a whole. Regarding types of employment, we have already noted the importance of street-vending. Also, traditionally, garbage collection antiques and performance arts have been key activities for the Roma.

The Roma community has high self-employment rates and low share of employees in permanent or highly qualified jobs. Job instability is another distinctive feature of the employment of the Roma, due to the higher percentages of temporary jobs, which is more than double of the overall population. This has remained unchanged over the last decade. Also, there are high rates of part-time employment, especially among women and young Roma. Female employment remains very low. Both lack of education and discrimination towards this group are the main obstacles for the integration of the Roma community in the job market (FSG 2005, Laparra 2007 & 2008).

The 2009 economic recession had a negative effect over large parts of the Roma population, with a 35% reduction on the number of job contracts. The latest FSG report acknowledges an increase of discrimination in the employment for the Roma community during the recession. There are not many professionals working on this field and sharing best practices is not common. The FSG has recently created the Roma Employment Observatory, which could help to improve the lack of data and information exchange.

The main aims of the Action Plan for the Development of the Roma Population 2010-2012 are to improve education and training amongst the Roma in order to facilitate their access to employment, set up priority areas, improve available data on Roma's employed population by gender, include a gender perspective into the action plan. The Action Plan has a budget of €27m for employment and economic activity measures.

The main measures include:

- (i) Promoting permanent employment.
- (ii) Finding alternatives to street-vending.
- (iii) Improving qualifications to access better jobs.
- (iv) Developing programmes for training and education of roma.
- (v) Information services including guidance services, training options, work regulation, microcredits.
- (vi) Normalising professional activities that are currently not declared by the roma community and where a high percentage of them work.
- (vii) Identifying and sharing best practices, and
- (viii) Specific actions to promote gender inclusion at all levels.

At the regional level, five regions undertake actions aimed at the Roma population: Andalucía, Cataluña, Extremadura, Galicia and Murcia. The ACCEDER was managed regionally with the collaboration of regional governments. In 2002 the region of Madrid created a Bureau for the Integration and Promotion of Roma in the Community of Madrid.

The measures include the Training and employment, taking into account the specificity of labour activity of the Roma (flea markets, art work), enterprise development, support youth and the incorporation of Roma women in integration programs and job training.

#### 4.3.2.9. Policy assessment

A more proactive policy intervention agenda would help to improve the current situation. Few professionals work in this field and sharing best practices is not common. The FSG has recently created the Roma Employment Observatory, which could help to improve the lack of data and information exchange. Closer collaboration with local authorities, businesses and potential employers could help to improve Roma employment.

An ongoing task is making social stakeholders aware of current inequalities so they can help combat discrimination towards Roma. Also, a closer collaboration with local authorities, businesses and potential employers could help to improve Roma employment. Policies aim to improve education and training amongst the Roma in order to facilitate their access to employment, to set up priority areas, to improve available data on Roma's employed population by gender, and to include a gender perspective into the action plan in this area. Actions focus on promoting permanent employment, finding alternatives to street vending, and improving qualifications to get access to better jobs.

#### 4.3.2.10. UK

UK: Institutional and policy framework for Employment	
Supervising organisation	Department for Work and Pensions (DWP)
Implementing agency	Jobcentre Plus
Organisation responsible	The DWP Labour Market and Inclusion Division
Main strategic document	There is no specific GRT strategic document
Action plan	There is no specific GRT action plan but the UK National Action Plan on Social Inclusion 2008-2010 contains some employment provisions.
Main measures and instruments	In its response to the European Commission against Racism and Intolerance fourth periodic report on the

	UK (ECRI 2010, 88), the government acknowledged the growing economic pressures that Gypsies and Travellers are under and argued that Jobcentre Plus, the agency that helps people of working age into employment, can provide support and that Jobcentre advisers should forge strong links and engage with local Gypsy and Traveller groups.
Monitoring and evaluation	The Equality and Human Rights Commission monitors equality in employment. DWP and Jobcentre policies have to undergo a race impact assessment
Inter-institutional coordination	The Coalition Government will formalise inter-departmental dialogue through the establishment of an inter-departmental GRT forum In the wake of the publication of the ITMB (Irish Traveller Movement Britain) report 'Roads to Success: Routes to Economic Inclusion for Gypsies and Travellers' (Ryder and Greenfields 2010) the DWP is considering establishing a GRT forum on economic inclusion.

In the UK, strategic policies focus on improving social and economic inclusion, through the policy "Working Together: UK National Action Plan on Social Inclusion" (Department for Work and Pensions (DWP) 2008). In 2007, the Department for Work and Pensions (DWP) held a joint seminar with the ITBM on economic inclusion. A delegation of Gypsy and Traveller representatives also met the then DWP minister Jim Murphy MP to discuss economic inclusion. These initiatives led to Traveller organisations successfully securing funding from the Big Lottery Research Fund to establish the Traveller Economic Inclusion Project, an action research project, which is expected to shed insights into economic inclusion and trigger intercultural debate about life and employment strategies. It will be published in November 2010 with a range of policy recommendations. The DWP has been less proactive than the CLG, DCSF and Department of Health (DH) in engaging with GRT and developing targeted initiatives (ITMB 2007). Likewise there is evidence that GRT groups are discontent with the support they are receiving in Jobcentres (European Dialogue 2009, Cemlyn et al 2009).

The Equality Act 2010 (SEA) outlines and promotes 'Positive Action'. "Positive action is a range of measures which employers can lawfully take to encourage and train people from under-represented (racial and ethnic groups) in order to help them overcome disadvantages in competing with other applicants" (ROTA 2009). This has been successfully adopted in recruitment in the GRT third sector improving the delivery of projects and services and creating new role models. The opportunity for further development in employment and other areas is strengthened by endorsement of the SEA. The Welfare Reform Bill 2010 will create a single welfare-to-work programme and make benefit payments more conditional on willingness to accept work. Research has noted that previous welfare to work initiatives (Welfare Reform Act 2007) impacted negatively on nomadic Travellers and those on unauthorised encampments and conflicted with child minding responsibilities and traditions (Cemlyn et al 2009, 36).

#### 4.3.2.11. Policy assessment

In its response to the European Commission against Racism and Intolerance fourth periodic report on the UK (ECRI 2010, 88), the government acknowledged the growing economic

pressures that Gypsies and Travellers are under and argued that Jobcentre Plus, the agency that helps people of working age into employment, can provide support and that Jobcentre advisers should forge strong links and engage with local Gypsy and Traveller groups. This could provide the basis for important partnership work. The Coalition Government is recommending the creation of an intern programme where set quotas from ethnic minorities gain work experience in Government departments (Cabinet Office 2010, 18). This has been applied in Ireland for the Traveller community and holds the potential to create positive role models and aspirations (ITMB 2007).

Best practice policy initiatives include the example of the Welsh Assembly Government in accessing EU funds. There is also the pioneering work of Pride not Prejudice which has sought to raise the police force's understanding of the needs of GRT communities; and Pacesetters which has forged important pilot projects with a number of community groups like Friends Families and Travellers and Leeds Gypsy and Traveller Exchange to improve the health care of GRT communities.

#### **4.4. The EU Policy Context**

The European Employment Strategy (EES) is central to the Lisbon Strategy and its overall focus on growth and jobs (EC 2008). The EES aims to increase employment, improve productivity and quality of work, and strengthen social and territorial cohesion. The Lisbon Strategy's Integrated Guidelines for Growth and Jobs include eight Employment Guidelines, which emphasise the importance of equal opportunities and combating discrimination in the labour market. Guideline 3 states that Member States should "*Ensure inclusive labour markets for job-seekers and disadvantaged people*". The Guidelines point out that combating discrimination and promoting access to employment for integrating immigrants and minorities are essential. In developing the guidelines, peer reviews are carried out as part of the process of the Open Method of Coordination. In the first half of 2008 one of these seminars focused on the JOBS project in Bulgaria in which Roma participate. Although Roma are not specifically mentioned in the Guidelines, they were taken into account in the analysis leading to the country specific recommendations in the cases of Bulgaria, Czech Republic, Hungary, Romania, and Slovakia. Every year Member States report on national progress regarding growth and jobs, on the basis of which the Commission proposes country-specific recommendations to Member States. In seven MS immigrants or migrants are mentioned as a target group. The Commission and the MS agree on an annual Joint Employment Report which reports on actions in relation to the Guidelines. The reports are based on the National Reform Programmes in which MS report on actions taken and planned to respond to their challenges and the recommendations which are made to each country by the European Commission.

A recent policy report by the European Commission (EC 2008) has identified that the EES has a number of tools that could be used to put a stronger focus on Roma under the existing Strategy. The Integrated Guidelines could place more emphasis on Roma; the situation of Roma could be included in the Country Chapters of the Strategic Report in countries where the situation of the Roma continues to be a challenge; the Recommendations could place more emphasis on vulnerable groups; the Joint Employment Report of the Commission and the Council could give more attention to the Roma; Peer Review seminars should be held which focus on good practice for Roma access to employment to facilitate mutual learning; the Commission should also encourage the MS to develop cross-border Roma programmes.

In financing actions aimed at improving the employment performance of the EU, the European Social Fund has a special role. The ESF Regulation states that assistance from the ESF should focus, in particular on "... reinforcing the social inclusion of disadvantaged people [and] combating discrimination...". The Regulation (EC 2006) specifically aims to "contribute to the priorities of the Community as regards strengthening economic and social cohesion by improving employment and job opportunities, encouraging a high level of employment and more and better jobs. It shall do so by supporting Member States' policies aiming to achieve full employment and quality and productivity at work, promote social inclusion, including the access of disadvantaged people to employment, and reduce national, regional and local employment disparities".

Article 3(c) of the Guidelines calls for "reinforcing the social inclusion of disadvantaged people with a view to their sustainable integration in employment and combating all forms of discrimination in the labour market, in particular by promoting:

- (i) pathways to integration and re-entry into employment for disadvantaged people, such as people experiencing social exclusion, early school leavers, minorities, people with disabilities and people providing care for dependent persons, through employability measures, including in the field of the social economy, access to vocational education and training, and accompanying actions and relevant support, community and care services that improve employment opportunities;
- (ii) acceptance of diversity in the workplace and the combating of discrimination in accessing and progressing in the labour market, including through awareness-raising, the involvement of local communities and enterprises and the promotion of local employment initiatives".

And through 3 (iv) to undertake "specific action to increase the participation of migrants in employment and thereby strengthen their social integration and to facilitate geographic and occupational mobility of workers and integration of cross-border labour markets, including through guidance, language training and validation of competences and acquired skills".

In all the areas highlighted above, the ESF has a clear remit to support the labour market integration of the Roma, as disadvantaged people, a minority, as migrants and as people involved in geographical mobility. It also has a specific remit to combat discrimination in the labour market. While the Regulation makes specific mention of gender discrimination and discrimination against disabled people, it does not specifically mention discrimination against Roma. This gap could be amended in future editions of the Regulations, to mainstream Roma integration into the EU labour markets.

### *Health and safety at work*

The Treaty on the Functioning of the European Union establishes in Article 153 the legal basis for action in the social field, in which the Union should "*support and complement the action of the Member States*" in a number of listed fields. These include the improvement in particular of the working environment to protect workers' health and safety, and working conditions, the integration of persons excluded from the labour market and combating social exclusion.

The Union has adopted a wide variety of measures in the field of safety and health at work. The Framework Directive (89/391/EEC) in this field has a wide scope of application, and there exist further Directives focusing on specific aspects of safety and health at work. These acts are the fundamentals of European safety and health legislation. They set out

minimum requirements and fundamental principles, such as the principle of prevention and risk assessment, as well as the responsibilities of employers and employees. Moreover, a series of European guidelines aim to facilitate the implementation of European Directives as well as European standards which are adopted by European standards organisations. Several directives are of importance and could be referred to when examining the working conditions for Roma including:

- Directive 2003/88/EC - organisation of working time. The Directive aims at protecting workers from negative health effects due to shift and night work. It lays down minimum general safety and health requirements for the organisation of working time with regard to maximum working time. In addition, the Directive sets out requirements for periods of daily rest, breaks, weekly rest and annual leave.
- Directive 89/654/EEC - workplace requirements. The Directive lays down minimum requirements for safety and health at the workplace.
- Directive 89/656/EEC - use of personal protective equipment. This Directive lays down minimum requirements for personal protective equipment (PPE) used by workers at work.
- Directive 89/655/EEC - use of work equipment. This Directive lays down minimum safety and health requirements for the use of work equipment by workers at work.

All these directives should be applicable to the work practice of Roma EU citizens. However, there are too few labour inspectorates in many countries to ensure that the associated legislation to these directives is carried out. Roma, as other people, who work in the least skilled sectors such as construction and agriculture are especially vulnerable to health and safety hazards and should be offered improved protection.

#### **4.5. Critical assessment of the employment policies: overview**

Even in countries which have developed Strategies and Action Plans for Roma inclusion the coordination of policy has been poor, and implementation of policy has often been weak. The national NAPs have not been translated into priorities in the field of employment policy (BG). In some countries Labour Offices have no programmes that specifically target Roma, using ethnically neutral policies that support long-term unemployed or jobseekers with no educational qualifications (CZ).

For some individuals, the high levels of unemployment in the place where they live, or their levels of formal indebtedness or the fact that they have no skills and have never worked may mean that it may be impossible to ever find employment (CZ). In such cases it is important that employment activation policies are used sensitively so that they vulnerable groups receive a minimum level of social assistance to protect them and their families from serious deprivation.

In some countries the procedure to register as self-employed or to set up a company is complex, and the low level of education of Roma make it hard for them to understand the administrative procedures required to create a business (FR).

In France the official “jobs list” does not recognise many of the activities carried out by Roma and prevents them from carrying out their work on a formal basis.

NGOs which try to assist the Roma population to find a job or set up their own business have limited financial means, and can only implement such activities to a small number of beneficiaries (FR, SK).

In the Old member States the "transitional" period for free movement of workers limits access to employment and training for migrant Roma.

The fundamental problem of the direct employment measures is that public works programmes they generally do not provide training, and therefore do not lead to sustainable employment once the public works programme has come to an end.

Assessments of the needs of Roma communities have been poor and programme design has failed to adjust to local conditions. The design of most projects has met neither the needs of the Roma community nor the labour market demands of the local economy. The low Roma participation in these measures has led to minimal impact on employment (EL).

In Hungary, a critical issue of Roma employment has been inadequate levels of education and skills. There has been a vicious circle connecting the lack of skills to a lack of access to a job, leading to unemployment and poverty. The way out is through appropriate education, and there is an obvious need to link employment and training both at the program level and at the level of implementation (HU).

In Poland, the Roma Programme does not provide any incentives for employers to change their attitude towards Roma. The Roma employment policy does not proactively stimulate anti-discrimination actions or campaigns on the labour market. The impact of the current Roma Programme on Roma employment is therefore minimal.

In Slovakia, there is no engagement of stakeholders in the design and implementation of policies. Strategies (e.g. the Medium-term Concept) remain very general with no concrete measures, no evaluation criteria and no funding attached.

#### **4.6. Best practice and policy success in promoting Roma employment**

Due to the lack of impact assessment studies, the knowledge base on the actual effectiveness of the different policies is very weak. Therefore it is not possible to make a hard and fast account of the more successful approaches compared to the less successful. Nevertheless, one programme and associated set of measures stands out as being particularly promising, namely the *Acceder* (Access) programme in Spain. ACCEDER was established in 2000 aiming to incorporate Roma people into the labour market. After ten years, the programme has proved to be highly effective and an example of good practice. It is based around integrated support centres established in towns throughout the country which provide vocational training, career guidance and practical links to job openings in local businesses. The programme has delivered services to 51,000 people and has succeeded in placing more than 36,000 people in work. A plan to boost the actions of the Access Program to address the current economic crisis and rising unemployment was adopted in early 2009. This involves strengthening the ability to make social support from the Programme; developing relationships with companies through processes of exploration; and investing in training and improving the skills of young Roma people in collaboration with companies. During 2009 some 6,535 people participated in the programme, which delivered 233 training activities, in which 2,400 people participated, providing more than 150,000 hours of training of which more than 65,000 hours have been training practice in companies. The programme achieved 3,279 new contracts of employment, of which 56% were for women.

Spain  
ACCEDER

The ACCEDER programme, supported by the ESF, aims to promote access to employment for Roma through individual employment pathways and the development of human resources. It provides vocational training and establishes direct links between the Roma and companies by promoting a partnership network with administration and companies. The programme was built around tailor-made vocational training, employability diagnosis, counselling, and assistance in labour market integration, the setting up of a direct link between Roma job seekers and employment service providers, awareness-raising in respect of prejudices and discriminatory practices and the development of new jobs within the educational, healthcare and cultural social services. Consultancy services are also provided for those wishing to set up their own business.

The first phase ran from 2000 to 2007 and the second phase from 2008 to 2013. ACCEDER is implemented through 48 integrated employment centres set up throughout Spain by the Fundación Secretariado Gitano. They are staffed by 260 intercultural and multidisciplinary work teams made up of Roma and non-Roma workers with diverse skills and backgrounds. By the end of the 2000-06 programming period it had achieved over 20,000 contracts (EC 2008). Factors for the success of ACCEDER have been an integrated long-term approach which involves and empowers the Roma community and which aims to provide targeted but non-segregated services (EC 2008). Success also depended on strong partnership with all relevant actors and the mobilisation of national, regional and local resources (Source: EC 2008). By 2010 the programme had involved more than 51,000 people and achieved more than 36,000 contracts of employment.

Recent modifications of the programme include measures to strengthen the ability to make social support from the programme, develop relations with companies, and invest in training and improving skills of young Roma people in collaboration with companies. During 2009, 6,535 people participated in the programme and 3,279 employment contracts were secured, of which 56% were for women.

In Italy, the "Best Practices" for Roma are at local level, which is the most suitable level for implementing programmes and projects. The participation of cultural mediators, and the use of Partnerships, are both factors that contribute to successful implementation of the activities.

Italy

A kisté ki braval an u lambsko – A cavallo del vento verso il lungo cammino (Riding the wind toward a long march).

This project tackles Roma and Sinti discrimination in access to training and job placement. Its main instruments include analysis of training needs of Roma and Sinti; housing policies to assist moves from camps to apartments; interviews to identify vocational aspirations. Implementing the project was possible thanks to tutors and facilitators, usually a member of Roma community who has been trained to motivate other Roma involved in the project. The project offers training and job placement paths at individual level. With a budget of €1 million, the project achieved 48 job proposals, 35 of which were accepted and 13 were refused.

#### Emilia Romagna

Il lungo cammino dei Sinti e dei Rom: percorsi verso il lavoro – (The long march of the Sinti and the Roma: paths toward employment)

Its purpose is to overcome the social exclusion and discrimination of Roma communities. This project has two goals, 1) improve and expand the access of Roma to the network of local services and 2) facilitate their access to the labour market. The project has involved the Roma in four different cities (Bologna, Parma, Reggio Emilia and Piacenza). It has had a demonstration effect that has allowed many Roma not directly involved in the project, to know local services and information points and to improve the condition of their camps. The measures included guidance interviews and individual training pathways aimed at job placement; involvement of training tutor, social operator of the camp and Roma facilitator. At a cost of €700,520 the project led to 13 contracts (9 women) of which 5 were permanent employment, 3 fixed-term, 1 apprenticeship and 4 collaborations.

#### Emilia Romagna

Sinti e Rom: azioni e percorsi di transizione al lavoro (Roma and Sinti: actions and paths for a transition to employment)

The project aims to promote the job inclusion of Roma youth and adults. It uses guidance paths and internships as introduction to the labour market; develops group and individual education pathways with ICT support; learning and self-learning in laboratories; individual tutoring in classrooms and workplaces. At a cost of €140,000 it resulted in 35 internships in companies for Roma people in Piacenza, Parma, Reggio Emilia, Modena and Bologna and 35 individualized laboratories created through guidance and individual development paths in the same territories.

#### Lombardy

Valore lavoro (Job's value)

The project aimed to support people in work in cooperatives and workers at risk of expulsion from the labour market (Casa della Carità has to achieve this goal through funds to support IES Cooperative) and to create employment opportunities especially targeted to youth and women, including self-employment, supported by training. The project has been implemented NGOs Caritas (8-12 internships in ironing), Opera Nomadi (12 internships in tailoring), Sucar Drom (contracted to provide job guidance services targeted at Roma communities resulting in 15 internships and 15 paths to support self-employment), Ismu Foundation in collaboration with the Comunità di Sant'Egidio (contracted to increase awareness within employment services and commerce associations in order to prevent discrimination and guarantee equal opportunities resulting in 3 scholarships in-work training). The project costs €480,000 but the results are not known but 'seem promising'.

#### Piedmont

T-d'I. Rom –Tecniche d'inserimento Rom ("Employment" Integration techniques for Roma people)

The project aims to provide job placement for Roma people in the Province of Turin, and develop awareness about job opportunities. It has 40 beneficiaries. It involves traineeships, training on the job, and information and guidance services. At a cost of €480,000 it expects

26 training on the job with income support of €600 per month, and 14 regularizations. The results are still to be evaluated but preliminary results show some good results and participation from Roma people.

Hungary,

#### The Social Land Programme

The programme was initiated by the Ministry of Labour and Social Affairs and then adopted by the Ministry of Agriculture under the National Rural Development Plan. Its objective is to alleviate rural poverty and enhance self help of socially disadvantaged families by providing financial assistance, services, and support to poor households which lack sufficient assets to engage in small scale farming. Local operators of the programmes are mainly the local governments, and also NGOs or social cooperatives. The services include the provision of seeds and equipment, training, and chemicals. The programme is open to both Roma and non-Roma. At the end of 2008 there were social land programmes in ten counties (out of 19 counties of Hungary), in 44 small-regions (out of the total 189) and 194 communities. The programme operates from limited resources: since its start in 1993 it has reached its highest budget in 2008, almost 350 billion Forints.

Hungary.

#### Autonómia Foundation

One successful programme to promote employment for Roma is Hungary's Autonómia Foundation, established in 1990. It provides grants and interest-free loans for employment projects. Its income-generating initiatives include livestock breeding, agricultural programs, and small-enterprise development. In 1998, repayment rates reached nearly 80 percent, compared to 10 percent during its first year of operation. This improvement has been attributed to the involvement of trained monitors, some of whom are Roma, who work closely with project teams throughout the implementation process. Autonómia has expanded its programmes to other CEE countries including Slovakia. (Ringold et al., 2005: 193)

## 5. HOUSING POLICIES

### Key findings

**Housing is an important issue for the social inclusion of Roma, and is integral part of an inclusive policy to fight poverty. Access to housing is essential for ensuring decent living conditions.**

**The social housing policies and the improvement of the services in halting sites need to be addressed by the public administration, from national to regional and local. The local administration is often responsible for the delivery and management of housing services for improving Roma living conditions.**

Access to housing is an important element of policy for social inclusion and for ensuring decent living conditions. Today, most Roma have a sedentary rather than a nomadic life style and so the type, quality and location of housing as well as halting sites are involved in housing policies for the Roma. Their access to housing depends upon policies towards both the private housing market and social housing, and to the management of halting sites and

camps. Some countries, such as Germany, UK, and France, have a highly regulated housing market and large social housing sectors,<sup>85</sup> while other countries have more limited social housing provision including most NMS where the public housing stock was mainly privatised in the early 1990s. Nevertheless, even where access to social housing is more abundant, both formal and informal barriers limit access to social housing. In many NMS, Roma people live in segregated areas, isolated from the main urban centres. This segregation, whether in housing estates or camps, is one of the main causes of social exclusion for many Roma communities (FRA, 2009).

The provision of halting sites depends largely on policies towards land use and infrastructure development within the framework of local urban planning. The financial capacity of municipalities determines their ability to provide utilities and decent living conditions for Roma in such sites. In general, access to utilities is often very restricted (FRA, 2009; UNDP, 2003; EURoma, 2009). Many Roma communities experience a lack of access to basic utilities, such as drinking water, electricity, and sanitation services. Poor housing conditions are found in all countries, with a higher level of deprivation typical in peripheral regions, in rural areas and in the periphery of the large towns and cities. In some NMS, empirical evidence indicates a high share of people living in poor conditions. In Bulgaria and Romania 45%-65% of the dwellings have no sewage, and in 65%-75% do not have drinking water or inside toilets (UNDP, 2003)<sup>86</sup>. Conditions are somewhat better in Spain, where housing conditions for Roma are improving even though they are worse than for non-Roma Spaniards<sup>87</sup>.

Such living conditions influence the health status of Roma communities, since the lack of basic sanitation increases the risk of ill health and contributes to reduced life expectancy. Housing conditions are also related to the wider quality of life, since physical marginalization limits access to quality education for children, undermining their entry into the labour market, diminishing their future incomes and their ability to afford decent housing. The combination of these negative effects reinforces the multi-dimensional character of Roma social exclusion.

## 5.1. Institutional and legal framework for housing

Anti-discrimination laws in EU Member States underpin formal rights of access to public housing. The EU emphasises this aspect of social inclusion through Article 34 of the Charter of Fundamental Rights which "recognizes and respects the right to social and housing assistance, so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by Union law and national laws and practices." A few examples corroborate the legal basis on which the right to housing is declared. In Germany, the Housing Assistance Act provides for non-discrimination in the rental market. In the UK, Regional Spatial Strategies set targets for site provision with central powers of compulsion, where local authorities do not meet the targets.

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<sup>85</sup> See Benini R. (2009), "Approaches and Experiences of public policies in Social Housing in the European countries: a comparison", Working Paper for the 2<sup>nd</sup> Report on *Housing Conditions in Italy* (2010), Nomisma, Agra, Rome. The disparities in social housing provision are large: the NMS varies between 2% to 5% with Poland having the highest share of social housing at 11% of the housing stock, whereas the Netherlands has 33%, UK, 22%, France 18%. Although Germany has only 5% social housing, it has a large regulated private rental market.

<sup>86</sup> The data are based on surveys in Bulgaria, Romania, Czech Republic, Hungary, and the Slovak Republic.

<sup>87</sup> See Spain country report.

In several of the NMS, the *National Strategy Report on Social Protection and Social Inclusion*<sup>88</sup> in the framework of Open Method of Coordination for Social Protection and Social Inclusion mention Roma social exclusion and the importance of access to housing for effective social inclusion policies.

In many countries the implementation of housing policy is decentralised to regional or local authorities. The weak financial capacities of these administrations often limit the extent of access of Roma to housing opportunities. In addition many formal and informal obstacles *de facto* limit access to housing, including social housing. Factors involved include the lack of stable place of residence and identity papers of many Roma people which prevents enrolment on waiting lists for social housing, the lack of stable employment and low incomes limits access to private rental housing, as do the low incidence of land ownership among Roma communities. Thus the lack of decent and affordable houses or acceptable halting sites remains a crucial objective for the overall improvement of the living conditions of the Roma.

## 5.2. Measures and instruments

Few countries have Roma-focused plans or programmes for facilitating access to housing. Access to decent housing is limited by low incomes which limits unless the provision of a dwelling is subsidized by government or municipal support. Different measures and instruments have been employed to facilitate access to housing and improving conditions in halting sites. These have included the following:

- Mortgage loan schemes and subsidized interest rate by State guarantee (EL, ES, FR)
- State support for social housing for the Roma population (ES, DE)
- Local support by municipalities for access to private rental housing (IT, ES, HU)
- Improved access for renting by young people (HU)
- Government and municipalities agreement for managing "insertion villages" for Roma migrants ("Urban and Social Project Management") (FR)
- Home Bonus scheme: incentives for local authorities for building halting sites as well as housing for Roma (UK)
- Integration of provisions for Integrated Urban Development Plans and support for social housing (CZ).

In most of the successful cases, social and cultural partnership involving Roma NGOs in coordination with local authorities and housing agencies have been the best way to propose and implement provision of accommodation in housing or in well-served halting sites. Cultural cooperation is important for developing sustainable policies and ensuring the realization of targets.

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<sup>88</sup> *National Strategy Report on Social Protection and Social Inclusion* 2008-2010, are prepared by all the EU member States. The Reports from Bulgaria, Czech Republic, Hungary and Slovakia mention for combatting Roma social exclusion. The Romanian report is an exception in this regard.

### 5.3. Country Experience in Housing

#### 5.3.1. New Member States

##### 5.3.1.1. Bulgaria

Bulgaria: institutional and policy framework for Housing	
Supervising organisation for housing policy	Ministry of Regional Development and Public Works (MRDPW)
Implementing agency for housing policy	Ministry of Regional Development and Public Works (MRDPW)
Organisation responsible for housing policy related to Roma	Ministry of Regional Development and Public Works (MRDPW)
Main strategic document	National Programme for Improvement of Roma Housing Conditions for the period 2005-2015
Action plan	National Action Plan (NAP) on the initiative "Roma Inclusion Decade 2005-2015"
Main measures and instruments	Operational Programme Regional Development
Monitoring and evaluation	National Council for Cooperation on Ethnic and Democratic Issues within the Council of Ministers (NCCEDI)
Inter-institutional coordination	Ministry of Labour and Social Policy (MLSP)

The Framework Programme for Integration of Roma in Bulgarian Society for the period 2010-2020 proposes state policy in protection against discrimination, in all sectors including housing. In March 2006 the government approved the *National Programme for Improvement of Roma Housing Conditions* for the period 2005-2015 as part of the National Housing Strategy of the Republic of Bulgaria. The Programme was a result of joint efforts and coordination of the EDID, Council of Ministers, Ministry of Regional Development and Public Works (MRDPW), MoF, MLSP, representatives of the National Association of Municipalities in Bulgaria, UNDP, municipal experts and Romany NGOs. In 2007, amendments to the Spatial Planning Act were adopted, creating opportunities for the regulation of residential areas with a mainly Roma population and the legalization of a buildings in Romany neighbourhoods. The Act defines the term "social dwelling" as one designed for individuals with identified housing needs, which has been financed or constructed with the support of the Government or the municipality.

The National Action Plan associated with the Programme aims to improve of the housing conditions for Roma in the Republic of Bulgaria by providing conditions for access to dwellings, meeting the state standards for regions with prevailing Roma population; reconciling the tasks of the National Action Plan on the Roma Inclusion Decade with the aims and priorities of the National Housing Strategy, National Regional Development Strategy and National Development Plan; incorporating measures for improving the housing conditions of Roma in municipal development plans; and improving the physical and social infrastructure.

In addition, the Geodesy, Cartography and Cadastre Agency at the Ministry of Regional Development and Public Works (MRDPW) regulates neighbourhoods with a mainly Roma population. It develops cadastral maps and registers as a basis for drawing up development plans and investment projects. The MRDPW implements direct investment projects to

improve infrastructure facilities including water supply, sewerage and the street network in Romany neighbourhoods.

### Policy Assessment

There is a very wide inter-institutional involvement in the preparation of the Roma Housing Programme, including municipalities and Romany NGOs. The amended Spatial Planning Act creates opportunities for legalization of a larger number of buildings in the Romany neighbourhoods. However, despite the substantial €644m allocated to the implementation of the Roma Housing Programme, the yearly budgets laid down in the NAPs for its implementation are disproportionately low, indicative of a lack of political will for tackling the problem of Roma housing conditions. In 2009, the initiatives related to improved housing conditions for Roma was funded by only €6m from the State Budget. The impact of the Programme on the problems related to the Roma ghettos in Bulgaria is insignificant.<sup>89</sup>

#### 5.3.1.2. Czech Republic

Czech Republic: Institutional and policy framework for Housing	
Supervising organisation for housing policy	Ministry of Local Development (MLD)
Implementing agency for housing policy	Municipal authorities
Organisation responsible for housing policy related to Roma	Municipal authorities (in some areas also the Agency for Social Inclusion)
Main strategic document	Concept for Romani Integration (MHR 2009)
Action plan	Concept for Romani Integration (MHR 2009); Proposed Concept on the State Approach to Resolving the Problems of Deprived Parts of Cities which are Predominantly Inhabited by Romani Citizens (MLD 2008)
Main measures and instruments	Concept for Romani Integration (MHR 2009)
Monitoring and evaluation	Government Council for Romani Minority Affairs
Inter-institutional coordination	Government Council for Romani Minority Affairs

Since the end of communism the housing market has been liberalised, and the consequences of this have been largely negative for socially excluded Roma. The MLSA (2006) report into social exclusion among Romani communities identified 60,000-80,000 Roma in 330 localities experiencing or at risk of social exclusion. The survey revealed that in most cases homes are overcrowded and the quality of housing was substandard. Homes are often poorly maintained by landlords and difficult to heat, leading to problems with damp and mould on walls. Many have poor sanitary facilities, often shared between families. Roma with a history of defaulting on rent are often placed in special council housing referred to as 'bare flats' (*holobyty*) equipped with only basic furnishings, shared kitchens and bathrooms, and no hot running water. The Czech strategy aims to prevent the further spread of such socially excluded localities, increase the availability of social housing for Romani families on low incomes, reduce discrimination and illegal practices in the housing market, and prevent the loss of homes through the accumulation of debt.

<sup>89</sup> See Bulgaria Country Report.

The Ministry for Local Development (MLD) provides supports cities in the development of Integrated Urban Development Plans. The Agency for Social Inclusion and the Centres for Regional Development assist in designing, implementing and coordinating these plans, which take a holistic view of social exclusion and involve stakeholders including local public administration as well as NGOs working with Roma people in plan design and implementation. The Ministry of Interior (MI) has responsibility for protecting Roma from discrimination in the private and social housing market. The Czech Consumer Chamber and the Czech Trade Inspection Authority are responsible for investigating and prosecuting cases of discrimination in the private housing market and promoting awareness about the penalties for breaches of anti-discrimination legislation. Grants to support legal counselling services for individuals who have been discriminated against are available from both MLD and the MI. Recent amendments to the Civic Code make it much easier to evict a tenant who has fallen behind with their rent. Therefore, municipalities have a responsibility to monitor payments closely and intervene quickly if a tenant of their social housing is in danger of falling into arrears.

### 5.3.1.3. Hungary

The most severe problem facing Roma in Hungary in relation to housing conditions is physical segregation in colonies, ghettoisation, and urban slums. Shanty towns and segregated settlements are found at the edge of small villages, often consisting derelict houses or makeshift buildings or huts. Available sources estimate that about half of Roma people live in segregated environment (Köszeghy 2009). Privatisation of public flats in the 1990s reduced the availability of social housing to very low levels, reducing the scope for local authorities to provide housing solutions for the Roma population. Consequently, the typical housing conditions of Roma households are worse than the general housing conditions in the country. According to the 2001 census data, in settlements with between 5,000-10,000 inhabitants, 12.8% of Romani households lack sewerage facilities, compared to a national average of 7.5%; while 19.1% of Romani households lack a flush toilet compared to a national average of 13.6%. In smaller settlements with less than 5,000 inhabitants, conditions are even worse with 24.6% of Romani households lacking sewerage facilities, and 35% lacking a flush toilet ((Köszeghy 2009: 36).

Hungary: Institutional and policy framework for Housing	
Supervising organisation for housing policy:	Ministry of Public Administration
Implementing agency for housing policy:	Secretariat of Territorial Administration
Organisation responsible for housing policy related to Roma	Secretariat for Social Convergence
Main strategic document	Strategic Plan for the Decade of Roma Inclusion
Action plan	Action Plan of the Decade for Roma Inclusion; National Action Plan for Social Inclusion
Main measures and instruments	Social Infrastructure Operational Programme Operational Programmes of the 7 Regions
Monitoring and evaluation	Parliamentary Commissioner for the protection of rights of national and ethnic minorities
Inter-institutional coordination	National Authority for Equal Opportunities

The Strategic Plan for the Decade of Roma Inclusion aims to improve housing conditions specifically of the Roma population, with specific aims to eliminate segregation in shanty towns and Roma ghettos; ensure integrated development of deprived areas and communities with high proportion of Roma population; provide social housing for the low income families, financial support for the development of public utilities in disadvantaged areas; improved access to financial and other means which prevent the loss of housing and amendment of the system of housing-related social support in order to increase mobility. The associated two-year Action Plan for the years 2008-2009 aimed to ban the release of construction permits in unhealthy areas; revise the legal provisions and practices related to squatters; carry out development programmes for the most disadvantaged micro-regions with specific regard to combating segregation in housing; launched programmes for the rehabilitation of segregated, underdeveloped urban neighbourhoods and for the social integration of their residents; develop plans for the elimination of Romani colonies, with specific regard to areas endangered by floods or inland inundation; and consult the National Roma Self Government and local Roma self-governments when elaborating local strategies (Köszeghy 2009: 28). Furthermore, Romani households living in a segregated environment have worse housing conditions than those living in a non-segregated environment. Furthermore, the Action Plans related to the Operative Programmes of the NHDP include specific measures for the improvement of housing conditions of the Roma using complex programmes for the most disadvantaged micro-regions.

The regeneration of run-down urban housing quarters, where the urban poor, mostly Roma people as well as other homeless people are concentrated, is the responsibility of local governments. Owing to their location near urban centres these quarters may be valued by private developers. In such cases, local residents may be resettled, and provided with housing outside the area. Such an insensitive approach merely shifts the social problems to other areas (Ladányi and Virág 2009). More sensitive urban regeneration programmes have been designed through the use of Integrated Urban Strategies.

In 2007 the most disadvantaged micro-regions with regard to regional development were identified (Government Decree 311/2007) from among which the 33 less-developed micro-regions will be granted a comprehensive closing-up programme. The programme called 'New Hungary Closing-Up Programme' covers the period 2008-2013 and is based on local needs and capacities. The Roma are a target group for this programme. In order to combat housing segregation, drawing up and implementing an anti-segregation plan will be a precondition of obtaining urban rehabilitation development resources (Government of Hungary 2010: 17).

Furthermore, the National Action Plan on Social Inclusion aims at supporting equal opportunities. Its Priority No. 3 on "Reducing territorial and housing disadvantages, with special regard to the integration of the Roma" pays attention to the housing conditions of Roma in isolated rural settlements and urban ghettos. The aims include the comprehensive closing-up of the most disadvantaged rural micro-regions; improved accessibility of public services in regions with insufficient services; and reduction in poor quality housing, especially in segregated areas populated by the Roma, as well as decreasing and eliminating housing segregation (Government of Hungary 2010: 20). However, the only target associated with these aims is to "decrease the average access time of micro-regional centres by 20 per cent from 2007 to 2013".

Measures adopted to achieve these aims are the programme of the Ministry of Social Policy for the elimination of rural segregated slums and integration of the inhabitants through demolition of substandard housing in rural ghettos and the provision of housing for the

relocated occupants at subsidized rent together with employment; the Social Renewal OP through the rehabilitation of run-down inner city housing areas and the upgrading of residential estates of prefabricated blocks of flats; the promotion of equal opportunities OP of the North Plain Region through the improvement of the built environment with the contribution of local governments and the elaboration of integrated urban strategies and equal opportunity policies; as well as the South Trans-Danubian Region integrated urban development programme.<sup>90</sup> Altogether, 270 billion HUF have been made available for urban rehabilitation between 2007 and 2013 under the ROPs. This is to finance social urban rehabilitation which aims at stopping and reversing the processes of decline of run-down or marginalized urban areas and Roma colonies; and supporting local communities." (Government of Hungary 2010: 29).

### Policy Assessment

Although some positive results have been achieved through the national and local projects for rural and urban slum clearance, the strategic approach to urban regeneration, at the local level coordination and commitment are limited due to shortage of finance. A need remains however for a more systematic approach to addressing the critical housing situation of Roma in Hungary.

#### *5.3.1.4. Poland*

Many poor Roma families live in substandard housing, with limited opportunities to acquire their own house. Roma are especially vulnerable to substandard housing problems in towns and cities that are affected by housing problems, a problem which is part of a wider housing issue in Poland. In some municipalities this situation threatens the majority of Roma inhabitants living in Roma settlements, mainly located in the dolnośląskie, śląskie, and małopolskie voivodships. In some settlements (for example, in Koszary) some Roma inhabitants, having unsuccessfully applied for financial support, have built their own housing illegally. They have complained that the local authorities have refused to register their presence and are afraid that they will demolish their houses and drive them out of the municipality. Problems with housing are aggravated by discrimination or by complicated administrative processes. One example is Jazowsko, in Małopolska, where urgently needed housing renovation could only begin after a revision to the registration of the settlement was made. The revision was contested by local people who did not want the Roma to live in their neighbourhood – even though these Roma had lived there since the Communist settlement programmes of the 1950s.

Poland: Institutional and policy framework for Housing	
Supervising organisation for housing policy	Ministry of Infrastructure
Implementing agency for housing policy	Department of Housing and Construction Strategy
Organisation responsible for housing policy related to Roma	No special unit responsible for minority housing issues
Main strategic document	Programme for the Roma Community in Poland
Action plan	No separate document on Roma housing
Main measures and instruments	Programme for the Roma Community in Poland
Monitoring and evaluation	Joint Committee of the Government and Ethnic and National Minorities

<sup>90</sup> See Hungary Country Report.

Inter-institutional coordination	Joint Committee of the Government and Ethnic and National Minorities
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Although there are no special provisions for Roma within the general housing policy in Poland, the Roma Programme provides possibilities for special housing projects for Roma. Responsibility for implementation lies primarily with regional and local authorities. The strategy aims to improve the quality of houses in deprived areas by renovating substandard houses, building social housing, and connecting electricity, water supply, and sewage systems.

#### Policy Assessment

Voivodship and municipal authorities have a substantial responsibility for housing policy. Success depends on the political will of the Voivodship and municipal authorities. Often, no attention is paid to the issue of segregation, or to local urban planning. Positive factors are the increased number of renovated buildings and attention to the quality of the houses in which the Roma live. While the increased number of renovation projects is a positive trend, there is also a need to focus more on planning, registration, building permits and dialogue between local authorities and Roma people.

#### *5.3.1.5. Romania*

There are no legal obstacles for Roma to gain property, and their property is protected by the Constitution. However, de facto discrimination does exist and has been reported by journalists and human rights activists. While most Roma live in houses which they or their relatives own, around 2% live in unregistered homes, 4% live in public housing, and a further 13% live in houses without an ownership contract.<sup>91</sup> Without proper ownership papers, they are unable to obtain legal recognition of their address, and it is impossible to agree a contract with an electricity company or other utility provider. This adversely affects the quality of housing and may lead to risky or illegal behaviour, such as improvised connections to the electrical network. Residents with no legal rights over their property also have a marginal citizenship status at local level. They may be subject to forced evictions or other interventions of local authorities, and they may be discriminated against on the basis of their precarious housing status when it comes to accessing services such as schooling, employment, or social assistance.

In 2008, a study entitled "Come closer: inclusion and exclusion of the Roma in today's Romanian society" was carried out by the government based on a qualitative and quantitative analysis among Roma communities, using both Roma and mixed groups, and questionnaires sent to all local public authorities (Government of Romania, 2008: 29). The study found that the housing density twice as high among Roma households as the national average, with 1.98 people per room compared to 0.98 in non-Roma households. Moreover, 15% of the Roma households live without electricity, 36% do not have water in their own household.

<sup>91</sup> See Romania Country Report.

Romania: Institutional and policy framework for housing	
Supervising organisation for housing policy:	Ministry of Regional Development and Tourism, National Agency for Housing and local authorities
Implementing agency for housing policy:	National Agency for Housing, and local authorities
Organisation responsible for housing policy related to Roma	National Agency for Housing, and local authorities
Main strategic document	The Governmental Housing Strategy; Strategy of the Government of Romania for Improving the Condition of the Roma
Action plan	
Main measures and instruments	Building social houses for vulnerable people; financial support for local projects for vulnerable people including in Roma populated areas; support for house rehabilitation or building projects for disadvantaged communities including Roma
Monitoring and evaluation	None
Inter-institutional coordination	None

The Ministry of Regional Development and Tourism and the National Agency for Housing and local authorities are responsible for designing and implementing housing policies for vulnerable groups. The "Governmental Housing Strategy" aims to ensure access to decent housing for disadvantaged social categories (social houses aimed to vulnerable categories). An important document for the social inclusion of Roma is the "Strategy of the Government of Romania for Improving the Condition of the Roma 2001-2010" which provides financial support for local projects aiming to ensure normal living conditions for vulnerable people. In the area of housing, the priorities were solving problems connected with the right to property belonging to the Roma; programmes for the improvement of housing in the areas inhabited by the Roma; programmes designed to ensure provision in the Roma communities of electric energy, fresh water, sewerage, gas, sanitation service); the development of a programme of social housing for families without means of subsistence; the involvement of Roma in the housing programmes. The Strategy was amended in 2006. However, the aims were not substantially different, reflecting the failure to implement the aims of the previous plan (Nita 2009: 17). The Strategy for 2006-2008 period had a budget of €26.5m. The measures included the right to property of the Roma, the reestablishment of the right to the land, financing programmes for housing construction, and involvement of the Roma community in the process.

The Decade of Roma Inclusion 2005-2015 aims to address discrimination in access to housing, to improve living conditions in the Roma communities and extend access to housing. The Joint Inclusion Memorandum 2005-2010 aims to support the development of the community infrastructure in problem areas and providing support for the refurbishing and construction of residential buildings. In 2007, the National Agency for Roma initiated some pilot projects to improve the housing conditions of Roma from certain communities. There are several NGO initiatives aiming to build and rehabilitate Roma houses in partnership with the Local Councils.

## Policy Assessment

The Romanian experience highlights the importance of partnership with local authorities interested in solving the problem of housing for the Roma community, involving the members of local communities in housing projects. Since the existing Strategy is not a success due to lack of funds, a lack of coordination, and lack of political will, it is important to develop a framework document for a new strategy that would involve the existing actors, instruments and mechanisms and adapt the actions and plans according to the conditions in Romania.

### 5.3.1.6. Slovakia

Slovakia: Institutional and policy framework for Housing	
Supervising organisation for housing policy:	Ministry of Construction and Regional Development (MCRD)
Implementing agency for housing policy:	MCRD
Organisation responsible for housing policy related to Roma	Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities / Ministry of Construction and Regional Development
Main strategic document	Roma Decade Strategy; Medium Term Concept of Development of the Roma National Minority 2008-2013
Action plan	NAP on Roma Inclusion Decade
Main measures and instruments	Operational Programme on Housing
Monitoring and evaluation	Annual Report on housing settlements with low social and cultural conditions
Inter-institutional coordination	Office of the Government/Ministry of Finance

In the National Action Plan Regarding the Decade of Roma Inclusion 2005-2015, two approaches to address the housing situation of the Roma communities. The first addresses the quest for a legal solution to property issues in relation to Roma settlements, and the second sets out methods to improve Roma settlements through the provision of basic infrastructure, the construction of rental apartments<sup>92</sup> and the reconstruction of the existing housing stock in urban areas. The implementation of both approaches is based on the *Long-term Housing Development Concept for Marginalized Population Groups (2005)*, which is the most comprehensive document on the subject. It covers the construction of new apartments with adequate infrastructure, ownership and management of housing, property rights and the principles of apartment distribution. It differentiates between rental apartments of normal and lower standard, with the latter for Roma settlements constructed with the active participation of future tenants. The Decade Action Plan aims to improve Roma settlements through setting higher housing standard, and the progressive inclusion of the Roma from settlements. The realisation of these objectives relies on the construction of new flats for the Roma, the renovation of existing ones, and the solution to property issues.

The Medium-Term Concept of the Development of the Roma National Minority 2008-2013 has priorities in the area of housing related to the relocation of Roma settlements to

<sup>92</sup> The social housing stock in Slovakia is limited to 3.7%, compared to 25% in the Netherlands. [Cf. The Situation of Roma in an Enlarged EU, at p.25].

overcome social exclusion, the solution to the issue of illegal construction in Roma settlements, the elaboration of minimum standards of utilities in these settlements, the continuation of the programme of construction of low-cost municipal rental apartments, while ensuring effective spending of the available financial means, avoiding overcrowding, and avoiding Roma debts in rent and services, and reconsidering the legal framework for evictions of non-payers.

The National Action Plan on Social Inclusion and Social Protection 2008-2010 envisages credit subsidies make social housing more affordable. This aim is to be achieved through more favourable conditions for the construction of rented apartments with a higher share of subsidy in the total financing through the Housing Development Programme. The priorities of the plan are similar to the 2006-2008 plan.

ESF Funding through the Operational Programme on Housing, in line with the rest of the planned activities in the other strategies and action plans, aims to improve the infrastructure and housing conditions of Roma communities.

### Policy Assessment

Access to housing for Roma is hindered by the excessive legal awareness required from Roma as tenants despite their low level of education; forced evictions despite stricter guidelines which have failed to improve their legal rights in this area; housing allowances not being distributed to those that most require them such as Roma living in informal dwellings. Although strategies and action plans have pledged more social housing, municipalities are responsible for the allocation of these flats and often distribute them according to their own criteria, leading to discriminatory practices, corruption and clientelism.

#### 5.3.2. Old Member States

##### 5.3.2.1. France

Current policies on housing for Roma aim to solve two types of housing problems. The first is the problem of slums where many immigrant Roma EU citizens live, under insanitary conditions. The second is to take into account the diversity of housing and the needs of disadvantaged populations including Roma. The legal framework contains three important laws: (i) Law DALO (loi Droit Au Logement Opposable) of 2007; (ii) Law Besson of 2000 only dedicated to housing and welcoming for the "*gens du voyage*" (mainly itinerant French Gypsies); and Law Besson of 1990 dedicated to the implementation of housing rights. Despite the lack of implementation of the Besson law and poor state of many halting sites, some municipalities aim to improve the quality of halting site in partnership with families and Roma representatives. French government policy requires municipalities to welcome itinerant French Roma with "adapted" housing solutions as halting places and "*familial places*" for rent or ownership, with government grants to construct halting places, to improve housing, and to create and purchase accommodation for disadvantaged persons. For immigrant Roma the measures include initiatives of local Associations and the creation of some "*insertion villages*" with agreement between State and municipalities to manage the "*insertion villages*".

### Policy Assessment

The conditions of halting places vary greatly between regions. The Departmental Schemes that were developed by local authorities or Associations of municipalities, allow much discretion in implementation. This has created significant spatial disparities in Roma living conditions. The “*adapted housing*” initiative remains at the initial stage. Non-recognition of the caravan as a form of housing can limit local projects of “*adapted housing*” and also limit the right to housing allowances. The lack of participation of Roma in different housing projects is also problematic. Municipalities fail to consider Roma who have stopped on their halting places as real inhabitants. For Roma EU citizens who are immigrants in France, policies focus only on solving the problem of slums as an sanitary problem, rather than developing a global action plan towards improving the situation of the Roma EU citizens in the country. Overall, the current efforts to integrate Roma families in the housing policies for disadvantaged persons are insufficient.

#### 5.3.2.2. *Germany*

The housing situation of Roma in Germany differs greatly between German citizens and immigrants. Roma migrants with a stronger residential status and Roma who are German citizens may receive housing support, including allowances and assistance for unemployed persons, benefitting many Roma without a job. Along with these benefits, they may receive an entitlement to social housing. Studies and expert interviews indicate that Roma are overrepresented in social housing and that their living conditions are below average.

In contrast to public perception, the majority of Roma in Germany are sedentary and live in fixed dwellings. Roma often live in segregated communities, although segregated neighbourhoods are strongly discouraged at a political level. Some Roma live in segregated communities at their own request, as in Munich and Kiel. Many Roma communities live in disadvantaged neighbourhoods with a high proportion of social houses. There are also examples of non-segregated Roma communities, such as in Frankfurt, where Roma live throughout the city.

The general policy aim is to achieve better living and housing standards for the Roma. The Housing Assistance Act provides non-discrimination in the rental housing market. Unequal treatment is permitted in order to create and maintain socially stable resident and well-balanced settlement structures as well as a balanced economic, social and cultural environment. Action plans are made on the regional (Land) or local level. Some Länder have housing programmes, and regulations which legalise halting sites for Roma. The main instruments are the special housing programmes (or general social city programmes), the general housing allowances (for German Roma), the provision of halting sites.

### Policy Assessment

On the open housing market Roma face the same problems as other German citizens in finding affordable housing for a large family. Some Roma have reported discrimination which is, however, legally prohibited. The housing situation is not the most pressing issue for German Roma, since in Germany hardly anybody lives on the street. General housing allowances adequately cover the German Roma population and few efficient practical projects are available. However, the legal situation is still inadequate to address the housing problems of the most disadvantaged Roma groups.

## 5.3.2.3. Greece

Greece: Institutional and policy framework for Housing	
Supervising organisation for housing policy	Ministry of Interior
Implementing agency for housing policy	Municipalities
Organisation responsible for housing policy related to Roma	Ministry of Interior
Main strategic document	Integrated Action Plan for the Social Inclusion of Greek Roma
Action plan	Integrated Action Plan for the Social Inclusion of Greek Roma
Main measures and instruments	Supply of mortgages with subsidized interest rates and granting of state guarantees on mortgages for the building of new housing stock; Improvement of existing housing stock and infrastructure in Roma settlements.
Monitoring and evaluation	Internally by the Ministry of Interior
Inter-institutional coordination	Mixed board that includes representatives from municipalities, ministries and Roma associations.

The institutional actors involved in the mortgage scheme for housing dedicated to Roma, are the Ministry of Economy, the Ministry of Interior, municipal authorities, banks (both private and state-controlled) and Roma associations. The scheme is funded exclusively by national funds and operates under state guarantees, since expenditure for housing was not eligible for funding from the EU's structural funds (at least until 2010: see new change of Rural Development Funds). According to the existing institutional framework, municipalities are responsible for supplying houses to homeless citizens and other 'socially vulnerable groups', including Roma citizens (including the purchase of land using funds available by the Ministry of Interior).

The main measures adopted are the mortgage loan scheme, the building of new housing stock, the improvement of the existing housing stock, and the improvement of infrastructure in Roma settlements. The instruments used are subsidized interest rates and granting of state guarantees on mortgages; the construction of houses on public land; and the social criteria to determine eligibility.

Policy Assessment

The unstable conditions of the Roma communities have created a high rate of mortgage default, showing the difficult sustainability of such schemes. There are also problems of coordination between different levels of government, and widespread complaints of nepotism in the approval of applications for housing. Given that the scheme is funded exclusively by national funds, the recent critical financial situation of the Greek government has clearly put in doubt the continuation of such a scheme.

## 5.3.2.4. Italy

It is estimated that about one third of the Roma population, including both Italian and foreign citizens, live in authorised or unauthorised camps in relatively isolated areas or on

the peripheries of large cities. Many of these camps do not have adequate services (water, gas, electricity, sewage) and are often far from the main urban centres. A study carried out in 2001, shows that there were more than 18,000 foreign Roma living in camps. Since then, the population has increased further, particularly due to the arrival of a significant number of Romanian Roma, who migrated to Italy in the last decades. This trend dramatically increased in recent years following the accession of Romania into the EU. Most Roma of older generations ask for authorised and equipped residential areas to live in small community groups. Foreign Roma who have arrived more recently as immigrants cannot find accommodation in the existing camps, and build new unauthorised camps which lack the necessary infrastructure. These unauthorised camps have been the subject of controversy in recent years as they create pressure on the surrounding residential population, given the lack of utilities for decent living conditions for these new arrivals. Some specific local cases of focused programmes for housing, such as access to private renting houses have been introduced, but they mainly remain as a limited local experience.

Italy: Institutional and policy framework for Housing	
Supervising organisation for housing policy	Regions and Municipal authorities
Implementing agency for housing policy	Responsibility of regional – local administrations
Organisation responsible for housing policy related to Roma	Responsibility of regional – local administrations
Main strategic document	-
Action plan	-
Main measures and instruments	Municipalities are responsible for the construction and management of Roma camps and halting sites while the regional authorities bear the cost of acquisition of land and infrastructures. Regional and local authorities try to move camps and transit areas in areas that avoid urban marginalisation. All regional laws stipulate that camps should be fenced, have public lighting, electricity for private use, drinkable water. The Regions can also act as promoter of camps identification call to municipalities.
Monitoring and evaluation	-
Inter-institutional coordination	-

Italy has a decentralised system of government which transfers competences from the Centre to the Regions. In the field of housing policy, initiatives are therefore mainly delegated to regional and local level. There is no centrally defined strategy as each region has adopted its own policy. Three different policy approaches can be identified including:

- (i) Access to the private housing market through isolated subsidised renting apartment projects;
- (ii) Social housing, although this is among the smallest in Europe with little provisions for Roma;
- (iii) Camps and transit areas are therefore the dominant housing type with policy focusing on improvement of services such as sewerage, water supply, electricity, and infrastructure.

The housing policy by definition is responsibility of regional and local administrations, as part of the land use policy (Regional laws 47/1988 of Emilia Romagna, 77/1989 of

Lombardy and 26/1993 of Piedmont). Therefore there are no specific provisions at national level that would define special access to housing for minorities, including Roma. The main responsibilities are decentralised to municipal and province level. Also camps and transit areas are competences of regional and local institutions through several Regional laws.

Ten out of 20 Regions (Emilia-Romagna, Friuli-Venezia Giulia, Lazio, Liguria, Lombardia, Marche, Piemonte, Sardegna, Toscana, Umbria and Veneto) plus the autonomous Province of Trento, all have specific laws<sup>93</sup> providing for the protection of the Roma populations and their cultures, mainly referred to the 'right to nomadic lifestyles' ensuring identified lands for the establishment of Roma community camps (Enwereuzor and Di Pasquale 2009).

Municipalities are responsible for the construction and management of Roma camps and halting sites while the regional authorities bear the cost of acquisition of land and infrastructures. Regional and local authorities try to move camps and transit areas in areas that avoid urban marginalisation. All regional laws stipulate that camps should be fenced, have public lighting, electricity for private use, drinkable water.

### Policy Assessment

Italy, considering its strong decentralised system, has experienced good practices in selected cases for delivery of private housing to Roma families with subsidised rent. In general, authorised camps have basic facilities, though not enough for good living conditions. An increasing number of Roma mainly migrants live in unauthorised sites without basic facilities. These offer poor living conditions and are a threat to health and social coexistence with local communities, creating social tensions. The number of sites cannot increase without any limits, as the use of land is particularly constrained in Italy. Large agglomerations are under pressure of demand for space, and the supply of new land is limited. Additionally, the limited financial capacity of regions, provinces and municipalities to deal with increasing pressure from Roma EU citizens who exercise their right to mobility from other EU countries, who live in camps, creates many difficult situations at local level.

#### *5.3.2.5. Spain*

Spanish Roma are a well-established and mainly sedentary community. In some regions, up to 87% of Roma residents have been living in the same town for more than 15 years. This situation has strengthened over the years and the Roma have progressively assimilated in their behaviour to the rest of the population. Most Roma dwellings (88%) are semidetached homes or apartments, and just 3.9% are shacks. Most areas where the Roma live have common services and equipment such as running water and electricity. Nonetheless, there are still inequalities in the quality of Roma housing compared to the national average. Some 10-12% of Roma live in unsuitable dwelling environments, made of low quality materials, although this percentage has declined markedly from 31% in 1991, indicating that there has been much improvement. About 70% of Roma live in the

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<sup>93</sup> Regione Emilia Romagna/ LR n. 47/88 'Norme per le minoranze nomadi in Emilia Romagna', BUR n. 101 (25.11.1988); Regione Lazio/ LR n.82/85, 'Norme a favore dei Rom', BUR n.16, del 10 giugno 1985; Regione Veneto/ L R n. 54/89, 'Interventi a tutela della cultura dei rom e dei sinti', BUR n. 70/1989 (22.12.1989); Regione Umbria/ LR n. 32/90, 'Misure per favorire l'inserimento dei nomadi nella società e per la tutela della loro identità e del loro patrimonio culturale', BUR n. 19 (02.05.1990); Regione Friuli Venezia Giulia/ L R n. 11/88, 'Norme a tutela della cultura rom nell'ambito del territorio della Regione Autonoma Friuli Venezia Giulia', BUR n.34 (15.04.1988).

Autonomous Communities of Andalucía, Comunidad Valenciana, Madrid and Catalonia. It is common for Roma to live in relatively crowded housing, with an average of 4.9 persons per dwelling, almost double the national average. Over half (51%) of Roma families have accessed housing with some sort of welfare benefit (social housing, social rent). The Roma Household Survey (CIS, 2007) shows that almost half (49.3%) live in an owned property, one third (33.8%) in rented accommodation, and 16% in free housing.

The strategy of the *Action Plan 2010-2012* aims to allow access to the same level of housing as the rest of the population; to eradicate shacks; to design a housing policy agenda for the integration of the Roma; and to improve available data on Roma housing. The policies are developed and financed through the Housing State Plans to encourage financial support for housing alongside social housing. There is also a Collaboration Agreement between the Ministry of Housing and the Fundacion Secretariado Gitano for the "Activity Plan to Favour Access to Housing to the Roma".

The Action Plan 2010-2012 aims to improve existing housing inequalities in the quality of housing; to combat discrimination in access to social housing; and the relocation of Roma households from shacks to less vulnerable areas and increasing the supply of social housing through the Government Housing Plan. The measures include a better access for young Roma to rented accommodation; financial assistance for housing improvements; support to NGOs in their housing initiatives; better knowledge of localisation of shacks and programmes of relocation of families in this situation; and the creation of a Roma Housing Observatory.

#### Policy Assessment

Access to social housing has limited the problem of inadequate housing for the Roma. In general the Spanish policy in the field of housing for Roma can be considered a good example of relative social inclusion for the Roma communities.

#### 5.3.2.6. UK

UK: Institutional and policy framework for Housing	
Supervising organisation	Department for Communities and Local Government
Implementing agency	Homes and Communities Agency
Organisation responsible	Race Unit within CLG
Main strategic document	The Coalition: our programme for government, 2010' commits the Coalition Government to scrapping Regional Spatial Strategies and targets for sites. A new policy is being developed through the Decentralisation and Localism Bill progressing through parliament.
Action plan	There is no specific GRT action plan but the UK National Action Plan on Social Inclusion 2008-2010 contains some accommodation provisions.
Main measures and instruments	The Decentralisation and Localism Bill if implemented will abolish Traveller site targets and allow local authorities to develop sites based on local and historic need and demand.
Monitoring and evaluation	All CLG policies need to undergo race impact assessments
Inter-institutional coordination	The Coalition Government will formalise inter-departmental dialogue through the establishment of an inter-departmental GRT forum.

One out of four Gypsies and Travellers caravans have no legally authorised place to live, occupying unauthorised developments and encampments.<sup>94</sup> Urbanisation and greater regulation of open spaces, discrimination, the repeal of the statutory duty to provide sites in 1994, and failure of planning circular 1/94 to enable private site provision, has created a severe shortage of Gypsy and Traveller sites (Richardson and Ryder 2010). In some cases Gypsies and Travellers occupy highly marginalised space and experience frequent eviction (Morris and Clements 2002). Others have been forced by a lack of alternatives to live in conventional housing, often leading to the break-up of social networks and corresponding isolation and mental health problems. Only 30% of local authorities included Gypsies and Travellers in homeless strategies (Avebury 2003). Roma often live in overcrowded accommodation with multiple family occupation in units designed for one family. A study of Roma living in Govanhill in Glasgow estimated that a Roma community of 2,000-3,000 were concentrated in four to five streets. Roma are often dependent on the private sector, experiencing high rents, substandard conditions, absence of tenancy agreements and gross overcrowding. Regional Spatial Strategies have aimed to encourage Local Councils to address the issue of provision of halting sites, which had deteriorated with the repeal of the duty to provide sites in 1994. But the delivery of new sites has been extremely slow. Despite efforts to foster political consensus on this issue, opposition to sites at a local and national level is a major impediment to site delivery.

The Housing and Regeneration Act 2008 (H&RA) extended the security of tenure provisions to cover Roma residing on local authority halting sites. In May 2010, the Decentralisation and Localism Bill gave Local Councils more powers over housing and planning decisions, removing the regional targets on local authorities to provide sites, thus the local authorities will determine sites targets.

Current cuts on spending are likely to impede the development of halting sites, and will have a negative impact on schemes to develop Community Interest Companies and Community Land Trusts. These innovative forms of housing provision and ownership are local NGOs which own land and property in trust for the benefit of a defined community. A Community Interest Company 'Homespace' has been established to develop and manage halting sites.

### Policy Assessment

The Decentralisation and Localism Bill gives Councils more powers over housing and planning decisions removing the Regional Spatial Strategies. Targets set for site construction and obligation on councils in Regional Spatial Strategies – to be repealed in Localism Bill. Addressing national shortage of sites is achievable foundation to greater inclusion but it is feared that the Decentralism and Localism Bill will drastically reduce site construction.

## **5.4. Overall policy assessment**

The problem of housing is one of the most sensitive issues for improving the living conditions of Roma. In most countries, social housing is in very limited supply for disadvantaged people, including the Roma who have difficulty in accessing social housing. Experience in Spain and Germany has been more successful. Policy effectiveness in this field is the result of economic and financial, cultural and legal factors. Policy has been more

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<sup>94</sup> For more details see references in UK Country Report.

successful where there is a high level of social welfare and the supply of social housing is greater. The national institutional and policy framework is important, but the implementation of policy even more so. Therefore, there are wide disparities among countries, in term of institutional setting. Private access to housing is also limited. In Germany and in Spain, housing provision might be considered one of the best examples, as the old generation of Roma have been gradually integrated into society and have benefited from access to basic housing provision, though of low quality and in marginalized areas. There is a need to build capacity at local level to sustain the supply of housing and utilities where this is not done through national level institutions. Differences in local and region situations often requires focused local municipal commitment in providing services and utilities to legally recognised camps and halting sites. In some countries, there have been efforts to close down illegal camps with the worst conditions and lacking basic services. Moreover, improvement of authorized camps and sites varies by region and country, while efforts to improve them are often fragmented even within the same country.

The local dimension is important for the success or failure of policies for social inclusion through housing improvement. The territorial approach seems to be a promising one for addressing Roma housing issues, especially where it brings together local institutions, social actors such as local agencies, and Roma representatives in a common effort.

## **5.5. The EU policy context**

The housing sector is primarily a national policy field, but the EU has introduced housing as one of the target fields within the global strategies for fighting regional disparities, social exclusion, marginalisation and poverty, as housing is one of the basic fundamental needs of all individuals. Article 34 of Charter of Fundamental Rights defines the legal framework for National and European policy.

EU Structural Funds - ESF and ERDF - and the European Agricultural Fund for Rural Development (EAFRD) together with the Instrument for pre-Accession Assistance (IPA), are financial instruments that can target Roma inclusion. Indicatively, Structural Funds Regulations provide an opportunity to devote up to 2% of the total European Regional Development Fund (ERDF)<sup>95</sup> to housing expenditure in favour of marginalised communities, such as Roma. This in particular has brought an important innovation as it opens the possibility to tackle the problem of housing exclusion in rural and peripheral areas, where many Roma communities live. The new regulation extends housing interventions eligible for ERDF support to the "...renovation of houses in rural areas and to the replacement of houses, irrespective of the area(urban or rural). The current ERDF allows only housing interventions in urban areas and the renovation of existing houses, thereby excluding many of the poorest communities in the EU."

The Commission has already acknowledged obstacles to the implementation of successful Roma strategies, in particular those at the level of local administration of funds. Integrated programming and conditionality of access to Structural Funds depends upon an inter-sectoral approach aiming at full desegregation which is expected to succeed through a differentiation in the approach that national authorities take.

The adoption of the Open Method of Coordination (OMC) remains the best soft instrument to facilitate policy transfer in the field of housing policy, between EU member States. This

should permit for a better exchange of best practices among countries. Roma communities should benefit from such practices, such as comparison and exchange in policy experiences, assisting improvement of both policy design and implementation.

## 5.6. Best practices in housing policy

There are several identified best cases that can be brought as example: these practices are mostly related to locally based experiences where local communities, Roma representatives and municipalities or regional authorities create a favourable environment for integrated support for improvement of living conditions. A horizontal approach, bringing together different actions in different fields is the most appropriate for explaining successes in addressing the problems of housing for Roma.

The example of the Czech Republic to housing policy has been based upon an integrated approach to improving the life quality in small towns, through the rehabilitation of declining areas and the up-grading of the housing stock, facilitating social coexistence and reducing marginalization.

### Czech Republic

#### Improving the Environment in Problematic Housing Estates

The target of the project is to contribute to solving one of the main causes of the existence of ethnic and social ghettos in urban agglomerations, moving them from emergency housing and accommodation to standard rental housing. These pilot projects are within the Integrated Operational Programme financed by ERDF. Support in housing is targeted to the prevention of social decline, the prevention of segregation and the occurrence of ghettos in problematic small-medium city with more than 20,000 inhabitants, characterised by the accumulation of different problems such as, the difficult social coexistence among different vulnerable groups, including migrants resident in the areas, long-term unemployment, pervasive increased criminality, etc. This support contributed to the revitalisation of the environment of problematic housing estates, ensuring the stability of the socially mixed residential structure and increasing of the housing sustainability." "Within this group of cities - characterised by typical socio and socio-economic problems with high concentration of unemployment rate and low level of education, at which centre there are the Roma communities- seven to ten pilot projects have been selected. Therefore, housing intervention, focused both on the regeneration of public areas as well as the renovation of blocks of flats and, possibly, the renovation of non-residential buildings (as social housing), will serve as complementary activities, accompanying the other activities in the other fields. The results so far have been positive: - 22 flats included in the programme by 30.6.2008; 22 families included in the programme by 30.6.2008. - The creation of a targeted system of comprehensive re-socialisation to include the entire family, emphasising the formation of desirable social habits in the youngest generation, in areas not restricted simply to housing. - The implementation of a wide range of complementary activities to the housing programme (field work, consultancy, specialised nursery schools, low threshold centres for children and young people, non-residential motivation programmes, education, job guidance). The results have been positive, providing permanent housing for 22 families from target groups at risk of social exclusion and families separated because of insecure housing - Reducing the proportion of non-rent payers in the target group in a given location. Building a relationship between clients and the property used - a housing fund

<sup>95</sup> European Commission, *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions*

(clients contribute to maintenance and repairs). Providing comprehensive, continuous re-socialisation for the families included in the programme.

Source: National Action Plan for Social Inclusion, Czech Republic, 2006-2008

The experience of a five-year programme in the municipality of Aviles in Spain, for removing shanty town, working on an overall action plan for stimulating the economic and social insertion of Roma people, bringing a wide social consensus, is a good example of successful broader action taken for Roma inclusion. Though, critical aspects still remain to be addressed for improved future outcomes.

#### SPAIN

##### Municipal programme of *Shanty towns eradication* in Aviles (Asturias)

A programme to eradicate shanty towns was conducted from 1989 to 2004 by the municipality of Avilés, in the Spanish principality of Asturias. At the same time, the populations concerned were provided with access to standard housing. Support measures aimed to stimulate the social and labour market inclusion of the Roma population and to promote intercultural coexistence.

The plan was developed in consensus with Roma associations, non-governmental organisations, family representatives and trade unions, and it had the support of all the political groups within the municipality. Technical support was provided to the municipality's education, training and employment services, technical services, the local police and social services. Finance came from the local, provincial and national authorities as well as savings banks.

It was found that broad participation and social consensus, together with the involvement of the people directly affected, increased the effectiveness of the activities. Integration between this programme and broader planning worked in favour of social inclusion. Continuous and integrated networking also helped to achieve the goals set. However, experience in practice showed that concentrating relocation within the same enclaves does not facilitate intercultural coexistence or the social inclusion of minority groups. In European terms, the programme is seen as a practical implementation of Directive 2000/43/EC on equal treatment, regardless of racial or ethnic origin.

Source: European Commission, peer-review-social-inclusion. 2006, social-integration-of-roma-people-municipal-programme-of-shanty-towns-eradication-in-aviles

The Italian example of addressing the problem of living conditions at local level in the Northern region of Emilia Romagna, indicates how it was possible, through a joint effort by local institutions and real estate agencies with the active participation also of the Roma families, to find alternative solutions based on a mixed-market approach. It has identified private renting houses, co-supported by the local municipality, for those Roma families with at least one employed person with a source of income.

#### ITALY

##### Special Action Plan for Overcoming the Emergency Situations (2007) in Emilia Romagna

The aim of the Programme is the social integration of Roma families housed in emergency facilities of Villa Salus and RTD Gandhi in Bologna. Apartments and houses belonging to

private and public owners were identified for this project of social integration. The Municipality has played a social mediation role offering important economic advantages to Rom families. The Municipality stipulated a contract of renting with the owners of the apartments and then sub-rented at 50% of the monthly rent to the beneficiaries (the Roma families). The only condition that was required for the potential customers was to be employed in a regular job, in order to give some guaranty for the payment of the monthly rent. The Intercultural Integration Service, through this project, has found apartments for 44 families (198 persons).

A Romanian example shows an interesting ongoing experience in rehabilitation and new construction of houses for Roma, following the old unhealthy houses to be demolished. The action led by the local municipality has foreseen the full participation of the Roma families involved in the project, at all stages, ensuring the co-responsibility in the choice and future management of these houses.

#### ROMANIA

##### Habitat Romanes project in Oradea

The "Habitat Romanes" project of the organization *Habitat for Humanity* in Oradea aims to improve the living conditions of 700 Roma whose families have been forced to relocate there at the end of the 1970s, when their houses have been demolished. The project, initiated in 2008 and planned to be implemented until 2011, includes the construction of 20 houses on a ground provided by the Oradea City Hall and the rehabilitation of 96 apartments, Roma people being involved in all stages throughout the project. The four objectives of the project include: i- providing decent houses to Roma living in inhuman conditions; ii- raising awareness on the inhuman living conditions; iii- increasing the public recognition of the common effort in combating poverty in the field of housing; iv- attracting new partners in all domains fight against inhuman living conditions.

Source: Decade watch Romania Report. *Mid-term evaluation of the Decade of Roma Inclusion 2010*.

Also in Bulgaria two good examples of renovation of houses and improvement of the local cooperation among the institutions and the representatives of Roma, have been the key factors for the successful results. Both examples have been supported by international organisation, as EBRD and Austria institutions, but with the active co-management of the Bulgarian institutions. In the second case, the Roma people have even participated directly to the material construction of the houses, guarantying their full co-responsibility about the project' results.

#### BULGARIA

##### 1. Project "Building of Experimental Houses for Roma families in Hristo Botev District" in Sofia

In the period 2001-2007, the Sofia Municipality implemented a project for the construction of houses for Roma, funded through a loan from the European Bank for Reconstruction and Development. The objectives include building modern infrastructure and healthy living conditions for Romani families, improved relations among the inhabitants in the neighbourhood, and overcoming conflicts between the Romani community and the Bulgarian population. During the first phase (2001-2003), ten blocks of flats were built with

a total of 105 flats, two workshops and 14 shops for ensuring employment opportunities for the local population. During the second phase (2004-2007), two more blocks were built with a total of 27 flats. Additionally, the infrastructure of the entire neighbourhood was rehabilitated. A total of 132 Romani families were accommodated in the newly built flats. The project was implemented jointly with the Public Council for the implementation of the municipal programme for development of the Romani community in Sofia and with the Municipality of Sofia which includes representatives of Romani NGOs.

## 2. Project "Romani Houses in Iztok District, Kyustendil"

A total of 27 houses were built for vulnerable families in the Romani neighbourhood Iztok in Kyustendil. Additionally, these homes were furnished. The tenants of such houses participated in voluntary work to the construction of the same buildings: this practice made them more responsible in maintaining their new homes. All tenants pay a token monthly rent, which was around 10 USD. The money is collected by specially appointed house manager and spent on urgent repairs. The costs of electricity and water are borne by the tenants themselves. This project has been funded by the municipality of Vienna, Austrian industrialists, private individuals in Austria, ADRA (NGOs), Municipality of Kyustendil (Bulgaria).

Source: Bulgaria Raxen National Focal Point, *Thematic Study on Housing Conditions of Roma and Travellers*, March 2009.

Greece provides interesting examples for avoiding the spatial segregation of Roma community vis-à-vis the other local populations in the neighbouring of the capital, Athens, through an active co-participation of Roma representatives together with the municipality. This addresses the problem of urban segregation in the proximity of large metropolitan areas, as occurs in many large metropolises in Europe. The second example indicates the co-responsibility mechanism for building new houses in a medium city, bringing both national and local institutions in the effort to ensure new houses.

## GREECE

### 1. Aghia Varvara

The municipality of Aghia Varvara (sub-urban area in the Athens complex) is an example of the absence of spatial segregation between the Roma and the rest of the population. The Roma processed land in various places around this small-sized, poverty-stricken suburb of Athens, which started being developed in the 1960s as much for Roma as non-Roma property owners. The social services of this municipality are well-developed (although financially restricted) and offer immediate assistance to the needy citizens of the municipality, including the immigrants (some Albanian Roma amongst them). The Rom Net representative compared the situation of the Greek Roma to that of Greek refugees from Asia Minor and the later influx of Greeks from the ex-USSR, in major urban centres around Greece. Therefore, he hinted that Roma land ownership should be the key for any viable housing solution and gradual integration of the Roma into local societies. According to the 2009 UN-HRC report, 'the municipality of St. Varvara, provides a positive example of integration of the Roma community into mainstream society without spatial or social segregation, and with a wide participation in local life.'

### 2. Sofades

Sofades is an interesting case of the creation of a new settlement through cooperation between local and central public authorities. In 2001, The Working Housing Organisation OEK, responsible for social housing, constructed a settlement for the Roma community of

the Sofades-Karditsa area. The settlement was located on the outer limits of the municipality of Sofades. The Roma inhabitants, previously living in an adjacent encampment, were relocated to this settlement. According to the Ministry of Employment and Social Protection, the multi-year experience of the OEK in planning and building a model settlement that is culturally adequate and functional has been crucial. The OEK has constructed thousands of dwellings and has the necessary know-how. A second phase of the project is underway, with Roma transferring their loans to the municipality so the latter can build more houses. This solution minimises the chances of corruption and misuse of housing loans.

Source: Greece Raxen National Focal Point, *Thematic Study on Housing Conditions of Roma and Travellers*, March 2009.

## 6. HEALTH POLICIES

### Key Findings

**The health conditions of Roma are related to many inter-related factors, including housing conditions and poverty. The improvement of the health status is related to the improvement of health services as well as better living conditions with sanitation services. A global approach to health care is needed to improve the health of Roma people.**

The general health conditions of Roma population in the European countries are extremely poor as evidenced by the low life expectancy of Roma people, estimated to be by average at least 10 years less than the EU average (EU Commission 2008; EURoma 2010a). Particular morbidities resulting from poor living conditions can be explained by the combination of many inter-related factors (UNDP 2003). Low incomes and poverty create difficulties in ensuring basic living standards and a daily intake of healthy food, and contribute to a poor quality of life conducive to illnesses. Housing conditions also contribute to poor health status, especially the general problem of sanitation related to living conditions; and the administrative barriers and discrimination facing Roma families themselves in accessing health care services (Zoon, 2000).

It should also be recognized that there are differences among the Members States in the capacity of their health care systems to deliver adequate services, and so poor health status affects large proportions of the populations especially in some of the new member states such as Bulgaria and Romania. The "universal" health systems in place in these countries have a limited capacity to provide health care for all, and the provision of services to Roma communities is often inadequate. The weak health infrastructure in the countryside is an additional aspect that narrows access to health care for Roma, in particular for those living in socially marginalised and geographically isolated rural areas. Health care systems in the EU aspire to a principal of universal provision. To achieve this aim they are financed mainly on a collective basis, either through taxation or social insurance. Among the countries in this study, social insurance is the main system of health finance in the Czech Republic, France, Germany, Hungary, Poland, Romania, and Slovakia. Health care is mainly financed through taxation in Italy, Spain, and the United Kingdom. A major change during transition in Eastern Europe has been the shift away from tax-based

public finance towards social insurance as the dominant contribution mechanism.<sup>96</sup> In addition, in some countries where collective forms of financing are more limited, for example in Bulgaria and Greece, 'out-of-pocket' expenditures by individual patients are relatively high, with negative consequences for health service provision for vulnerable low income groups such as the Roma (Thompson et al. 2009: 30). As social insurance often fails to generate sufficient revenue, there has also been a trend towards mixed systems of finance where social insurance is supplemented by tax finance and in some more limited cases by private insurance or out-of-pocket contributions.

Roma encampments with insufficient service provision, poor housing, and lacking basic utilities such as access to drinking water, sewage, and electricity experience provide unhealthy living conditions that may lead to sickness, in particular affecting children. In some of the NMS, survey evidence reveals that between 65% and 45% of the dwellings in Romania and Bulgaria do have not access to clean water, whilst between 51% in Bulgaria, and 62-63% in Romania and Hungary lack sewage treatment facilities (UNDP, 2003). For this reason the problems of poor health are inter-connected with those of housing, especially in situations of low income and poverty.

Cultural and administrative barriers can also contribute to create obstacles to health care provision. Factors such as language, in particular for Roma EU citizens moving between EU countries, and the lack of comprehension of the seriousness of some illnesses due to particular cultural and social norms can limit the demand of Roma families for care, in particular for children (vaccination) and women (maternity) (Rechel et al., 2009; FGS 2009). Administrative barriers, such as the absence of official identity documents, and lack of knowledge about the formal procedures for accessing health care, also reduce demand for care. Focused actions are therefore needed to raise awareness of health care needs, and availability of preventive services among Roma families.

## **6.1. Institutional and legal framework**

Although health policy is fundamentally a competence and responsibility of each Member State in recent years the EU has taken substantial steps to develop a policy role related to coordination related to fundamental targets for the protection of human health<sup>97</sup>. The role of the EU is to undertake measures to supplement the work of the Member States, while providing European added value, particularly with regard to major health threats (EC 2006). Such threats have a cross-border impact and relate to the free movement of goods, services and people.

In this regard, Article 35 in the Charter of Fundamental Rights states that "Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices. A high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities".

This does not however imply that each EU citizen can expect an automatic right to a minimum level of medical care: this depends upon the health coverage conditions in each Member State, based on their national law. In fact Article 35 of the Charter of Fundamental

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<sup>96</sup> Social insurance finance systems for health care were introduced in Hungary in 1990, in the Czech Republic in 1993, in Slovakia in 1994, in Bulgaria, Poland and Romania in 1999 (Thompson et. al 2009: 51).

<sup>97</sup> Article 9 TFEU and Article 168 TFEU sets out the Union's competences in the field of public health.

Rights does not imply such a right if does not exist in the national legislation. Thus, the coverage by the social security of the hosting country for health care depends upon the national health policy, organisation and available resources.

Furthermore, the EU has outlined a strategic approach to Health specifying the principles on which a set of common values should be based<sup>98</sup>:

- *Universality*: ensuring the access to health care to everybody;
- *Access to good quality care*;
- *Equity*: equal access for everybody regardless ethnicity, gender, age and social status;
- *Solidarity*: ensuring fair treatment and contributions for all.

On the base of this wide approach, the European Commission has put into play a strategic approach for EU health policy, in particular for the period 2008-2013 (EC 2007). Considering this European framework, a few points are particularly relevant for identifying the issues related to Roma access to health care, as an issue that relates directly the questions of equity, solidarity and cohesion.

Firstly, in the Renewed Social Agenda the European Commission addressed the question of disparities among countries in health provision across the countries and regions in the EU, in contrast to the declared "universal" principle (EC 2009). It stresses the importance of ensuring equal opportunities in healthcare for vulnerable groups such as Roma that have limited health access. The Communication stressed that "[m]any regions, in particular in some of the newer Member States, are struggling to provide much needed health services to their populations. Barriers to access to health care can include lack of insurance, high costs of care, lack of information about services provided, language and cultural barriers".

Secondly, Article 34 of the Charter of Fundamental Rights guarantees an entitlement to social security benefits and services (maternity, illness, industrial accidents, old age, and loss of employment) for anyone residing and moving legally in the EU, subject to the conditions and limits applicable to EU law. The limitations to this right lie in the requirement that EU citizens should not become an unreasonable burden on the social assistance system of the host Member State. The European Health Insurance Card (EHIC) is an important instrument to support the free movement of people in the EU. Naturally, it has limitations on the types of care that are covered. The Council of the European Union issued a Press Release in June 2010 on new rules for patients' rights to cross-border healthcare (CEU 2010). The main points of the draft directive allow for patients to receive health-care in another Member State, and be reimbursed up to the level of reimbursement applicable for the same or similar treatment in the hosting national health system. In cases of overriding general interest a member state may limit the application of the rules on reimbursement. Thus, the EHIC can be applied to support the free movement of Roma EU citizens between EU countries, ensuring equal health treatment as other EU citizens in the host country, so long as they are in a position to obtain the relevant document. Since cross-border healthcare in the EU is extremely limited, accounting for an estimated 1% of public healthcare expenditure, it is unlikely that the implementation of this principle will cause any serious threat to health care budgets in EU Member States.

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<sup>98</sup> Council of the European Union (2006), Council Conclusions on Common Values and Principles in the European Health Systems, (2006/ C 146) Also.

Thirdly, many Roma are not registered in their national social security system because of lack of ID, limiting the coverage of health care to Roma people in such a position. In countries where co-payments are also required to access some health services the lack of income of the Roma can also be a barrier to access to health services, where there are no special provisions for social protection of vulnerable groups in this regard.

## **6.2. Measures and instruments**

Access to health in the twelve countries covered in this report is characterized by wide disparities. The rate of infant mortality is relatively high in all NMS compared with OMS (EC 2010: 73-4). In more prosperous countries the principle of universal access to standard health services is observed (FR, DE, IT, UK) however regional disparities within the national systems are acknowledged. Currently, Roma EU citizens who exercise their right to free movement who do not have a European Health Insurance Card can only access emergency health care (FR, DE, IT) as they fall into the category of “migrants”.

In the NMS, where there is a lower standard in public health services, special programmes have been focused on Roma health, as in Bulgaria and Romania (Health Mediator Programme), and in the Czech Republic (Health and Social Assistants).

A relevant method for providing local needs for Roma has been to bring different actors, institutions and local communities together, in partnership with the public health service (UK, IT).

Different type of awareness campaigns on health have been organized locally, with the aim of prevention, by using Itinerant Medico-Social Vehicles, that are able to reach the different Roma camps (FR), and also Bulgaria and Romania through the “health mediators” instrument.

In Spain, a wide approach has involved the development of a country Plan the health improvement for marginalized people including Roma, are seen as part of a global strategy. In Italy, focused actions have been developed at local level to improve the access to health services, but they remain fragmented as they lack national coordination.

## **6.3. Country Experience in Health**

### **6.3.1. New Member States**

#### **6.3.1.1. Bulgaria**

The Roma health situation is poor as the Roma are the group with the highest incidence of premature death and the lowest level of life expectancy. Compared to the other ethnic groups, Roma more rarely visit a medical practitioner in order to obtain information about their health status, even in cases of serious health problems. Infant mortality is 2.6 times higher among Roma than the national average. The main reasons include poverty and the relatively high rate of child-birth. Based on estimations of medical specialists, the health problems of Roma are particularly acute despite the fact that they are the youngest community in Bulgaria. In recent years, drug abuse has increased in some of the big Romani ghettos, as have related infections. The overpopulation of neighbourhoods and dwellings hampers the isolation of sick people, and infections often acquire an epidemic character.

About one third of adult Roma do not have *health insurance*, and this share is increasing, limiting the access of Roma to public medical services. Other factors include remoteness from the medical practice or hospital, insufficient equipment of some rural medical practices, bureaucracy of medical services which increased after the reform of the Bulgarian healthcare system starting in 1999, and the negative attitude towards Roma which sometimes leads to unequal treatment by medical practitioners.

Bulgaria: Institutional and policy framework for Health	
Supervising organisation for health policy	Ministry of Health (MoH)
Implementing agency for health policy	Ministry of Health (MoH)
Organisation responsible for health policy related to Roma	Ministry of Health (MoH)
Main strategic document	Health Strategy for Disadvantaged Persons Belonging to Ethnic Minorities
Action plan	National Action Plan (NAP) on the initiative "Roma Inclusion Decade 2005-2015"
Main measures and instruments	National Network of Health Mediators
Monitoring and evaluation	National Council for Cooperation on Ethnic and Democratic Issues within the Council of Ministers (NCCEDI)
Inter-institutional coordination	Ministry of Labour and Social Policy (MLSP)

The Framework Programme for Equal Integration of Roma in the Bulgarian Society proposes policy in the areas of health. It aims at the reduction of mortality and morbidity and reversal of the negative trends in the health status of Roma population. This has been followed by the Health Strategy for Disadvantaged Persons Belonging to Ethnic Minorities (adopted in 2005). A number of other acts besides the Constitution define anti-discrimination principles based on ethnic self-identity in the areas of social insurance, including the Health Act, the Social Insurance Code, and the Health Insurance Act. A number of health programmes with a focus on vulnerable groups including the Roma ethnic minority have been initiated, funded by the State Budget and the budget of the Ministry of Health as well as donor programmes, including EU Funds.

An innovative Health Mediator programme was launched in 2001 by the Ethnic Minorities Health Problems Foundation in order to overcome the cultural barriers in the communications between Roma communities and medical staff; overcome discrimination in health services; implement prevention programmes among the Roma; provide health education of the Roma; and provide active social work with vulnerable Roma groups. The National Network of Health Mediators was founded in 2007.<sup>99</sup> The Network's has one

<sup>99</sup> It was founded within the framework of the project "Preparation for introduction into the profession Health Mediator: Health mediators' capacity building and network building" with the support of The Netherlands aid programme.

hundred and twenty members including health mediators, GPs and nurses, and others. A regional approach has been adopted for interventions for health care, and at the beginning of 2010 when 105 Health Mediators were appointed in the regions with a high share of Roma population through delegated budgets to the municipalities.

### Policy Assessment

The model and effectiveness of health mediators in Bulgaria can be identified as a best practice, as it responds better to the local and regional conditions existing in the different parts of the country. However the sustainability of the Health Mediator Programme is questionable as it requires more funding to meet existing needs. Furthermore, mobile clinics and laboratories for Roma health screening have difficulties in their full utilisation due to lack of capacity and skills. There is also a lack of monitoring and evaluation by the Ministry of Health. Improved screening of the population in segregated Roma neighbourhoods for different life-threatening diseases is also needed to secure an improvement in health status.

#### 6.3.1.2. Czech Republic

Among NMS, the Czech Republic has greater capacity to create satisfactory conditions for Roma population. However, the majority of Roma are still trapped in a vicious circle of poverty and social exclusion. The relatively decentralised health care system in the self-governing regions decentralises responsibility in the health sector. A survey of Roma across a range of countries including the Czech Republic reported that while most Czech Romani respondents were satisfied with their health, there was significant reporting of deterioration in health from the age of 45 (FSG 2009). However, earlier research conducted by UNDP which revealed similar results concluded that satisfaction with health status reflected poor health awareness rather than actual good health (UNDP 2002: 63).

A disproportionate number of Roma receive disability pensions, and there is anecdotal evidence to suggest significantly lower life expectancy, higher infant mortality, higher incidence of chronic diseases such as cardiovascular disease, diabetes and hepatitis, worse dental health and higher instance of alcohol and drug abuse (Jarosova *et al.* 2009; UNDP 2002, Zeman *et al.* 2003). Abortions, low birth weight and premature birth are more common among Roma than non-Romani women (Bobak *et al.* 2005). Health problems and differences in birth outcome are determined by socioeconomic factors, particularly poor quality housing, poor access to health care and a lack of health education (Bobak *et al.* 2005; MLSA 2006: 82).

Czech Republic: Institutional and policy framework for Health	
Supervising organisation for health policy:	Ministry of Health (MH)
Implementing agency for health policy:	Ministry of Health (MH) and Municipal authorities
Organisation responsible for health policy related to Roma	Ministry of Health (MH)
Main strategic document	Concept for Romani Integration (MHR 2009)
Action plan	Concept for Romani Integration (MHR 2009)
Main measures and instruments	Concept for Romani Integration (MHR 2009)
Monitoring and evaluation	Government Council for Romani Minority Affairs
Inter-institutional coordination	Government Council for Romani Minority Affairs

The *Concept on Romani Integration* deals with the health policy for the Roma (MHR 2009). The aim is to improve the quality of health for Roma and their access to health care services. The 2004 updated Concept on Romani Integration (approved by Government Resolution 607/2004) instructed the MoH to establish the positions of Health Social Assistants (HSAs). These provide direct assistance to Romani families. Municipalities and health care providers are responsible for appointing HSAs developing health awareness campaigns locally. This initiative has built successful partnerships, involving local institution and specialised services. In parallel, health awareness campaigns and anti-discrimination training for healthcare providers have been carried out to prevent discrimination against Roma in access to health services.

#### Policy Assessment

Where the project on Health and Social Assistants has been implemented it has proven successful, but extending the project has been slow. This is not because of a lack of available funding, but rather due to difficulties with the provision of the specific training required. Training is not available in every region and some individuals who would be interested in doing this work are unable to travel to access training because of childcare or other responsibilities. Some organisations are unwilling to appoint HSAs, preferring instead Community Social Workers (CSWs) who they believe can be more flexible and assist clients with a broader range of problems rather than being restricted to a narrow focus on health. However more training for the work of HSAs is needed to increase their skills. Training should also be provided in more locations to increase accessibility.

#### *6.3.1.3. Hungary*

The health status of the Roma population in Hungary does not differ significantly from other disadvantaged poor social groups. However, the health status of the Hungarian population is significantly below the average in the EU. Typical problems of the Roma population are a relatively high death rate, a shorter than average life expectancy and generally poor health (Fónai and F. Nagy 2002). A study on the health status of Roma in a County of North Hungary, Borsod – Abaúj - Zemplén (Babusik and Papp 2002) revealed that 41.6% of the 19-34 year age-group was sick, and 17.1% suffered from several diseases. The prevalence of TB is 1.48%, ten times higher than the county average. Cancer prevalence is four times higher, as are stroke and cardiovascular diseases. Heart disease has a ten times higher prevalence than the county average. These indicators contribute to the shorter life expectancy of the Roma population.

Hungary: Institutional and policy framework for Health	
Supervising organisation for health policy:	Ministry of National Resources (Health, Education, Social Issues)
Implementing agency for health policy:	National Health Council
Organisation responsible for health policy related to Roma	Ministerial Department for Roma
Main strategic document	Strategic Plan for the Decade of Roma Inclusion
Action plan	New Hungary Development Plan
Main measures and instruments	Social Infrastructure Operational Programme
Monitoring and evaluation	Parliamentary Commissioner for the protection of rights of national and ethnic minorities
Inter-institutional coordination	National Authority for Equal Opportunities

As the health conditions are rather poor of the whole Hungarian population, the national policies are set out in general terms. Special initiatives for the improvement of health conditions of Roma population are associated with living conditions and housing. In this respect the supply of drinking water and sewage treatment, better housing and access to health services are among the priorities (Bényi 2003). Experts claim that in view of the low housing quality standards the most appropriate health-related measure is the improvement of living conditions. There are no specific health related measures for the Roma. Under the micro-regional and urban and rural renewal programmes, the issues of healthy living conditions, access to medical services are given attention along with housing improvement policies.

The National Strategic Plan for Roma Integration targets health improvement; raising health awareness; incentives for the provision of medical services in areas with high share of Roma population; extension of scanning services to involve Roma; and an increase of the number of Roma among medical service providers.

In the field of health service preventive measures are in focus, especially through measure 6.1.3 of the Social Infrastructure Operational Program enhancing participation in scanning programs, cancer scanning for women; and various health awareness programmes are carried out. Other OPs are indirectly dedicated to Roma. The Social Renewal OP has a horizontal objective to promote equal opportunities and public health; support of local initiatives to establish ambulance centres, transfer of patients and public health information. Priority 6.2 Development of human resources and services to support restructuring of health care provided public health and medical service improvement in the framework of micro-regional urban and rural renewal programs.

### Policy Assessment

Isolation and poor living conditions of Roma are factors that contribute to their poor health conditions. This needs to be addressed as a national issue as result of poor health service system. A section for Roma issues in a new National Health Service Policy should be set out. However improved living conditions are the basic requirement for ensuring better health status. Awareness-raising is also needed, as suggested by research on the health of Roma people.

#### *6.3.1.4. Poland*

Poland: Institutional and policy framework for Health	
Supervising organisation for health policy:	Ministry of Health
Implementing agency for health policy:	Ministry of Health
Organisation responsible for health policy related to Roma	No special unit responsible for minority health issues
Main strategic document	- Programme for the Roma Community in Poland - No separate document on Roma health
Action plan	No separate document on Roma health
Main measures and instruments	Programme for the Roma Community in Poland
Monitoring and evaluation	Joint Committee of the Government and Ethnic and National Minorities
Inter-institutional coordination	Joint Committee of the Government and Ethnic and National Minorities

NGOs and government agencies argue that poverty results in higher infant mortality and shorter life expectancy among Roma communities. There are, however, no data on the health situation of Roma in comparison with the national average health status. All policy initiatives towards the Roma are part of the Roma Programme, and there are special mechanisms to monitor the effects of initiatives funded by that programme. There are no special provisions for Roma within general health policy, although the Roma Programme provides possibilities for special health policies for Roma in coordination with the Ministry of Health through proposals coming from local governments and NGOs.

The Roma Programme is adopted through a government resolution which guarantees funding at least until 2013, for the improvement of the health conditions of people living in Roma settlements through preventive screening tests, vaccination campaigns, special nurses and Roma medical assistants employed by the Voivodships, and "white days" when doctors of different specialities provide consultations free of charge. Due to the extensive decentralisation at regional level in Poland, the Voivodship authorities are often the main initiators for funding through the Roma Programme. Their actions are carried out in cooperation with Voivodship hospitals and local Roma organizations.

### Policy Assessment

There is a need for long-term follow-up of Roma health situation in order to get a clear picture of Roma health status. Initiatives such as "white days" run the risk of having little sustainable impact. There are no policy efforts focused on making regular health institutions more accessible to Roma. Long-term initiatives that do not depend solely on short term projects are needed.

#### 6.3.1.5. Romania

Romania: Institutional and policy framework for Health	
Supervising organisation for health policy:	Ministry of Public Health
Implementing agency for health policy:	Ministry of Public Health
Organisation responsible for health policy related to Roma	Ministry of Public Health
Main strategic document	National public health programs
Action plan	
Main measures and instruments	Attract medical personnel to disadvantaged areas where important Roma communities live; health projects for disadvantaged groups; medical caravan in disadvantaged areas
Monitoring and evaluation	Management Group and Public Policies Unit. No real data or report were issued by this Management Group
Inter-institutional coordination	None

Romania embarked on a contribution-based social insurance health care reform in 1998, moving away from the more universal tax-financed health system. Families in receipt social assistance also receive health insurance without paying any contribution. The eligibility criteria for the non-contributory insurance can be affected by administrative practices, exclusion errors, discriminatory denials, and insufficient information. Access to health care

for vulnerable groups like the Roma can therefore be denied on administrative grounds (UNDP 2003). Another potentially discriminatory legal provision concerns different definitions of the "family". Under the Health Insurance Law, couples living in customary-law marriages are eligible for support, but only the "wife of" or the "husband of" an insured person has the right to non-contributory health insurance. This opens the way for administrative discretion regarding interpretations of eligibility and access to health insurance. Since customary-law marriages are more wide-spread among Roma, they are disproportionately affected by these ambiguities, which limit access to health care services. The institution of health mediators has alleviated, to some extent, the access problems confronted by Roma people, while at the same time raising concerns about patient dependency and the confusion of responsibilities between doctors and mediators. The health mediators programme aims to improve the quality of healthcare through mediators for Roma; training of Roma health visitors and mediators, nurses and physicians, within the Roma communities; including the Roma in the Health Insurance System; developing health care information programs; implementing measures to attract medical personnel to economically disadvantaged Roma areas; allocate separate funds for non-insured Roma; provide health service projects for disadvantaged groups.

Health insurance is the main means for financing public health in Romania, providing a basic package of medical services. The Roma are in principle covered by the system. The Ministry of Health, the County Public Health Departments, and National Health Insurance Fund are responsible for designing and implementing health policies, including those dedicated to Roma such as the health mediator programme.

The Strategic Plan for 2008-2010 of the Ministry of Public Health aims to improve the health of the population, compatible with EU health systems, while the National public health programmes facilitate the inclusion of Roma citizens into the public health insurance system who do not fulfil the current legal criteria due to lack of official documents. The *Decade of Roma Inclusion 2005-2015*, aims to ensure access to healthcare services for Roma, and to improve databases on the Roma people's state of health.

### Policy Assessment

The social insurance system provides a minimal healthcare package to all Romanian citizens, no matter if they contribute or not to the health insurance fund. Thus Roma are implicitly included, as vulnerable groups benefit from free access to medical services. However Roma with no ID documents cannot have free access to health care services provided by the health insurance system. The access of the Roma to the public health system should be improved by easing their access to social insurance benefits. There is also a need to increase the number of Roma medical staff by creating places for Roma students in the state medical faculties. There is an insufficient number of family physicians, especially in rural areas due to the migration of Romanian physicians to other EU countries. Several local authorities refuse to engage with the Health Mediators programme.

#### 6.3.1.6. Slovakia

Slovakia: Institutional and policy framework for Health	
Supervising organisation for health policy:	Ministry of Health (MH)
Implementing agency for health policy:	Ministry of Health
Organisation responsible for health policy related to Roma	Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities / MH

Main strategic document	Roma Decade Strategy
Action plan	NAP on Roma Inclusion Decade
Main measures and instruments	Operational Programme on Health
Monitoring and evaluation	MH/ Health Assistants/ General Practitioners/Insurance Companies/ Roma Youth Members/ Public Healthcare Office/ Institution of Health Information and Statistics
Inter-institutional coordination	Office of the Government/Ministry of Finance

Slovak Republic has put in place several plans that address the specific health needs for Roma. The National Action Plan for the Decade of Roma Inclusion 2005-2015, presents priorities of the Roma health policy. It aims to improve the health awareness of the Roma community, improve the Roma's attitude to health care and their information gathering on health care provision (preventive check-ups, health insurance), improvement of Roma's reproductive health and increase in re-inoculation of the Roma population. The main indicators utilized are general health and disease indicators, higher average of age of mothers giving birth to their first child, the increase in the number of Roma who go to general and special practitioners, the number of preventive screening examinations, and the share of the majority population vaccination rate to the Roma population rate.

The Medium-Term Concept of the Development of the Roma National Minority 2008-2013 has three axes of proposed strategic action. The first is the improvement of the health status and lifestyle in Roma communities. This aim is to be realized through the improvement of hygiene, the decrease of birth rates, the availability of drinking water and the overall improvement of access to basic utilities. The second line of action concerns increasing the provision of information and counselling activities in relation to health prevention through more effective education on reproductive health, increased awareness of health risks, particularly hygiene-epidemiological risks, and the improvement of child-care from preventative check-ups to vaccinations. The third axis of proposed intervention concerns accessibility and use of healthcare services. Additional goals are to create a health information system on the health status of the Roma population to be used to inform policy on developing community centres. Furthermore, the ESF Operational Programme on Health aims to support healthier lifestyles for the Roma in connection with improved housing conditions.

### Policy Assessment

The lack of structure in the health system hinders the successful implementation of action plans and strategies. Weaknesses include an absence of data; weak implementation of programmes; an absence of a comprehensive health programme for Roma; weak and inadequate investigation techniques in cases of violation of the right to health; a lack of birth certificates hindering possession of identity documents which results in the denial of access to healthcare; an aggravated situation of Roma women in access to health care. Furthermore, there is a continuing segregation in health facilities due in part to undue stereotyping of Roma by health-care providers.

However there are also several positive aspects and opportunities such as the introduction of health mediators in liaison between Romani people and the public health system; Roma participation in health programming according to their needs; integrated programming combining policy on health and housing); effective collaboration between health

professionals and social professionals by virtue of the Act on Public Services; and effective anti-discrimination training for both public and private health care providers.

### 6.3.2. Old Member States

#### 6.3.2.1. France

In France, health is financed by social insurance contributions, which is complemented by private insurance in order to cover 20-25% of the care provided by the State. A system to ensure universal coverage of health care was introduced in 2000, through a system of free complementary cover for people on very low incomes called Couverture Maladie Universelle (CMU). However, the uptake of this cover has been incomplete due to lack of knowledge about the entitlement among vulnerable groups including the Roma (Thompson et al. 2009: 62).

There is no health policy specifically dedicated to Roma, but all French citizens are included in the common-law system. Some projects are targeted towards them within the framework of fighting poverty. The CMU insurance is not available to non-resident Roma from other EU countries. However, the state provides medical insurance to foreign citizens in a regular or irregular situation (including Roma EU citizens from other countries). The State Medical Assistance, called Aide Médicale d'Etat (AME) is available for most Roma from other EU countries who do not have enough social or private insurance coverage.

For French Roma, the state supports "Community liaison nurses", promotes specific preventive health actions in halting sites and camps, and supports 'Itinerant Medico-Social Vehicles' to raise the awareness about preventive actions. These are also able to direct invalids to appropriate medical professionals to be treated. For Roma EU citizens arriving from other EU countries, the presence of itinerant teams of 'Doctors of the World', a voluntary organisation, provides some support on an ad hoc basis.

#### Policy Assessment

There are many issues in relation to implementation. National common-law policy applies usually to all citizens, while local initiatives are more difficult to access. The national health care system is based on common law for all citizens and on social insurance principles. For those who fall through the gaps in this system, the Universal Care Insurance (CMU) exists for people on low incomes. However, Roma immigrants from other EU countries may find it hard to access this assistance as information about it is mainly publicized by NGOs. Medical insurance for foreign citizens in a regular and an irregular situation is required, but due to limited income, Roma find it hard to provide for this insurance.

In general the health of Roma is threaten by negative factors including the poor state of some halting places which do not offer good sanitary conditions; discrimination by some doctors who refuse patients under the CMU system; weak impact of campaigns dedicated to health training because French Roma do not have access to them or because they are not adapted to their problems and needs; the relatively few campaigns dedicated to problems of French Gypsies as a target group; weak medical follow-up of families because of common threats and lack of knowledge; difficulties for itinerant persons to be treated because of the lack of halting places and the difficulties to be near an hospital. For Roma immigrants from other EU countries there are additional problems including discrimination produced by doctors who refuse patients under CMU and AME insurances; weak effects on

NGO's campaigns due to a lack of means; the current policy of expulsions; and finally, the lack of a specific health policy targeted towards the immigrant Roma population.

Policy developments in the future should take advantage of the opportunities to initiate health campaigns for global action towards Roma; to develop partnerships between local associations and national authorities to promote health towards Roma; to make professional staff more aware of Roma health problems and reactions to illness and death; to make administrative procedures more flexible to enable immigrant Roma to access medical insurance and AME/CMU systems.

#### 6.3.2.2. *Germany*

In Germany there is little evidence concerning the health situation of the Roma. There are indications that Roma are not always aware of their legal entitlement to benefits, particularly in the health system, and that some distrust healthcare providers and personnel. However, Roma citizens and Roma immigrants with solid residence status have full access to the health system, and for this they are covered by the health insurance system. Refugees, migrants with a weak residential status and their children, are not covered by the health insurance system, but are entitled to medical and dental assistance in case of acute illness, thus for urgent treatment only. The responsible "Sozialamt" (social security office) has to authorise any further medical treatment, otherwise Roma invalids have to pay for treatment. Therefore, the health situation differs greatly between the different Roma groups, and depends on their social and economic status.

There is no specified strategy in the field of health for Roma because the German social insurance system is based on the principle of universal coverage for everybody, whilst modulated depending on residence status. Considering the strong decentralisation system in Germany, the Länder assume wide responsibility in the public health system, and therefore there are wide differentiations among regions.

There are no Roma-specific legal instruments regarding access to the health system, to social protection and to general welfare programmes in the German legal system, since Roma have the same rights as any other citizen. The Roma that are considered German citizens are covered by a large number of inclusion and anti-discrimination rights implemented in the German legal system.

#### Policy Assessment

Germany, considering its high welfare coverage in general, seems to ensure good health services for vulnerable groups such as the Roma. The legal situation is insufficient for immigrant Roma from other EU countries and there is a threat of marginalisation if their situation does not improve.

## 6.3.2.3. Greece

Greece: Institutional and policy framework for health services	
Supervising organisation	Ministry of Health
Implementing agency	Prefectural and municipal health services, often with the collaboration of municipal enterprises and NGO
Organisation responsible for health policy related to Roma	Ministry of Health
Main strategic document	National Strategy Report on Social Protection and Social Inclusion 2006-2008; Operational Programme 'Health and Welfare' 2000-2006
Action plan	Promotion of health and social inclusion for the Greek Roma; Promotion of health and counselling support for the Greek Roma (both in the context of Regional Operational Programmes); Health and Welfare Operational Programme (Axis 3.1)
Main measures and instruments	Medi-social centres; Mobile health units; Social Services help-desks
Monitoring and evaluation	Regional health authorities; Monitoring Committee of the Operational Programme (under the Special Secretary for Operational Programmes of the Ministry of Health); Logotech S.A. (external)
Inter-institutional coordination	Managing authority of the Operational Programme (appointed by the Ministry of Health)

The Ministry of Health is responsible for setting priorities, planning and financing health care at the national level. Implementation is assigned to prefectural and municipal health services, often with the collaboration of municipal enterprises and NGOs. Medi-social centres have a doctor, a social worker, a health visitor, a counsellor, a child expert and a Roma interlocutor from the local community. In addition to providing health services, the Medi-social centers have assumed a role of 'information points' providing local residents with a range of advice. This has had a very beneficial effect, particularly in raising awareness of the range of available benefits and services (beyond the narrow scope of health). The establishment of Medi-social centres is linked to the Roma housing programme in areas where Roma are relocated in organized settlements. In all, 27 Medi-social centres have been set up close to organised Roma encampments, while travelling Roma are served by three mobile units (Guy 2009: 11). This is an example of best practice in developing a more holistic approach to the welfare of the Roma community.

Policy Assessment

The Medi-social centre initiative has been a relative success with an increase in the vaccination rate and an improvement in health education (Guy 2009: 15). The centres have proved to be flexible and responsive to Roma needs. They have also treated non-Roma people in the areas where they are based, which has been a further factor promoting integration and social inclusion. The programme has not been without difficulties however. Firstly, there is a problem of sustainability of funding as they have been funded mainly by the EU and there is little tie in to national or local policy makers. A further problem for has been the reportedly great delay in their establishment, and inadequate levels of staffing especially with regards to counselling services. There is the need for further development of Medi-social centres and mobile units to cover more areas and expand their services. There

is also a problem with the continuity of funding as well as the lack of expert staff coming from the Roma community itself. In addition, many members of the Roma community continue to face difficulties in accessing hospital treatment. Greece is the example where the institutional capacity and coordination, both horizontally and vertically is ineffective. This limits the effectiveness of the measures taken to support health care for the Roma.

#### 6.3.2.4. Italy

The traditional Romani life style and the often *de-facto* marginalisation from most social services have negatively affected the health status of most of the Roma population, in particular those of recent immigration. Usually Roma live in poor hygienic and health conditions, especially among those of nomadic life style, living in camps often without adequate services, water provision and sewage. The high birth rate of the Roma community is combined with high infant mortality - three times higher than the national average.<sup>100</sup> Their social marginalisation hinders their request for help for health care, in particular for their children despite the right to have basic public health care for emergencies irrespective of a person's official or unofficial status.

Italy: Institutional and policy framework for health services	
Supervising organisation	Ministry of Health and Regions
Implementing agency	Decentralised to regional level
Organisation responsible for health policy related to Roma	Local Health Authorities - ASL
Main strategic document	-
Action plan	None
Main measures and instruments	Equal treatment for Roma with Italian citizenship or Roma migrants with resident permission. Illegal migrants receive only urgent medical treatment.
Monitoring and evaluation	-
Inter-institutional coordination	-

The health system is based on the principle of universal coverage for all financed through taxation. It is decentralised to regional level and managed by municipalities through Azienda di Sanità Locale (ASL – Local Health Authorities). There are no specific programmes for the health treatment of the Roma population. However the highly decentralised health system has created large disparities in the quality and quantity of services for the population, with specific consequences for vulnerable groups among which Roma are included. The Roma population without Italian citizenship receive urgent or essential medical treatments, but access to all other types of health care, including hospitalization and long-term treatment, remain *de facto* very limited.

#### Policy Assessment

The decentralized health structure has not achieved a sustainable and homogeneous system. For illegal Roma migrants the access to health care covers only urgent treatment; for illegal halting camps, the lack of basic utilities and sanitation (clean water, sewage, electricity, heating) has a huge impact on the health conditions of the Roma immigrants

<sup>100</sup> See "ROM il popolo dei bambini, 2008" and Monasta (2010).

living there, in particular on their children. There is a need for better monitoring of the health condition of the Roma living in the camps, in particular in those that are not fully equipped with basic utilities. A soft approach, with cultural intermediation for basic health care delivery, in particular for the children and women, living in the camps is desirable. This often becomes a factor of tension with the local residents who follow a conventional urban life, especially considering the limited financial capacities of municipalities to deal with increased demand for public services including health care.

#### 6.3.2.5. Spain

The 1986 Health Act established for the first time universal access to health services which allows the Roma community to access public health care. The health of the Roma population has improved markedly over time, although it still lags behind the average in Spain. According to the *National Health Survey for the Roma Community* carried out in 2006 the Roma suffer a higher prevalence than the national average of chronic diseases, tooth decay and accidents, while self-perceptions of own health are lower amongst the Roma, and cardiovascular risks are higher. The survey also revealed that universal access to healthcare has benefited the Roma community. However, access is poor in the areas not covered by the national health system. As result, a high percentage of the Roma population poor health status.

The *Action Plan 2010-2012* put forward strategic targets to improve access to health service; to reduce health inequalities especially for chronic diseases; to introduce prevention programmes targeting women's health; to support research programmes on the Roma health to develop knowledge of the health needs of the Roma.

#### Policy Assessment

Health care for Roma, access and prevention need to be further improved though compulsory registration with the National Health Service to increase access and health prevention interventions; through improvements in housing and living conditions reduce prevalence of avoidable conditions. The Roma often fail to use services such as dental care or podiatry that are not free. Furthermore, cultural barriers to the accessing health information are still significant and should be addressed more directly.

#### 6.3.2.6. United Kingdom

UK: Institutional and policy framework for Health Services	
Supervising organisation	Department of Health. Traveller health care lead officer.
Implementing agency	Health Care Trusts, but Primary Care Trusts and strategic health authorities will be abolished by 2013, with GP consortia taking over commissioning of services
Organisation responsible	Pacesetters Programme.
Main strategic document	Primary care service framework for Gypsies & Travellers (NHS 2009). The recent Health White Paper (DOH 2010) refers broadly to tackling inequalities.
Action plan	There is no specific GRT action plan, but the UK National Action Plan on Social Inclusion 2008-2010 contains general reference to combating health inequalities. (including those in rural areas)

Main measures and instruments	Improved understanding of GRT health needs and uptake of services
Monitoring and evaluation	Ethnic monitoring of GRT is inconsistent throughout health authorities.
Inter-institutional coordination	The Coalition Government will formalise inter-departmental dialogue through the establishment of an inter-departmental GRT forum

The health status of Roma is critical in many respects. Studies have shown higher perinatal and infant mortality rates (Pahl and Vaile 1986); lower levels of life expectancy (Barry et al 1987), and higher morbidity rates than the general population (Parry et al 2004). There are concerns that the Roma has the highest maternal death rate (DoH 2001). One study found poor health across multiple domains. Roma have significantly poorer health status and significantly more self-reported symptoms of ill-health (Parry et al 2004: 7). Very high levels of anxiety and depression exist amongst housed families, especially women (Parry et al 2004, Van Cleemput et al 2007). Despite higher health needs, this group has low take-up of health services (Parry et al 2007). Poor access to health care stems from literacy issues, enforced mobility and eviction, discrimination in service delivery, lack of cultural competence among staff, lack of trust among Roma, and health beliefs (Van Cleemput et al 2004, 2007, Van Cleemput 2008). There is also evidence that language and cultural issues impact on access to health services, and that malnutrition and overcrowding contribute to ill health (Poole and Adamson 2008). Innovative work has been delivered with a range of Roma groups as part of the Pacesetters programme (Cemlyn et al 2009, Matthews 2008), a partnership between local communities who experience health inequalities, the NHS and the Department of Health. A similar community health project was funded in Northern Ireland, where the Department for Health also co-funded the forthcoming All Ireland Traveller Health Study. Working in collaboration can help promote health equality and a discrimination-free environment for service users and staff. However, Pacesetters is at present localised and it is not certain that resources will be available to ensure this good practice becomes national.

### Policy assessment

The public health system based on the principle of universal provision through tax finance allows the Roma community to access health care. However there are a number of barriers that limit the principle of universal access to health care, principally the fact that there is no national Roma health plan in UK. Good practice guidance is issued to primary care health workers for the treatment of Roma communities. However, only one third of local authorities included Roma in their homelessness strategies. Thus the provision of social care is fragmented at local level depending on the local administrations.

## **6.4. Overall policy assessment**

The above analysis confirms that the health systems in EU countries do not ensure adequate health care to Roma communities, though their effectiveness varies across countries and regions. There is a need to consider the health issue within a broader framework, together with other sectoral issues. This requires strong inter-institutional coordination and a long-term view, as the barriers that exist are a complex mix of the economic, social and cultural. Among the most critical aspects are the existence of different barriers to access to health care, a lack of knowledge about services provision for Roma, and discrimination by local administrations that offer different interpretations of the rights and needs in delivery of health care services.

Where the health system is more developed, as in some of the OMS Roma have relatively more chances to access health care, though not on a systematic and continuous basis, mostly for urgent and limited treatment. The social insurance system does not facilitate the health care provision for the vulnerable groups who are not covered by insurance for various reasons. Safety-net schemes such as the French provision of free insurance to poor people provides some limited coverage of the gaps, but tax financed systems seem to provide a more secure implementation of the principle of universal access to which most EU countries aspire. Private insurance is available in most EU countries, but limited use is made of it, and in few countries does it account for more than 5% of health care expenditures. Some countries rely more than others on out-of-pocket expenditures to finance health care, such as Bulgaria and Greece and this inevitably introduces problems of access for vulnerable groups who lack the ability to pay.

In the NMC, access to health is often problematic, and the position of Roma communities in terms of sanitation for housing and health provision remain generally poor. The generally lower health care provision is an additional limitation for health access for vulnerable groups.

The institutional capacity of the health system, both centrally and regionally, is important for addressing the health conditions of marginalized communities, including Roma. The diversity of local conditions leads to spatial inequalities. This is corroborated by the Commission analysis concerning disparities in health provision between states and regions in the EU. Furthermore, access to basic health services remains problematic in particular for Roma migrants, many of whom have no legal status (often many do not have IDs) and can benefit only from basic emergency services.

There is a need for targeted health awareness campaigns in all countries to overcome the formal and informal cultural barriers that limit the demand for health care from Roma. On the other hand, the successful programme of Medi-social centres in Greece indicates that well designed and well targeted interventions can overcome these barriers and lead to significant increases in vaccination rates and health information and awareness. Health conditions are not systematically monitored by local specialized bodies. This has been identified in many regions and most countries, and perpetuates the critical state of health where Roma women and children are among those that suffer most.

## **6.5. The EU policy context**

Several instruments are available at EU level to support actions for improved health services for Roma:

The *Communities Strategic Guidelines* can fund Health Infrastructure for the period 2007-2013. In the next programming period an increasing stress on health targets is foreseen in order to combat excessive socio-economic disparities, utilizing social OMC. Health related actions under the current Community Strategic Guidelines have reserved €5bn for the period 2007-2013 for health infrastructure actions.

The EU Health Strategy underlined an initial need for the collection of data and the exchange of good practices between Member States through the *Open Method of Coordination (OMC)*. More specifically, the Commission has suggested four levels of action including more detailed data collection; the development of health inequality audit

approaches for the use of Member States; further research under FP7; exchange and dissemination of good practices, possibly under the guidance of FRA.

It should also be possible to use the Cohesion Policy and the European Fund for Rural Development to support actions conducive to better health ranging from improved living conditions, employment services, transport, and health and social infrastructure.

## 6.6. Best practices in health policy

The cross-country analysis suggests that most New Member States have focused programmes which specifically target the Roma among which health targets are key priorities. A number of potentially promising projects have been put in place, but their full implementation is not ensured and it seems that these plans suffer from a lack of capacity and also of sufficient political will. One promising avenue has been the appointment of health mediators to liaise between the Roma community and the health provider institutions, to increase mutual knowledge and understanding, and ease Roma access to health services.

### BULGARIA

#### Health Mediators

At the beginning of 2010, 105 Health Mediators were appointed in regions with a high share of Roma population, through delegated budgets to the municipalities amounting to the total sum of €213,873. In 2007, with the support of the Ministry of Health, the Ministry of Labour and Social Policy, the Ethnic and Demographic Issues Directorate at the Council of Ministers and NGOs working in this sphere, 57 Health Mediators were appointed to work in thirty municipalities with a delegated budget. The institutionalisation of the new profession of Health Mediator became a clearly defined national policy. It has been included in the National Classification of Professions, and the job description of the Health Mediator has been adopted.

Also Romania has put in place a system of Health mediators, with some good results.

### ROMANIA

#### Health Mediators: a good practice

The Health Mediator programme represents the only comprehensive systemic intervention adopted so far by authorities to address entrenched discrimination and health inequalities faced by Roma. Roma health mediators are the most important vehicle for the transmission of information and education of Roma. RHM activity has increased Roma access to health services evidenced by an increased number of Roma patients enlisted in general physicians and acquiring insurance, and an increased rate of vaccination. (Assessment of the Roma health mediators programme, Centre for Health policies and services, 2006). The first programme to train health mediators was implemented in 1997-1998. Within this project, 30 young women were trained, 25 of whom completed the training course. In 1999 and 2000, another 7 health mediators were trained. By 2005, Romani CRISS had trained a total of 240 health mediators.

Experience in health provision through integrated Medi-social centres within a larger multi-sector programme in Greece shows some positive as well as negative aspects.

## GREECE

## Integrated Programme for Social Inclusion of Roma

Greece put into operation the Greek Action Plan covering employment, education and health. Local centres, known as Medi-social centres operate in 30 Roma settlements in Greece aiming to assist the Roma population integrate into main-stream-society: they provide help and guidance in the use of public services in health, education, employment and housing. The centres include provision of information, medical treatments, counseling and psychological support, raising awareness and collaboration with local and national institutions. However these large and coherent targets have encountered several limits including the problems of organizational and technical shortcomings in the implementation phase, as well as problems of continuity of financing. The institutional effectiveness and coordination was one of the critical factors that limited the full effectiveness of this ambitious integrated programme.

Source: Guy (2009).

## 7. AVAILABLE EU LEGAL INSTRUMENTS

Since 1<sup>st</sup> December 2009, the European Union has been operating under the new legal framework established by the Lisbon Treaty. This Treaty puts in place a clear delimitation and clarification of EU competences as well as legal guarantees that the essential functions of the Member State are to be respected by the Union. It also introduces structures, procedures and mechanisms which will potentially allow the Union to develop further in the future.

One striking characteristic of the Lisbon Treaty is that it is deeply rooted in human rights. Article 2 TEU lists the values on which the EU is based: *"The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail."*

Respect of these values is a precondition for membership of the Union (Article 49 TEU) and serious breaches of them by a Member State may lead to a suspension of some of its rights resulting from membership (Article 7(2) TEU). Moreover, the promotion of these values is one of the primary objectives of the Union (Article 3(1) TEU). The Lisbon Treaty also takes the highly symbolic step of providing for an obligation to require the EU to accede to the European Convention for the Protection of Human Rights (ECHR), and of giving the EU Charter of Fundamental Rights the same legal status as the treaties (Article 6(1) and (2), respectively). The EU Charter of Fundamental Rights reproduces, and in places modernises the rights contained in the ECHR; it adds some basic provisions and brings them in line with developments in international and Union law, as well as with new case law.

Both the Treaty and the Charter stress that the Charter does not increase the competences of the EU. More importantly, it needs to be stressed that the Charter has become legally binding upon EU institutions and upon the Member States when they are implementing EU law. However it does not apply to situations that are purely internal to a Member State. From that point of view, even though its symbolic value must not be underestimated, it must be stressed that the Charter is not some kind of EU "Bill of Rights" which would always be obligatory for national authorities.

## 7.1. Compliance mechanisms

At present the main mechanism for ensuring compliance by Member States with European law and fundamental rights is the infringement proceedings envisaged by Article 258 of the Treaty on the Functioning of the European Union (TFEU). This article confers discretion on the Commission for launching action against any EU Member State for non-compliance with European law. These proceedings may end up before the Court of Justice in Luxembourg, which will in the final instance determine the extent to which the State is in breach of EU law and, if so, will require the latter to take the necessary measures for ensuring compliance, and potentially even impose financial penalties in those cases where the state is still in violation of European legal commitments.

There is also the fundamental rights mechanism stipulated in Article 7 of the Treaty on the European Union which foresees the possibility to apply sanctions against any EU Member State (suspension of the voting rights of the Member State in the Council) when "the existence of a serious and persistent breach" to the Union's basic principles, including fundamental rights protection, is determined. Until now, however, this mechanism has never been used. Both procedures are to a great extent too politicised and generally *ex post* in nature (i.e., they come into play after the 'violation' has been effectively proved and determined), which prevents them from facilitating a preventative and immediate response to those cases where grave violations of basic EU law and fundamental rights principles are thought to have taken place.

## 7.2. Social policy under the Lisbon Treaty

Many of the issues that are regarded as central in the context of policies to promote the situation of Roma EU citizens in the EU belong to the field of social policy. The Lisbon Treaty has strengthened the commitment of the EU to social progress and social rights. However, social policy is a competence which is listed as shared between the EU and its Member States and it needs to be stressed that the EU has only a small share of that competence, i.e. only for the aspects defined in the Treaty (Article 4(2)(b) TFEU). The provisions on social policy remain broadly the same as they were before the Lisbon Treaty. Among the new social objectives attributed to the European Union are the wellbeing of its people, full employment and social progress, the fight against social exclusion and discrimination, the promotion of justice and the eradication of poverty (Article 3 TEU). The Treaty also contains a new 'horizontal' social clause, according to which the EU must take into account the "requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health" (Article 9 TFEU) in the implementation of all its policies and activities.

Under the Lisbon Treaty measures in the field of social security, such as those concerning freedom of movement for migrant workers and their families, and their rights to benefit and the calculation of the amount of such benefits, and of the periods spent in different member states, are in principle to be adopted following the ordinary legislative procedure, i.e. by the European Parliament and the Council, the latter on voting by the qualified majority rule. However, if a Member State considers that a draft legislative act would affect important aspects of its social security system, it can bring the matter to the European Council. This is the so-called 'emergency brake'.

Moreover the Treaty underlines the potential role of the Union in coordinating policy measures among Member States in the areas of employment policy 'in particular by

defining guidelines for these policies' (Article 5, 2 TEU) and also in the area of social policies (Article 5, 3 TEU). Furthermore Article 6 (TEU) outlines the Union's competence to carry out actions to 'support, coordinate or supplement' the actions of Member States at the European level including *inter alia* in the areas of the protection and improvement of human health and education, vocational training, youth and sport, policy areas potentially of direct relevance to the socio-economic situation of Roma EU citizens.

### 7.3. Legal instruments available at EU level

Within the limits of its competences, the EU has put in place a number of legislative instruments that in effect establish a framework within which further action can be taken to promote the situation of Roma EU citizens. As already indicated, EU competences in the fields of most relevance with regard to this policy objective are limited; many of the relevant fields of action for the current study such as education, employment, public health and fight against poverty continue to lie largely within the competence of the Member States. However the following directives: (i) the 'Racial Equality' Directive, (ii) the Directive on the right of citizens of the Union and their family members to move and reside freely and (iii) the Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law, could potentially have implications for the situation of Roma EU citizens.

#### 7.3.1. Legal Instruments

*Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin*

The so-called 'Racial Equality' Directive states that all citizens of the European Union are protected against discrimination on grounds of race or ethnic origin, regardless of their legal status. The scope of the legal protection includes the areas of employment, social protection, education as well as access to goods and services. The Commission has on several occasions reported on the implementation of the Race directive. It was reported in 2006 that while the legislation had had a major impact in raising the level of protection from discrimination throughout the EU, there had been delays in transposing the rules into national law in some Member States, and additional efforts were needed to ensure effective implementation and enforcement of the legislation. In 2010 the Commission reported that all Member States had introduced national laws, which transpose the race directive. However the Commission has also engaged 24 procedures for incorrect transposition of which 12 still remain open – including against certain of the countries in this study (the Czech Republic, Germany, Poland and the United Kingdom).<sup>101</sup>

It is noteworthy that the Grand Chamber of ECtHR judgement of November 2007 of *D.H. v Czech Republic* in which the court ruled that segregating Roma into special schools breached Article 14 ECHR together with Article 2 Protocol 1, also made detailed reference to the EU Racial Equality Directive suggesting that this Directive could be more widely used to promote socio-economic situation of Roma EU citizens across a range of policy areas.

*Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely*

<sup>101</sup> European Commission Staff Working Document, *Roma in Europe: The Implementation of EU Instruments and Policies for Roma Inclusion Progress Report 2008-2010*, SEC (2010) 400 final, at p.13.

The Directive on the right to move and reside freely within the EU lays down the right and establishes the conditions for EU citizens to move in the Union. The main rule is that any national of an EU member state has the right to enter and exit another member state. Article 6 of the Free Movement Directive<sup>102</sup> provides for the right of residence for up to three months for every EU citizen under the unique condition of holding a valid travel document. Article 7 of the same directive extends that right beyond three months subject to the following conditions thus indicating that the right of residence is not unconditional:

- Being workers or self-employed persons,
- Or having sufficient resources as well as comprehensive sickness insurance to ensure that they do not become a burden on the social services of the host Member States during their stay,
- Or following a course of study and having comprehensive sickness insurance cover in order to ensure that they do not become a burden on the social services of the host Member States during their stay,
- Or being a family member of a Union citizen who falls into one of the above categories.

In addition to this, Member States may restrict the freedom of movement and residence of Union citizens and their family members, irrespective of nationality, on grounds of public policy, public security or public health. Measures taken on grounds of public policy or public security must comply with the principle of proportionality and must be based exclusively on the personal conduct of the individual concerned. The personal conduct of the individual concerned must represent a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society. Justifications that are isolated from the particulars of the case or that rely on considerations of general prevention cannot be accepted<sup>103</sup>.

Responses of EU Member States to the exercise of freedom of movement by Roma have often resulted in direct and explicit exclusion of the group even though they are EU citizens and holders of rights (FRA 2009b). Such singling out of a particular ethnic group not only hinders the exercise of the right to freedom of movement, it also creates a hostile legal environment for access to other social and economic rights connected to or dependent on EU citizenship. This trend is particularly visible in the area of social assistance for instance (FRA 2009b: 33). Lack of registration documents in the host country typically does not allow entry into employment pathways, access to water and electricity supplies (Article 8(2) of the 2004/38 directive).

*Council framework decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law*

The framework decision<sup>104</sup> on combating racism and xenophobia was adopted in November 2008. It aims to ensure that racist and xenophobic offences are sanctioned in all Member

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<sup>102</sup> Directive 2004/8/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

<sup>103</sup> For a further elaboration of this issue, see Sergio Carrera and Anais Faure Atger paper, *L'Affaire des Roms: A Challenge to the EU's Area of Freedom, Security and Justice*, p. 7 available at: <http://www.ceps.eu>.

<sup>104</sup> Framework decisions were previously used to approximate the laws and regulations of the Member States in the field of justice and home affairs co-operation, somewhat comparable to directives. After the entry into force of the Lisbon Treaty, framework decisions do not exist any longer as possible acts; nonetheless the existing framework decisions remain in force. The ordinary types of legal instruments (regulations, directives and decisions, Article 288 TFEU) are now also used in justice and home affairs.

States by effective, proportionate and dissuasive criminal penalties. The offences include the public incitement to violence or hatred against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin. Such conduct is also punishable if committed by public dissemination or distribution of tracts, pictures or other material. For any other criminal offences than those covered by the framework decision, Member States are obliged to ensure that racist and xenophobic motivation is considered as an aggravating circumstance, or alternatively that such motivation may be taken into account in the determination of the penalties. The framework decision also contains provisions on the liability of legal persons. Member States shall take the necessary measures to comply with the framework decision by 28 November 2010. Given the late November deadline for the transposition of this directive, it is too early to comment on the engagement by the Commission of procedures against Member States for lack of or incorrect transposition of the directive.

### 7.3.2. Evaluation of EU legal framework

These legal texts in essence form the backbone of the hard law that applies at the EU level and is of potential relevance for the promotion of the socio-economic situation of Roma EU citizens. They are supported by an increasingly extensive European policy framework which is explored in the next section of this report as well as by instruments for the exercise of soft law through the EU's open method of coordination. However despite the provisions and policies in question, Member States have not always been able or willing to realise and implement the full extent of their legal obligations at Union level.<sup>105</sup> This may, inter alia, be the result of the influence of social norms which shape the way legal norms are interpreted and enforced restrictively outside the legal context *stricto sensu*.

The deficient implementation of the 2004/38 Directive, combined with the lack of specific policy frameworks concerning Roma EU citizens exercising their right to freedom of movement and residence, leave only general legislation and policy at the national level affecting the Roma<sup>106</sup>. Thus rights connected to EU citizenship, beyond freedom of movement, such as the right to maintain the status of worker (where workers become involuntarily unemployed or when registering as jobseekers) or the right to permanent residence after five years, irrespective of sufficient resources, remain opaque for Roma EU citizens<sup>107</sup>.

### 7.3.3. The Open Method of Coordination and EU Soft Law

In addition to the instruments of hard law outlined above, the EU has also developed a potentially promising framework for European level cooperation particularly in those areas of policy that lie outside the formal remit of hard EU legal instruments, including many the social policy areas identified in this report as critical for promoting the situation of Roma EU

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<sup>105</sup> For a detailed political comment and legal analysis of the expulsion of the Roma from France in August 2010, see for example Sergio Carrera and Anais Faure Atger, *L’Affaire des Roms: A Challenge to the EU’s Area of Freedom, Security and Justice*, September 2010, available at <http://www.ceps.eu>

<sup>106</sup> FRA Report, at p.35. For a legal critique of the application of the right to free movement in the context of mass Roma expulsions in France see ERRC, *Submission in relation to the analysis and consideration of legality under EU law of the situation of Roma in France: Factual Update*, available at <http://www.errc.org/cms/upload/file/france-ec-legalbrief-27-sept-2010.pdf>, 27 September 2010. See also PACE Resolution 1760 (2010) on disguised collective expulsions.

<sup>107</sup> FRA Report, at p.36.

citizens. The Open Method of Coordination (OMC)<sup>108</sup>, pioneered through the European Employment Strategy and extended to other areas such as social inclusion, involves establishing commonly agreed objectives and common indicators which show how programmes towards these goals can be measured among a group of member states. In addition country-specific plans, which are important for the leverage of peer pressure and for keeping up the pace of reforms are developed in the form of national plans. Through the OMC, Member States can learn from each other about advances in policy and identify good practice. By agreeing to a set of common objectives pinned down through quantifiable indicators, progress towards such goals can be measured. In addition, the peer review process gives host countries the opportunity to have a particular programme, policy reform or new institutional framework evaluated by experts, other countries and stakeholders. It also enables the same actors to consider whether such initiatives could be effectively transferred to other Member States. Finally, OMC may facilitate improvements in impact assessment which the current study suggests has been sorely lacking in the monitoring and evaluation of Roma policies to date. Thus far, several OMC Peer Review meetings have been held covering Roma issues including a review of the "Integrated Programme of Social inclusion Roma" in Greece<sup>109</sup>, the "Social inclusion of children in a disadvantaged rural environment" in Hungary<sup>110</sup>, and the "Municipal programmes of shanty town eradication in Aviles (Asturias)", in Spain<sup>111</sup>.

However this soft policy approach relies largely on the voluntary participation of peer countries — though agreement on common objectives and common indicators may serve to lock in participants and thus promote policy learning and improvements in policy delivery. Even so the lack of hard incentives to induce participation is potentially a limitation, which may be partially obviated by tying EU funding mechanisms (both the rewarding and the withdrawal of funds) more closely to peer review processes. The adoption of such methods, accompanied by adequate support measures as guidelines, exchange of information, benchmarking, "best practices", can bring benefits for all parties involved. This can provide a means of institutional cooperation in sensitive fields at the core of improving the situation of the Roma. In order for such approaches to be more effective, they need to be inserted into a broader framework and form part of a diversified European strategy toward Roma in Europe. They would also benefit from a strengthening of institutional capacity to address issues of Roma social inclusion at the EU level.

## 8. THE EUROPEAN POLICY FRAMEWORK

Many institutions at the European level are involved in the design and implementation of policies to improve the situation of Roma EU citizens. In recent years the number of initiatives in this respect has noticeably increased. EU institutions as well as other international bodies and networks have become more involved in developing policies and providing advice and support to national institutions involved in this field. The main policy actors involved at international level are briefly noted in this section.

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<sup>108</sup> The method of OMC is set out in 'Communication from the Commission to the Council, the European Parliament, The European Economic and Social Committee and the Committee of the Regions, Working together, working better: A new framework for the open coordination of social protection and inclusion policies in the European Union, Brussels, 22.12. 2005, Com ("005) 706 Final

<sup>109</sup> See <http://www.peer-review-social-inclusion.eu/peer-reviews/2009/integrated-programme-for-the-social-inclusion-of-roma>

<sup>110</sup> See <http://www.peer-review-social-inclusion.eu/peer-reviews/2010/promoting-social-inclusion-of-children-in-a-disadvantaged-rural-environment-the-micro-region-of-szecsny>

<sup>111</sup> See <http://www.peer-review-social-inclusion.eu/peer-reviews/2006/social-integration-of-roma-people-municipal-programme-of-shanty-towns-eradication-in-aviles>

## 8.1. Policy actors

Numerous policy actors are involved in formulating and implementing policy designed to improve the situation of the Roma EU citizens in the European Union. Some of these are EU institutions, others are international institutions such as the World Bank, OSCE, UNDP, ILO, and the Open Society Institute. There is a need for improved coordination and collaboration between these policy actors to avoid duplication and enhance the mutually reinforcing effects of policy actions in the field.

Several policy networks have been established with the aim of contributing to policy coordination and coherence including the European Platform for Roma Inclusion, the Decade for Roma Inclusion, the EURoma network, the European Commission against Racism and Intolerance of the Council of Europe, and the European Roma Policy Coalition. However the proliferation of networks has also brought about a risk of policy overlap and policy conflict.

The rest of this section identifies the various policy actors involved in formulating and delivering EU Roma policy as it stands at the present time, and is followed by a mapping of the different policy networks which have been created to coordinate Roma policy. The section concludes with a proposal for the strengthening of existing of EU institutional capacity on Roma social inclusion issues or if this is not possible the creation of a specialised EU agency devoted to Roma affairs.

### 8.1.1.1. *European Parliament*

In recent years, the Parliament has taken a keen interest in Roma affairs. In October 2008 the Committee of Employment and Social Affairs (EMPL) published a study on the social situation of the Roma and their improved access to the labour market in the EU<sup>112</sup>, and in March 2009 the Parliament adopted a resolution on the social situation of the Roma and their improved access to the labour market. The policy recommendations focused on access to education and vocational training, gender equality, employment of Roma in the public services and social services, and the use of instruments such a micro-credits or subsidies for the labour market integration of the Roma.

### 8.1.1.2. *European Council*

In December 2008 the European Council adopted a set of conclusions, which welcomed the integration of the theme of Roma inclusion into the programme of the Agency for Fundamental Rights<sup>113</sup>. These conclusions also provided a mandate for the Member States and the Commission to take action to mainstream Roma issues in the relevant policy areas.

### 8.1.1.3. *The EPSCO Council*

On 8 June 2009 the Employment, Social Affairs, Health and Consumer Affairs Council adopted a set of conclusions on Roma inclusion, which underpinned the need for the Commission and the member States to follow the Common Basic Principles and for the mainstreaming of the Roma perspective in all relevant policy areas, in particular in relation to "policies to defend fundamental rights, uphold gender equality, combat discrimination, poverty and social exclusion, and ensure access to education, housing, health,

<sup>112</sup> IP/A/EMPL/FWC/2006-05/SC4.

<sup>113</sup> Council Document 15976/08 REV 1.

employment, social services, justice, sports and culture"<sup>114</sup>. The EPSCO Council called for key actors to make use of the European Platform for Roma Inclusion (see below) to exchange best practice and experience.

#### 8.1.1.4. *European Commission*

In a Community Staff Working Document published in 2008 the European Commission identified the range of available EU instruments and policies in the fields of education, employment, social inclusion, public health, regional development and enlargement (EC 2008). Despite the many instruments available their implementation has been relatively weak with relatively little impact on the situation of the Roma. According to the EC the main reason for the lack of effective implementation is a lack of political will, a lack of strong partnership and coordination mechanisms, a lack of capacities and knowledge at the local level, and a lack of ownership among potential beneficiaries (EC 2010).

As part of its April 2010 Communication on the Social and Economic Integration of the Roma in Europe, the Commission also acknowledged the heterogeneity of Roma communities in the EU member states and the corresponding need for the development of differentiated 'model policy approaches' to address more effectively the various legal needs of different Roma communities. In this report the Commission identified four major categories of Roma communities:

- (i) those living in disadvantaged highly concentrated (sub)-urban districts,
- (ii) those living in disadvantaged parts of small cities/villages in rural regions and in segregated rural settlements isolated from the majority,
- (iii) mobile Roma communities with citizenship of the country or another EU country and
- (iv) finally the mobile and sedentary Roma who are third-country nationals, refugees, stateless persons or asylum seekers (EC 2010, Social and Economic Integration of Roma in Europe). In light of this categorisation, the Commission has underlined its support for the promotion of the relevant and most appropriate policy interventions for each type of community, taking into account the legal status of their respective members. This effort does not introduce new legal obligations on Member States but subscribes to a wider effort of increased cooperation between national and European institutions, taking account of the way that competences are shared in the Union.

In addition, at the request of the European Parliament the Commission is carrying out a pilot project from 2010-2011, with a budget of €5m, on "Pan-European Coordination of Roma Integration Methods" which has been funded to cover early childhood education and care, micro-credit and self-employment, information and awareness raising, and tools and methods for evaluation and data collection as a basis for evidence based policy.

#### 8.1.1.5. *The Agency for Fundamental Rights (FRA)*

The FRA was established in 2007, with the remit inter alia of working to protect the rights of minorities<sup>115</sup>. One of its nine thematic areas is "discrimination based on ... race or ethnic

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<sup>114</sup> Ibid.

<sup>115</sup> "As the Agency is to be built upon the existing European Monitoring Centre on Racism and Xenophobia, the work of the Agency should continue to cover the phenomena of racism, xenophobia and anti-Semitism, the protection of rights of persons belonging to minorities, as well as gender equality, as essential elements for the protection of fundamental rights." Article 10, Council Regulation (EC) No 168/2007.

origin, .... and against persons belonging to minorities ..."<sup>116</sup>. In December 2008, the European Council adopted a set of conclusions which welcomed the integration of the theme of Roma affairs into the work programme of the Agency for Fundamental Rights (FRA). Since its inception the FRA has produced a number of important documents dealing with the social situation of the Roma EU citizens in the fields of movement and housing in addition to a recent survey on the Roma experiences of discrimination and victimisation (the EU-MIDIS Report) suggesting an ongoing broadening out in the work of the FRA to encompass the area of social inclusion<sup>117</sup>. The FRA's 2011 work programme includes the following thematic objective: 'Identify and analyse effective mechanisms and procedures to protect and promote the rights of Roma and Travellers in all areas of social life'<sup>118</sup>. In line with the recommendation of the current Study that the European Union's institutional capacity to coordinate, concentrate and optimise existing programmes and policies to foster and promote the social inclusion of the Roma be further strengthened which is discussed in greater detail in the final chapter, the FRA may be well placed to assume this role.

## 8.2. Policy networks

### 8.2.1.1. European Roma Summits

Two European Roma Summits have taken place, one in Brussels in September 2008 and the second in Cordoba in April 2010. These brought together EU institutions, governments of Member States, candidate countries and potential candidates, international organisations and civil society. Among the latter, the European Roma Policy Coalition and the network of European foundations played a leading role.

### 8.2.1.2. EURoma Network

The 'EURoma' network covers 12 member States<sup>119</sup>. Its aim is to promote the use of Structural Funds so as to improve the effectiveness of Roma policies. It does this through exchanges of information and by promoting mutual learning among its members. Each of the member countries is represented in the network by a representative of the European Social Fund managing authority and of the organisation responsible for Roma policies in each country. Its secretariat is based in Spain and managed by the Fundación Secretariado Gitano<sup>120</sup>.

<sup>116</sup> Council Decision of 28 February 2008 implementing Regulation (EC) No 168/2007 as regards the adoption of a Multi-annual Framework for the European Union Agency for Fundamental Rights for 2007-2012 (2008/203/EC).

<sup>117</sup> FRA (2009) Data in Focus Report 1: The Roma, European Union Agency for Fundamental Rights; FRA (2009) Housing Conditions of Roma and Travellers in the European Union: Comparative Report, Agency for Fundamental Rights; FRA (2009) The Situation of Roma EU Citizens Moving to and Settling in other EU Member States, Agency for Fundamental Rights.

<sup>118</sup> Available at: [http://www.fra.europa.eu/fraWebsite/about\\_fra/what\\_we\\_do/work\\_programme/work\\_program\\_me\\_en.htm](http://www.fra.europa.eu/fraWebsite/about_fra/what_we_do/work_programme/work_program_me_en.htm)

<sup>119</sup> The members of the EURoma network are Bulgaria, the Czech Republic, Finland, Greece, Italy, Hungary, Poland, Portugal, Romania, Spain, Slovakia and Sweden.

<sup>120</sup> The *Fundación Secretariado Gitano* (FSG) is a non-profit intercultural social organisation, which provides services for the development of the Roma community throughout the Spanish territory as well as at the European level. It commenced its work in the 1960s and was constituted as a Foundation in 2001.

### 8.2.1.3. *Decade of Roma Inclusion*

The 'Decade' is an international initiative that brings together governments, international organisations and NGOs, as well as Romani civil society, aiming to achieve an improved situation of the Roma in Europe both within and without the EU. Its membership includes twelve countries with large Roma minorities<sup>121</sup>. The international organisations and NGOs involved as international partner organisations of the Decade are the World Bank, the Open Society Institute, the UNDP, the Council of Europe, Council of Europe Development Bank, the Contact Point for Roma and Sinti Issues of the Office for Democratic Institutions and Human Rights of the OSCE, the European Roma Information Office, the European Roma and Traveller Forum, and the European Roma Rights Centre. In 2008, UN-HABITAT, UNHCR, and the United Nations Children's Fund (UNICEF) also became partners in the 'Decade'.

### 8.2.1.4. *The European Roma Policy Coalition*

This comprises 10 NGOs working in the area of Roma affairs including:

- Amnesty International
- European Network Against Racism
- European Roma Grassroots Organisation
- European Roma Information Office
- European Roma Rights Centre
- Minority Rights Group International
- Open Society Institute
- Spolu Foundation
- Roma Education Fund
- Fundación Secretariado Gitano

### 8.2.1.5. *The Council of Europe and ECRI*

The Council of Europe (CoE) has long taken a strong interest in promoting minority rights in Europe. The CoE established the European Commission against Racism and Intolerance (ECRI) in 1993, and in June 2002, the Committee of Ministers adopted a new Statute for ECRI, consolidating its role as an independent human rights monitoring body on issues related to racism and racial discrimination. ECRI's statutory activities include country-by-country monitoring, elaboration of general policy recommendations, and relations with civil society. ECRI has produced useful monitoring reports documenting the situation of the Roma in the countries covered by this study.

### 8.2.1.6. *European Platform for Roma Inclusion*

The European Platform for Roma inclusion was set up in April 2009 in order to exchange good practice and experience among the Member States, provide analytical support and stimulate cooperation between policy actors.<sup>122</sup> The Platform is a process rather than a policy making body as such. It comprises the Presidency, experts from six Member State governments and Serbia, international organisations including the Council of Europe, the OSCE, the World Bank and the UNDP, various NGOs and academics. The regular Platform

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<sup>121</sup> The country members of the 'Decade' are Romania, Bosnia and Herzegovina, Bulgaria, Croatia, the Czech Republic, Hungary, Macedonia, Montenegro, Romania, Serbia, Slovakia and Spain.

<sup>122</sup> See <http://ec.europa.eu/social/main.jsp?catId=761&langId=en>.

meetings bring together national governments, the EU, international organisations and Roma civil society representatives.

In May 2009, the Platform set out a set of "10 Common Principles for Roma Inclusion". The Council of the European Union<sup>123</sup> took note of the Common Principles and invited the Commission and the Member States to take them into account in designing and implementing policies to promote the full inclusion of the Roma<sup>124</sup>. The Platform meeting in September 2009 focused on Roma access to education. The June 2010 Platform meeting focused on the discussion of a roadmap proposed by the Spanish Presidency detailing a mid-term framework of actions and objectives for the Platform.

**Table 5: The Common Basic Principles for Roma Inclusion**

- Principle no 1: Constructive, pragmatic and non-discriminatory policies
- Principle no 2: Explicit but not exclusive targeting
- Principle no 3: Inter-cultural approach
- Principle no 4: Aiming for the mainstream
- Principle no 5: Awareness of the gender dimension
- Principle no 6: Transfer of evidence-based policies
- Principle no 7: Use of Community instruments
- Principle no 8: Involvement of regional and local authorities
- Principle no 9: Involvement of civil society
- Principle no 10: Active participation of the Roma

Although legally non-binding, the basic principles are well formulated and are likely to be influential in the design of policies within the European Commission and the EU institutions. The European Platform for Roma Inclusion is another alternative embryonic institution through which institutional capacity to address the issue of Roma inclusion could potentially be harnessed and strengthened though in its current form, the activeness of the Platform may well be overly dependent on the priorities of the incumbent presidency.

As the above overview indicates, a large number of international organisations are involved in attempts to design and implement policies to improve the situation of the Roma. Some of these organisations focus exclusively on the Roma within the EU while others have a wider remit. Together, these institutions have produced a large number of policy studies and reports, which contain many ideas for policies which could potentially improve the socio-economic situation of the Roma EU citizens in the EU. In order to optimise the findings of these studies and ensure the practical policy follow-through, facilitate more effective policy design, delivery and evaluation and coordination among different EU countries and regions, the current Study has recommended the development of or reinforcement of institutional capacity at the EU level. This could either be through the strengthening of the Agency of Fundamental Rights or through the further institutionalisation and development of the European Platform for Roma Inclusion or if this is not possible through the establishment of an agency for Roma affairs (which is discussed in greater depth below).

The main funding source for the implementation of the various policies which have been proposed by these organisations remain the national governments themselves

<sup>123</sup> The Committee of Permanent Representatives.

<sup>124</sup> Council of the European Union (2009) Note, 10394/09.

supplemented by the EU Structural Funds and the funds of the Community Programmes to which this Study now turns its attention.

### 8.3. Financial tools

This section deals with the Structural Funds, the Cohesion funds and the Community programmes.

#### 8.3.1. Structural Funds

The Structural Funds represent a powerful instrument that the EU has at its disposal to promote the socio-economic situation of marginalised groups of people and in the context of this Study, of Roma EU citizens. For problems relating to Roma inclusion, the ESF (and its complement the PROGRESS programme - the Community Programme for Employment and Social Solidarity) and the ERDF are the most important funds having proved to be an effective tool for launching initiatives for social inclusion (EC 2010b). They have also in places been successfully applied to local Roma communities, to facilitate integration into the labour market, better access to schooling, improved living conditions in authorised sites and camps, and access to social housing; a number of these instances are discussed in the policy sections of this Study.

However, a range of problems have hampered the sustainable effectiveness of the application of Structural Funds monies in terms of addressing the challenges of Roma inclusion – these pertain both to the domestic structural and political constraints in Member States as well as to certain shortcomings *inter alia* in the project funding arrangements as well as in the monitoring and evaluation of Structural Funds at the EU level. As Laszlo Andor, EU Commissioner for Social Affairs, Employment and Inclusion noted at hearings of the LIBE Committee in December 2010 “1/6 of European Social fund's resources - which is more than 10 billion euros - is spent supporting measures for Roma inclusion. Most member states already use EU funds, but often not in an effective way”.<sup>125</sup> Earlier this year Andor also claimed that Member States have not put forward a sufficient number of Roma projects suggesting that available funding has gone unused.<sup>126</sup> In sum, the available Structural Funds remain an underutilised resource. For example, Romania has so far absorbed less than 1 per cent of the nearly €4bn to which it is entitled under the ESF from 2007 to 2013, compared with 16 per cent on average across the EU. This under-usage of available funds stems from a combination of factors -- insufficient political will including to put up matching funding, lack of awareness as well as inadequate institutional capacities at both the national, regional and local levels in most of the countries in this study. In particular there is a need to develop the absorption capacity, particularly of NMS, and thereby to encourage governments to make better use of available funds for Roma projects as well as to enable Roma NGOs to be able to apply for relevant projects support.

In order to increase further the effectiveness of the distribution and use of funding under ERDF and ESF they would need to build options for:

- Funding of a longer duration – moving beyond the all too-often short-term project-based funding frames.

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<sup>125</sup> See [http://www.europarl.europa.eu/news/public/story\\_page/015-102268-333-11-49-902-20101129STO02032-2010-29-11-2010/default\\_en.htm](http://www.europarl.europa.eu/news/public/story_page/015-102268-333-11-49-902-20101129STO02032-2010-29-11-2010/default_en.htm) (accessed December 28, 2010).

<sup>126</sup> Pignal, S. and Bryant, C. (2010) “Brussels struggles to address Roma issue”, Financial Times, 17 September.

- Funding with a more particularised territorial focus – taking into account the diversity in the territorial spread of marginalised communities as well as the heterogeneity of such communities, including the Roma.
- A resolution to the problem of sustainability, in terms of the future self-financing of successful projects that have been put in place.
- More effective monitoring and ex-post evaluation to ensure policy effectiveness. This should become a criterion for providing prolonged support, even if this is progressively withdrawn, and for the empowerment of local stakeholders.

Over the long term, co-financing and subsequent sole financing by national institutions should also be ensured, in particular in those cases that have proved successful following programme or project evaluation and impact assessment such as in the creation of new capacities for Roma social inclusion in a particular city or region. In this regard the avoidance of the “dependency trap” (UNDP, 2002) is particularly pertinent. This could be done through the active involvement of local communities and Roma representatives in public-private partnerships. Roma representatives and cultural mediators could play a proactive and effective role in this process.

With the enhancement of already existing EU structures (in the form of the FRA or the European Platform for Roma Inclusion) or the creation of possible Agency for Roma Inclusion, such a focal organisational structure would be in a position to play an instrumental role in either providing bridging funding or loans, as well as technical-financial assistance to build long-term domestic sustainability of successful projects if ESF or other Community funding is no longer available.

Article 16 of the 2006 Regulation on the Structural Funds states that “The Member States and the Commission shall take appropriate steps to prevent any discrimination based on ... racial or ethnic origin ... during the various stages of implementation of the Funds and, in particular, in the access to them”<sup>127</sup>. This could be a means by which pressure could be brought to bear on MS for better utilising Structural Funds for Roma inclusion.

#### *Experience with ESF projects*

Numerous ESF projects have targeted Roma social exclusion. From 2000-2006, €275m of ESF funding was devoted to projects specifically targeted at Roma<sup>128</sup>. However it is difficult to assess the overall impact due to a lack of a consistent monitoring and evaluation process. In 2000–2006, ESF Managing Authorities in only five Member States reported on participation of Roma in supported measures — Finland (500 participants), Greece (33,000), Hungary (23,000), Ireland (7,000) and Spain (35,000)<sup>129</sup>. The scope of projects targeting Roma exclusion increased in the 2007–2013 period, during which almost all Member States have an ESF priority on social inclusion (amounting to €9,980m) (EC 2010: 227). In Spain, an entire Operational Programme has been dedicated to “Counteracting Social Exclusion”, with activities target a broad range of disadvantaged people, including

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<sup>127</sup> COUNCIL REGULATION (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999

<sup>128</sup> European Commission (2009) EU Action Against Discrimination: Activity report 2007-08, Brussels: DG for Employment, Social Affairs and Equal Opportunities, p. 15

<sup>129</sup> BBI, The European Social Fund and Roma: Background Report developed under the 'Reporting on ESF interventions in the EU project, Contract VC/2007/0555, Approved Draft, Brussels 15 March 2010.

ethnic minorities. The EURoma network has compiled a dossier of ESF programmes in some of the countries of the study<sup>130</sup>.

Table 6 presents the available data on the EU funding available, including for Roma related projects through ESF interventions for the period 2007-13. The ESF budget allocated specifically targeting Roma people as one among several target groups amounts to €7,406m in the six NMS and €1,523m in the six OMS. It should be noted however, that funding for project allocated exclusively to Roma beneficiaries is far lower. Funding per capita (on the basis of estimated Roma populations) amounts to €1,828 in the NMS which is more than twice the amount allocated in the OMS. This is appropriate since the needs for support for Roma targeted projects are far higher in the NMS. However, there are significant variations across countries within these two groups of countries. Within the NMS, it is notable that per capita funding in Poland is far above that in any other country (due mainly to the small size of the Roma population). Excluding this case, per capita funding in the NMS varies from €516 in Slovakia, to €3,110 in Hungary. There is clearly much scope for adjustment of these allocations to bring about a more balanced effort in the NMS where needs are similar, in particular by increasing funding for Roma targeted projects in Bulgaria, Slovakia, and Romania.

**Table 6: EU funding available for Roma: ESF Interventions 2007-2013**

	Estimated number of Roma People (Council of Europe)	% of population	ESF Global budget for 2007-2013 (€m)	ESF budget allocated specifically targeting Roma people (if available) (€m) (*)	ESF budget targeting Roma / Roma population (€)	Total budget (85% ESF + 15% national budget) allocated <b>exclusively</b> to Roma people (€m) (**)
<b>NMS:</b>						
Bulgaria	750,000	9.74%	1,185	578	770	..
Czech Republic	225,000	2.18%	3,775	399	1,772	43
Hungary	700,000	6.93%	3,629	2,177	3,110	..
Poland	37,500	0.09%	9,707	1,750	46,673	22
Romania	1,850,000	8.56%	3,684	2,250	1,216	38
Slovakia	490,000	9.07%	1,500	253	516	26
<b>TOTAL</b>	<b>4,052,500</b>		<b>23,480</b>	<b>7,406</b>	<b>1,828</b>	<b>129</b>
<b>OMS:</b>						
France	400,000	0.64%	5,395	..	..	..
Germany	105,000	0.12%	9,381	..	..	..
Greece	265,000	2.36%	4,364	233	880	..
Italy	140,000	0.23%	6,938	492	3,511	..
Spain	725,000	1.60%	8,057	798	1,100	47
UK	250,000	0.40%	4,475	..	..	..
<b>Total</b>	<b>1,885,000</b>		<b>38,609</b>	<b>1,523</b>	<b>808</b>	<b>47</b>

<sup>130</sup> See information available on the EURoma website: <http://www.euromanet.eu/facts/index.html>

Source: "The Situation of Roma in France and Europe", Joint information Note by Vice-President Viviane Reding, Commissioner Laszlo Andor and Commissioner Cecilia Malmstrom, 1 September 2010.

Notes: (\*) ESF budget allocated to priorities in the ESF OP where Roma are specifically mentioned as one of the target groups; (\*\*) Total budget (85% ESF + 15% national budget lines which are exclusively dedicated to Roma).

### 8.3.2. Cohesion Policy

From 2007, the EU Cohesion policy has focused three priorities or 'objectives':

- **Convergence** (formerly Objective 1): support for growth and job creation in the least developed member states and regions. Regions whose per capita GDP is less than 75% of the EU average are eligible (mostly regions from new member states), but temporary support (until 2013) is given to regions where per capita GDP is below 75% for the EU-15 (the so-called 'statistical effect').
- **Competitiveness and employment** (formerly objective 2): designed to help the richer member states deal with economic and social change, globalisation and the transition to the knowledge society. Employment initiatives are based on the European Employment Strategy (EES) (adaptability of the workforce, job creation and accessibility to the labour market for vulnerable persons).
- **Territorial co-operation**: to stimulate cross-border co-operation in order to find joint solutions to problems such as urban, rural and coastal development, the development of economic relations and the networking of SMEs. A new cross-border authority manages co-operation programmes.

The Cohesion Funds contribute to improved access to rural areas in un-favourable locations, and for the improvement of accessibility in peripheral areas – especially where access to public utilities might be problematic (for example in rural areas in deprived or peripheral regions). Pilot projects for Roma populated localities could be based on the use of renewable energy sources, in local housing, with co- investment by local authorities and co-financed by EU Cohesion funds.

The Fifth Cohesion Report has introduced a number of interesting new possibilities for a flexible use of the structural funds in favour of the Roma (EC 2010). It raises the idea that co-financing, a fundamental principle of cohesion policy ensuring country ownership, should be reviewed and, possibly, differentiated to reflect better the level of development, EU added value, types of action and beneficiaries (EC 2010: xiv). Thus, projects which target Roma could be required to have a lesser share of co-financing from the country, with a higher share by the EU. This could be especially beneficial in the poorer East European member states, where most of the Roma population of the EU are concentrated. Moreover, the report raises the prospect that a performance reserve could be established at EU level to encourage progress towards Europe 2020 targets and related national targets and objectives: a limited share of the cohesion budget would be set aside and be allocated, during a mid-term review, to the Member States and regions whose programmes have contributed most – compared to their starting point – to the 2020 targets and objectives. To the extent that these targets reflect Roma inclusion priorities, such as reducing school drop-out rates below 10% and having at least 40% of 30-34-year-olds completing third level education (or equivalent), then these funds may be used to reward countries which

adopt successful programmes for Roma school inclusion and lifelong learning. Also, the report proposes that the Commission needs some resources to support directly experimentation and networking, along the lines of the innovative actions of previous programming periods, which could potentially be used for Roma projects and to support Roma policy networks (EC 2010: xv).

### 8.3.3. Agricultural Funds for Rural Development

The relevance of this Fund is for rural areas with a significant proportion of Roma households, in particular to improve accessibility and the quality of life, including housing, and to enhance economic activities such as handicrafts, small firms, or cooperatives for the provision of local services. The New Member States can benefit from this Fund and associated local initiatives.

### 8.3.4. Community Programmes

A large number of Community Programmes can be suitable instruments for building on Roma inclusion targets, such as:

#### 8.3.4.1. *Public Health*

The programme lasts from 2008-2013 and has a budget of €321.5m. This programme is especially relevant to the issue of improving the situation of Roma EU citizens in that it gives priority to projects which bridge health inequalities, with a particular emphasis on the New Member States; to projects which promote co-operation between health systems on cross-border issues such as patient mobility and mobility of health professionals; to projects which aim to decrease alcohol, tobacco and drug consumption; and to projects which exchange knowledge and best practice by bringing together expertise from different countries

#### 8.3.4.2. *Youth in Action*

The programme lasts from 2007-2013 and has a budget of €885m. The main aim of the Youth in Action programme is to support experiences of European citizenship and solidarity among young people aged 13 to 30. Since the Roma population is relatively young in comparison to the EU average, this programme is highly relevant. It aims to develop young people's sense of initiative, creativeness and entrepreneurial spirit, all factors which could be harnessed to improving the living conditions and economic integration of the young Roma people throughout the EU.

#### 8.3.4.3. *Life Long Learning*

The programme lasts from 2007-2013 and has a budget of €6,970m. This programme is especially relevant in the context of the low levels of education and literacy achieved by the adult Roma population, and the need for raising their educational level in order to have better prospects of finding work in the formal sector throughout the EU. The Integrated Action Programme in Lifelong Learning has three programme areas which are particularly relevant including (i) **Comenius**, which involves school pupils in the Member States in joint educational activities (ii) **Leonardo da Vinci**, which provides training placements in enterprises and training centres in another EU country and (iii) **Grundtvig**, which supports adult educational mobility.

#### 8.3.4.4. *PROGRESS*

The programme lasts from 2007-2013 and has a budget of €743.25m. This programme has been highlighted above as especially relevant for improving the situation of the Roma EU citizens. It complements the ESF in order to fight against poverty and unemployment, combat discrimination, promote gender equality, and integrate disabled people into society.

#### 8.3.4.5. *Experience with EQUAL*

“The EQUAL Community Initiative was about promoting change and fighting discrimination and exclusion in the labour market. The ex post evaluation concluded that it was very successful in enabling the development and mainstreaming of a large number of useful innovations. A database of EQUAL good practices has been left for policy-makers and practitioners. The evaluation reported 924 innovative approaches, 783 of them linked to social inclusion and 141 to equal opportunities, as well as 285 successful cases of ‘mainstreaming’, 211 linked to social inclusion, and 74 to equal opportunities.

EQUAL had positive effects on policies and systems rather than on job creation. These included legislative changes (e.g. facilitating the provision of innovative credit and support mechanisms for the unemployed, migrants and Roma; and fiscal incentives to increase the labour market participation of vulnerable groups), new policies, the inclusion of EQUAL principles in new policies and new ESF operational programmes. It also had effects on education and training systems and labour market intermediation and support services and led to some operational changes in employment and public services. EQUAL, in addition, contributed to increasing the quality of governance and professionalism of civil society organisations. It was an important means of capacity building for those that participated in the programmes — especially in the EU10 — and had a long-term effect in raising awareness and changing mindsets.

Moreover, EQUAL was a source of Community added value by acting as a catalyst for funding for groups that would not have received much otherwise, providing resources for new areas of intervention, creating new partnerships, raising awareness of new ways of doing things and stimulating changes in ways of thinking, developing practical solutions to problems and filling gaps in national policies or complementing national measures.

However, the long-term effect of EQUAL on the situation of vulnerable people is not expected to be significant because it involved small-scale, pilot projects and depended on the integration of these into national or regional ESF programmes” (EC 2010: 228 – Cohesion Report).

## **9. POLICY RECOMMENDATIONS**

### **9.1. An integrated approach**

The problems affecting Roma EU citizens in European Union countries are interrelated and multi-dimensional. Thus a future European Strategy for Roma Inclusion, emphasising the prohibition of discrimination based on ethnicity and aimed at full desegregation, needs to be based on an integrated programming approach in which the main policy responses are interlinked in order to ensure optimal policy effectiveness. In line with this, efforts should be made to condition access to Structural Funds and other potential funding streams upon inter-sectoral approaches. At the same time, as the Commission acknowledged in its April 2010 Communication which underlined the diversity of the Roma communities in EU

Member States, there is a 'need for differentiated approaches that take account of geographical, economic, social, cultural and legal contexts'<sup>131</sup>.

A potential European Strategy for Roma Inclusion should encompass two strands. Firstly, Roma access to existing policy instruments should be enhanced, and further steps should be taken to overcome continuing discrimination. Secondly, new policy instruments, which are targeted but not exclusive, should be developed, addressing the specific structural and ingrained nature of Roma social exclusion. At the same time it should be recognised that the effective design, delivery and implementation of policy, whether at national, regional or local levels, needs to be supported with adequate administrative capacity and financial resources. The ten Common Basic Principles for Roma inclusion identified by the European Roma Platform should underpin a future European Strategy for Roma Inclusion. In addition the Europe 2020 Strategy provides a useful template and timeframe for the development and implementation of a parallel 2020 Strategy for Roma Inclusion.

The main policy areas concerned are:

- Education Policy: to ensure equal access for Roma children to high quality education, facilitating their social and cultural integration, and enabling their participation in the labour market.
- Employment Policy: to address the problem of access to the labour market, removing any discriminatory barriers
- Housing Policy: to ensure decent living conditions and desegregation of Roma communities.
- Health Policy: to ensure the improved health status of Roma population especially women and children, and increasing the relatively low life expectancy of the Roma.

Employment policy can be addressed through the European Employment Strategy under the aegis of DG Employment, Social Affairs and Equal Opportunities. In addition health and housing policies can be addressed through the EU policies around social inclusion, especially through the Open Method of Coordination adopted by DG Employment, Social Affairs and Equal Opportunities. This covers a wide range of social policy areas of EU interest and competence including exchange of policy experience and policy coordination in the fields of education, health, and housing. Funding for these policy areas comes through carefully targeted and conditioned European Social Fund funding. Education policy is additionally addressed through the EU Lifelong Learning Programme and Youth in Action Programme through DG Education and Culture.

It is important to stress that all these policies are inter-linked, and mutually reinforce one another, in the case of the Roma often to produce a situation of multiple deprivation and deep social exclusion, almost unique to any social group in Europe in its depth, intensity and complexity. The appropriate approach to address and encompass these connected problems in their entirety is through horizontal actions that can be addressed through the EU Regional Policy and Cohesion Policy instruments under the aegis of DG Regional Policy. Funding for this policy area comes through the ERDF as well as the EARDF for rural and agricultural areas. Regional policy, and policy on territorial cooperation, is an appropriate way to solve many problems of economic and social integration which can be addressed

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<sup>131</sup> Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions The social and economic integration of the Roma in Europe /\* COM/2010/0133 final \*/.

through the active participation of local communities and Roma NGOs. Regional policy brings a horizontal dimension to different issues that can promote policy linkages: local employment, access to local social services, the development of housing, access to primary and secondary education, social and cultural integration. It is through such coordinated efforts that the individual policies and actions aimed at facilitating Roma inclusion need to be framed in order to maximise the overall policy effectiveness and gains in policy coherence. At the same time the continuing weakness of administrative capacities at the local level particularly though not exclusively in the NMS, and the absence of adequate political and societal will which inevitably hamper policy effectiveness, need to be taken into account in the design and delivery of policy at the most appropriate level.

The policy recommendations which are set out below in the specific policy sections are based on an assessment of the experience of policies and measures that have been implemented in the various countries of the Study as discussed in the earlier policy sections (chapters 3-6) and also presented in the Country Reports attached to this Study. These policies could be seen as examples of good practice, which could be introduced more widely across a group or groups of EU Member States to support Roma integration. Cooperation between Member States could assist their wider dissemination, as not all policies are currently applied in more than one or two countries. The policies could be funded through the instrument of the Structural Funds, or via a new budget line for Roma Inclusion managed through the upgrading of existing institutional structures (the European Platform for Roma Inclusion, or the Agency for Fundamental Rights) or alternatively through a new Agency for Roma inclusion. First, we review the issue of capacity building and policy implementation, before turning to a review of recommendations in the various policy areas: education, employment, housing and health.

## 9.2. The policy process

### 9.2.1. Capacity-building at national, regional and level levels

Capacity needs to be improved within both national and regional institutions and organisations that deal with poverty and social exclusion, particularly though not exclusively in New Member States. Weak administrative capacities, and the concomitant weak absorption capacity, have hampered the implementation of national action plans and corresponding measures promoting Roma inclusion in different policy areas. In some cases they have also limited access to, and effective expenditure of Structural Funds. Structural Funding needs to be carefully targeted to support the building of administrative capacity at all levels of public administration following a detailed assessment of the state of administrative capacity in Member States at different levels, possibly cooperating with SIGMA in the development of appropriate methodologies for the assessment of financial control, administrative oversight, inter-ministerial co-ordination and public procurement.<sup>132</sup> In the absence of hard EU laws in many areas of social policy of relevance to the socio-economic situation of Roma EU citizens beyond the directives outlined above, the Open Method of Coordination is a key framework within which policy learning and inter-governmental cooperation can take place among groups of Member States with the objective of facilitating Roma inclusion. Whether through the upgrading of existing

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<sup>132</sup> SIGMA is a joint OECD-EU initiative principally financed by the EU which supports EU candidates, potential candidates and ENP partners in their public administration reforms. For more information, see: [http://www.oecd.org/pages/0,3417,en\\_33638100\\_33638151\\_1\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/pages/0,3417,en_33638100_33638151_1_1_1_1_1,00.html) (accessed January 2, 2011).

institutional structures, or the establishment of new Agency for Roma Inclusion at the EU level (as discussed below), a specialised organisation would be in strong position to take a more proactive role in promoting OMC initiatives across a range of policy areas, in particular those of education, employment, housing and health which have been explored in depth in this study.

### 9.2.2. Improving institutional coordination

At the European level, there is much scope for improvement in the coordination of policy networks and actors, including networks such as the European Platform for Roma Inclusion, the EURoma network, and the Decade of Roma Inclusion network. Institutional coordination between such networks can facilitate and encourage learning and spill-over from one sector to another, from one policy field to another, to ensure the greater coherence of the multi-dimensional integration challenges of Roma.

At the national level, the support of such networks by Member States is important, taking as an example the positive experience of the EURoma network which involves some EU Member States. Improved ministerial coordination, both horizontally and with lower administrative levels – including regional authorities and Roma representative organisations including national and international NGOs - would be highly beneficial.

Further benefits would also come from closer coordination and joined-up actions with international organisations active in the fields of Roma policy and programmes: the World Bank, UNDP, and the ILO, are all actively involved in programmes of support for Roma. Experiences of joint programmes have had a positive impact on policy effectiveness and limit overlap and duplication.

### 9.2.3. Upgrading existing institutional structures or founding a European Agency for Roma inclusion

European operational capacity could be improved by the upgrading of existing institutional structures such as the European Platform for Roma Inclusion or the Agency for Fundamental Rights, EURoma Network and the Decade of Roma Inclusion Initiative; alternatively through the establishment of a new coordination body with a brief to strengthen the actions and the coordination of policy networks mentioned above so as to avoid policy congestion. An Agency for Roma Inclusion at the EU level could help to improve the coordination among the European policy actors and networks focused on the Roma, minimising policy overlap and project duplication, and making more efficient use of resources. There are evidently trade-offs between working and developing existing institutions versus the more radical and potentially more effective option of developing an entirely new institutional structure.

Nonetheless, it is important that a single overarching body is responsible for implementing and monitoring the delivery of the proposed 2020 European Roma Strategy, as well as for overseeing and representing Roma interests within the EU. Thus far, both the European Agency for Fundamental Rights and the European Platform for Roma Inclusion have performed some of the required roles, and either could be upgraded to fulfil the enhanced functions outlined in this section.

Given the seriousness of the situation and depth of the social exclusion and marginalisation of the Roma population, it may be that the upgrading of these existing institutions with additional responsibilities would be insufficient, and would not have the required

concentration of effort to devote to the task. A focused and well-resourced institutional structure, specialising in Roma affairs is perhaps needed. In addition to important coordinating functions outlined above, the proposed Agency for Roma Inclusion could fulfil a number of other important roles to promote the socio-economic situation of Roma EU citizens and to facilitate and sustain the implementation of good policy practice (some of which are already carried out to differing degrees by existing institutional structures).

These include:

- Fostering the coordination of Roma integration plans among groups of Member States in areas where there are common objectives,
- Promoting OMC projects designed to promote the socio-economic situation of Roma in range of policy areas, and the development of possible follow-up and sustainability mechanisms including the development of additional targets and monitoring mechanisms following the successful completion of the peer review processes.
- Making use of the EU instruments for territorial cooperation to promote inter-state collaboration among the countries with the largest Roma populations. Available instruments include cross-border cooperation agreements, transnational cooperation programmes and interregional cooperation programmes such as INTERREG, URBACT II, and INTERACT II in the fields of employment and equal opportunities.
- Carrying out and drawing on state-of-the-art research on different aspects of the socio-economic exclusion of marginalised groups and the Roma in particular with a view to developing new policy options.
- Carrying out important data collection and collation functions.
- Developing a twinning mechanism to facilitate policy learning across countries, regions that have had positive experiences with countering Roma exclusion in different policy areas.
- Investigating the possibility for cross-border training programmes such as on the model of the Equal media training programme in Hungary<sup>133</sup>
- Organising enhanced monitoring and evaluation procedures as discussed below.
- Organising a donor conference to raise additional funds for Roma inclusion policies. Funds could be directed either at embedding the sustainability of successful projects which have been funded for a finite short-term period under the Structural Funds, or by other international organisations or NGOs. They could also be directed towards the funding of additional policies or projects to promote Roma inclusion.
- Providing bridging funding, or loans, as well as technical-financial assistance to build the long-term domestic sustainability of successful projects if ESF or other Community funding is no longer available.

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<sup>133</sup> [http://ec.europa.eu/employment\\_social/equal/practical-examples/employ-07-eomed\\_en.cfm](http://ec.europa.eu/employment_social/equal/practical-examples/employ-07-eomed_en.cfm)

#### 9.2.4. A budget line for Roma inclusion

Though a separate budget line for Roma inclusion runs the risk of perpetuating the marginalisation and further entrenchment of Roma segregation, there are equally strong arguments in favour of such a budget line, particularly in view of the recommendation for the upgrading of existing structures focusing on the situation of Roma EU citizens (the FRA or European Platform for Roma Inclusion) or the establishment of a new European Agency for Roma Inclusion, and the intended development and implementation of an EU 2020 Strategy for Roma Inclusion. A separate budget line with available funds directed towards Roma inclusion reflects an underlying recognition that, although Roma communities face many difficulties generally associated with socially vulnerable groups, there is also a particular Roma dimension related to the depth and complexity of their marginalisation and social exclusion. The Agency should be able to call on a specific budget line for Roma affairs that could be drawn on to provide resources for its activities and programmes. Furthermore, additional conditioning mechanisms, including both positive and negative sanctions (through the reduction or removal of resources), could be built into funds allocated under a separate Roma budget line. It should be acknowledged, however, that given the constraints on raising funds in the current financial climate, establishing a separate budget line for Roma inclusion may not be politically feasible at the present time.

#### 9.2.5. Monitoring and evaluation

Enhanced monitoring and evaluation of existing instruments and measures are needed in order to evaluate policy initiatives, to learn how to build on and disseminate policy successes, how to avoid 'policy failure' and how to improve current policy practice. Thus it is important both to introduce a systematic approach to policy analysis and implementation, and to involve Roma representatives in policy and impact assessment as critical means of improving overall policy effectiveness. Participatory evaluation, a method that involves Roma representatives in the process of evaluation, can enhance the reliability of evaluation studies, and also be useful for developing the administrative capacity of participants.

#### 9.2.6. Structural Funds and the funding of Roma inclusion measures

It is important that higher levels of structural funding be directed towards Roma inclusion, particularly in the New Member States, during the next programming round. Targets for Roma inclusion should be agreed for the next 2014-2020 programming period particularly in those countries with sizeable Roma populations. These should be based on the development of new indicators to measure the extent of Roma exclusion, paralleling those developed by the Social Protection Committee for monitoring poverty in the EU, and incorporated into the EU-SILC methodology. In line with this, some form sanctioning mechanisms should be introduced if these funds remain under-utilised or directed to other objectives. Programme managers could require un-used funds to be returned, or where appropriate to be redirected to the building of institutional capacity, if it were demonstrated that this is the reason for the non-use of the funds.

### 9.3. Practical policy recommendations: education

Many measures and instruments can be used to improve the access of Roma EU citizens to education as well as to enhance the quality of the education that they receive. In general, mainstreaming while creating provision for parallel support mechanisms would appear to be the most appropriate and effective approach to achieving these objectives. In view of the fact that education is a national-level prerogative, and thus the stretch of hard legal

instruments at the EU level is limited in this area, it appears that the best way forward in education is the careful design and application of EU funding approaches (through the European Social Funds, other educational programmes and possibly additional project funding via the proposed agency for Roma inclusion) and also to endorse the broader use of the Open Method of Coordination (OMC) to facilitate cooperation among groups of Member States facing similar educational challenges, the exchange of best practice, effective benchmarking and targeting and peer review. In addition the objectives outlined under the Education and Training 2020 Strategic Framework and the Commission's Youth on the Move Communication (2010) suggest that there is room for increased regional and national-level cooperation in terms of working towards key priorities and targets.

### 9.3.1. Improving access to education

Education is the key to breaking the socio-economic poverty trap outlined in the introduction of this Study. It is therefore critical that Roma access to education be improved at the primary but also secondary and tertiary levels. Education policies and support mechanisms need to be put in place, taking into account the diverse nature of Roma communities within and across Member States. Meeting these aims would involve support for the following actions.

- Ensure Roma children have access to several years of pre-school education – if necessary by creating additional capacity.
- Set targets in terms of percentages of the Roma community completing primary, secondary and tertiary levels – particularly in regions and localities with high concentration of Roma children. Such targets which could be included in the 2020 Strategy for Roma Inclusion could build on and further specify the targets included in the Education and Training 2020 Strategic Framework.
- Train and allocate mediators (ideally Roma mediators) to work in areas with a high concentration of Roma people and mediate between families and schools.
- Eliminate barriers to school attendance through the funding of schemes to waive the cost or provide assistance to Roma families to enable them to cover the cost of school meals/uniforms/travel to school/books.
- Establish programmes for distance learning taking advantage of advances in learning, mobile and other information technologies and developing cross-country cooperation to optimize use of resources.
- Assist Member States to remove legal and bureaucratic barriers to school attendance, regardless of the children's administrative status.

### 9.3.2. Raising the quality of education

Improving access to education goes hand in hand with raising the quality of the education of Roma children, by finding ways to keep them in school and improving the quality of the teaching and learning. As far as possible (while recognising the very real constraints of housing and community settlement patterns) it is important to direct resources at desegregation, placing Roma children in mainstream schools and training and rewarding well qualified teachers.

- Develop strategy or existing strategies to tackle the question of desegregation (in the form of equal access to quality education). In this regard the Grand Chamber of ECtHR judgement of November 2007 v. Czech Republic in which the court ruled that segregating Roma into special schools breaches Article 14 ECHR together with Article 2, Protocol 1 may offer channels for more proactive legal approaches<sup>134</sup>.
- Ensure that Roma children in special schools are correctly assessed.
- Broaden provision of pre-school education to Roma children for up to two years – with emphasis on pre-school reading and writing skills, language training as well as socialization – particularized according to needs of particular communities.
- Ensure as far as possible that Roma children have access to mainstream schooling.
- Provide additional parallel support mechanisms including extra hours of schooling delivered either at school or in social centres or by distance learning.
- Organise pre-school breakfast and after-school homework clubs to ensure wraparound social and educational support.
- Train and appoint teaching assistants – where possible it would be advantageous to employ Roma teaching assistants.
- Enhance the quality of training of school teachers – through sharing of best practice in teachers' training across countries and developing European level or regional training events for teachers working with Roma children and families.
- Provide equality and diversity management training for teachers and teaching assistants at pre-school, primary, secondary and tertiary levels of education. Such diversity training should also be provided for employees in national, regional and local public administrations as well as those in the social services working with Roma communities.
- Provide additional financial incentives for teachers to take up jobs in segregated schools or schools whose catchment area is made up of predominantly disadvantaged families.

### 9.3.3. Educating and including Roma women – the gender dimension

Given the critical role that Roma women play in caring for and bringing up children as well as the (on the whole) strictly defined gender roles in Roma communities, the education and inclusion of Roma women in lifelong education and in supporting the education of their offspring beyond the primary level is pivotal.

- Train community workers/mediators (where possible from the Roma community) to work with Roma women – to discuss with them the importance of education at all levels (pre-school, primary, secondary and tertiary) for their children, both girls and boys.
- Establish networks for pooled childcare to enable girls and women of all ages to

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<sup>134</sup> Interestingly, the decision also made detailed references to the EU Racial Equality Directive.

continue their education in line with the objectives of the EU's Lifelong Learning Programme.

- Establish possibilities for women to attend basic literacy classes as well as vocational skills training as part of lifelong learning agenda.
- Include particularised provision under certain DG Education and Culture Programmes such as Leonardo Da Vinci or Grundtvig for the education of women.

#### 9.3.4. Developing a technology-enhanced education agenda

New technologies provide a whole area of as yet untapped resources and possibilities for educating and raising the social, cultural and even political engagement of marginalised communities of all ages -- without underestimating the real obstacles to policy measures in this area, including the lack of basic computer literacy.

- Target European Social Funding towards initiatives aimed at using new technologies to access marginalized populations – through the building of social centres (or similar) in regional or municipal centres and the provision of computer skills training as well as educational and vocational courses for all age groups thus supporting the Lifelong Learning Programme. Provision of childcare during certain training and practice sessions would enable the broadening of access to education and training for carers, in the case of Roma communities, predominantly women.
- Develop distance e-learning programmes. These not only make possible the pooling of limited resources at regional, national and even cross-country levels but also enable:
  - (i) early intervention for children who are falling behind in their educational studies,
  - (ii) continuous educational progress for children in travelling communities or who experience long periods of absence from formal schooling,
  - (iii) The development of broader sets of contacts through the SMART use of social networking technologies.

#### 9.3.5. Education and the EU Context

The Education and Training Strategy for 2020 would be a valid vehicle through which a number of these issues could be addressed as it has been designed to support the personal, social and professional fulfilment of all citizens with emphasis on economic prosperity, employability within the broader context of social cohesion, active citizenship and intercultural dialogue<sup>135</sup>. Given that the strategy pursues education activities that cover learning at all levels (from early childhood to adult learning), it is relevant for the Roma, insofar as it targets the overall efficiency and quality of education<sup>136</sup>.

More specifically, the low level of basic skills of Roma children, including literacy, should be positively influenced in light of the stated strategic objectives of the Strategy. Students from disadvantaged backgrounds, such as the Roma, are designated as beneficiaries of

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<sup>135</sup> Council Conclusions of 12 May 2009 on a strategic framework for European cooperation in education and training, O.J. C 119/02 28.5.2009.

<sup>136</sup> Strategic Objective 2 of the Strategy.

activities that aim to promote equality and social cohesion<sup>137</sup>. The contents of such education should be addressed through more personalised learning at all levels of education, promoting *inter alia* respect for fundamental rights and anti-discrimination. The benchmarks that the Strategy sets include the percentage of low achievers in basic skills (by 2020 less than 15%), the percentage of early leavers from education and training (by 2020 less than 10%) and the level of early childhood education (by 2020, 95% of children between 4-6 years old should participate in early education)<sup>138</sup>. Later Council Conclusions in 2010 have reiterated the same priorities for EU action on the social dimension of education and training<sup>139</sup>, extending the use of ESF and the ERDF in order to reduce social exclusion through education<sup>140</sup>.

On the cultural level, the *Youth in Action Programme* in the period 2009-2010 that promotes *inter alia* intercultural dialogue and inclusion of young people, has prioritized access of young Roma through projects that aimed mainly at raising awareness about Roma culture.

#### **9.4. Practical policy recommendations: employment**

The European Employment Strategy aims to increase the employment rate within the EU. Since Roma have one of the lowest employment rates this is directly relevant to them. The Employment Guidelines set out the practical aims of the EES including Guideline number 19 which sets out the concept of active inclusion policies: "Ensure inclusive labour markets, enhance work attractiveness, and make work pay for job seekers, including disadvantaged people and the inactive." This is elaborated further as requiring "active and preventive labour market measures including early identification of needs, job search assistance, guidance and training as part of personalised action plans, provision of necessary social services to support the inclusion of those furthest away from the labour market and contribute to the eradication of poverty", and that "special attention should be paid to promoting the inclusion of disadvantaged people, including low-skilled workers, in the labour market, including through the expansion of social services and the social economy, as well as the development of new sources of jobs in response to collective needs. Combating discrimination, promoting access to employment for disabled people and integrating immigrants and minorities are particularly essential" (EC, 2007: 28-29)<sup>141</sup>.

A large variety of measures and instruments can be utilised to improve the access of the ethnic minorities, including Roma to employment opportunities. These include direct employment measures; active labour market policies and vocational training; assistance with self employment and business start up; encouraging the establishment of cooperatives and social enterprises; support for agriculture and improved access to land; support for local economic development for Roma communities; formalisation of the informal sector; gender and equal opportunity measures; capacity building in employment offices for staff to engage with Roma issues; and specific projects to create employment funded by the EU European Social Fund. Whether these measures should be specifically targeted at Roma communities or more generally at vulnerable groups is an open issue.

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<sup>137</sup> Strategic Objective 3 of the Strategy.

<sup>138</sup> Annex 1, European Benchmarks, Council Conclusions of 12 May 2009 on a strategic framework for European cooperation in education and training, O.J. C 119/02 28.5.2009.

<sup>139</sup> Council conclusions of 11 May 2010 on the social dimension of education and training, O.J. C135/2, 26.5.2010.

<sup>140</sup> *Ibid*, at p.7 of the Conclusions.

<sup>141</sup> EC (2007) Integrated Guidelines for Growth and Jobs (2008-2010), COM(2007) 803 final.

#### 9.4.1. Direct employment measures and temporary employment

Discrimination in employment is a major cause of the extremely low employment rate of Roma populations in many EU Member States. Long-term unemployment and exclusion from the labour market leads to a deterioration of whatever skills Roma workers have acquired. Direct support for employment, of a temporary or longer term nature, can enable the preservation of skills and working habits, and ease the eventual return to the labour market of discouraged and marginalised Roma workers.

- Employment subsidies for employers who take on Roma jobseekers actively searching for a job, and especially for the long-term unemployed, in conformity with common basic principle on aiming for the mainstream and avoiding the development of artificial and separate Roma labour markets<sup>142</sup>.
- Public work programmes should be financed by the national governments and organised by local governments. Since these have been criticised for lack of connection to the labour market and the low skilled work involved which fails to prepare participants for sustainable labour market engagement (ERRC 2007: 56; EP 2008: 62) it is important that they should contain a training component.

#### 9.4.2. Active labour market policies

One of the aims of the European Employment Strategy is to increase the employability of workers. This can be achieved through vocational training, career guidance and counselling, and assistance in job search, as a preferred substitute for passive receipt of social assistance benefits by those able to work. Provision of these services to Roma people is currently obstructed by lack of an institutional and organisational framework for targeted delivery of services to Roma people. The Acceder programme in Spain is a good example of how these services can be combined in an integrated and targeted manner, sensitive to Roma needs, and creating linkages with employers to ensure effectiveness.

- Improve the quality of Employment Office services for active job search, including career guidance and counselling services, and vocational training and literacy courses for unemployed Roma people.
- Provide individual job placement services in partnership with local companies and internships in local companies, public agencies and NGOs.
- Organise the above services through specialised independent support centres, complementing the national Employment Services and their regional and local branches, along the lines of the Spanish ACCEDER programme. The EU Life Long Learning Programme as well as ESF can be a source of funding for these activities.

#### 9.4.3. Self-employment and business start-up

Facing discrimination on the labour market, members of ethnic groups may find alternative job opportunities through self-employment, developing their own small businesses, craft enterprises and cooperatives. These forms of Roma entrepreneurship should be supported and encouraged by public action through the various EU programmes dedicated to creating a competitive and innovative EU economy.

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<sup>142</sup> Common Basic Principle no 4, see: Council of the European Union (2009) Note, 10394/09 (and Table 5 above).

- Support for the formation of new small businesses, craft enterprises, and cooperatives through grant programmes and subsidised loans. Cooperative businesses can be a particularly effective form of community development.
- Establish business incubators and Business Advisory Centres for Romani businesses with mentoring from business counsellors who would assist potential entrepreneurs to develop a business plan.
- Organise training courses for Roma people to start and managing own business, as self-employed persons which would also facilitate their productive mobility between EU countries.
- Provide micro-credit funds for potential Romani entrepreneurs and cooperatives, ensuring that such funds are provided on an affordable basis and are used for investment rather than for consumption. In this respect peer group funding (mutual funds) should be preferred over commercial bank micro-credit funds (EP 2008: 77-79).
- Promote the formation of Romani social enterprises to provide services with a social aim to meet Roma-specific needs.

#### 9.4.4. Local economic development

In many instances, the social exclusion of Roma EU citizens is expressed in the form of spatial disadvantages in segregated rural communities and urban ghettos. This territorial aspect of Roma exclusion is particularly intractable as analysed in the policy section on housing above and elsewhere in this report. The EU has a strong focus on regional development, cohesion policy, and territorial cooperation which is especially appropriate and relevant to address these issues, and which can support targeted programmes of local economic development targeted at Roma settlements and areas of concentrated housing on an area basis using ERDF funding.

- Create and implement integrated local strategies to create jobs in socially excluded Romani localities, on the basis of the common basic principle of 'involvement of regional and local authorities' in programmes to combat Roma social exclusion<sup>143</sup>.
- Organise integrated actions for local economic development in isolated or peripheral rural areas where there are a predominant Roma population, providing support to all vulnerable groups in a locality on the basis of the common basic principle of 'explicit but not exclusive targeting'<sup>144</sup>.

#### 9.4.5. Land and agriculture

Lack of access to land is a common obstacle to furthering Roma social inclusion. As explained in the analysis above, during the process of transition in Eastern European Member States, many Roma families were evicted from former state and cooperative

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<sup>143</sup> Common Basic principle no 8, see: Council of the European Union (2009) Note, 10394/09 (and Table 5 above).

<sup>144</sup> Common Basic Principle no 2, see: Council of the European Union (2009) Note, 10394/09 (and Table 5 above).

farms, as well as from state housing where they had previously been living, rendering them homeless and landless. Deprived of assets and subjected to discrimination their social situation in several of these countries has subsequently deteriorated even following accession to the EU. To redress this situation, land should be provided on concessional terms for rent or purchase with support from the EARDF for rural development and formation of skills for productive rural and agricultural activity. The Hungarian 'Social Land Programme' described above is a best practice example.

- Provide small plots of land for cultivation to Romani potential farmers either on lease or as donation, together with subsidised farm inputs.
- Support the creation of Roma agricultural co-operatives and associations, and small family farms.

#### 9.4.6. Capacity building in employment offices

In some countries there are examples of discrimination against Roma people by local staff working in employment offices. Even where overt discrimination does not take place, a lack of awareness of the special problems and needs of Roma jobseekers can thwart efforts to include Roma people in the labour markets. To overcome these difficulties, extra efforts need to be made to build capacity in employment offices and increase awareness among front line staff of the specific needs of their Roma clients.

- Training courses should be developed for local Labour Offices staff to acquire skills for working Roma clients in conformity with common basic principle on the inter-cultural approach<sup>145</sup>.
- In addition, Roma officials should be trained and appointed in regional Labour Offices in localities with high share of Roma population.

#### 9.4.7. Gender and equal opportunity measures

Roma women face multiple levels of social exclusion, especially in relation to health issues and child support arrangements, which hinder their participation in the labour market.

- Promote the employment of Romani women in public services and private enterprises, in accordance with common basic principle of the awareness of the gender dimension<sup>146</sup>.

#### 9.4.8. EU Structural Funds projects

The Structural Funds present the main funding source for targeted but not exclusive support for the Roma EU citizens to address the above needs and policies outlined in this section and in the other sections on education, housing and health policies. In addition the projects should be subject to enhanced and coordinated monitoring and evaluation by a specialised body dedicated to implementing the proposed 2020 European Strategy for Roma Inclusion.

- ESF and EDRF projects to be developed in all the above areas, in conformity with the

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<sup>145</sup> Common Basic Principle no 3, see: Council of the European Union (2009) Note, 10394/09.

<sup>146</sup> Common Basic Principle no 5, see: Council of the European Union (2009) Note, 10394/09 (and Table 5 above).

common basic principle on the use of Community Instruments<sup>147</sup>.

- Improve monitoring and evaluation of the impact of the Structural Funds' on Roma employment, self-employment and cooperatives.

## 9.5. Practical policy recommendations: housing

The targets of fighting social exclusion, marginalisation and poverty can only be adequately tackled by using a number of different tools simultaneously. Addressing the problems of Roma housing is critical for improving the living conditions of Roma communities; it is also acutely linked to the interrelated issues of segregation in housing and education. The European Commission has identified four different categories of Roma Communities. These include: rural and urban sedentary (often segregated) communities, mobile and sedentary communities with citizenship, and mobile and sedentary Roma who are third-country nationals, refugees, stateless persons or asylum seekers. Such variations in life-style and status demand a range of housing policy responses, which are targeted at improving housing provision for settled and also potentially transient communities as well as at improving the halting sites for permanently mobile and potentially transient mobile communities.

### 9.5.1. Improved fixed housing provision

The ERDF programme has recently recognised the need for a more sizeable share of its funding for housing to be targeted towards housing for Roma. However access to housing remains a sensitive target for local programmes. Adequate and acceptable rules for better co-existence between local communities and Roma families need to be identified and formalised, on the base of mutual consensus. Moreover local public policies should be developed in coordination with Roma representatives in a co-responsibility framework, in order to reduce potential frictions between the two communities. The implementation of the following recommendations depends on the breakdown of housing stock from country to country:

- Increase social housing provision, partially dedicated to Roma: this target depends greatly on national/regional capacities to provide social housing as part of "public goods", as the proportion of social housing within the housing stock varies greatly, country by country.
- Increase private housing: special rental agreements can be arranged in the framework of adapted programmes that foresee the co-participation of funds from local administration and /or regional agencies, partially sustaining the costs of the monthly rent.

### 9.5.2. Improving the provision of halting sites

For those Roma population that still have a nomadic lifestyle, temporary halting areas could be provided, with basic facilities, whilst illegal sites – settled in the absence of minimum living conditions, should be either upgraded (with the provision of utilities) or closed down, ensuring that in their place others areas with all facilities, or alternative solutions, would be provided.

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<sup>147</sup> Common Basic Principle no 7, see: Council of the European Union (2009) Note, 10394/09 (and Table 5 above).

- Develop and apply standardised rules for the use of public space for halting sites, with the provision of adequate utilities (access to electricity, drinking water, sewage, and roads) and ensuring decent living conditions.
- Address this objective within existing programmes, through the more active involvement of the local administrations, enabling a more efficient approach to the designation of halting sites in conformity with the “Land use” plans of local municipalities, and in coordination with provincial/regional authorities (for the more decentralized governance systems). This will also depend on whether they are in rural areas or in the surrounding of urban areas or large agglomerations.

### 9.5.3. Housing provision and accessing EU funding

As of 2010 up to 2% of the total European Regional Development Fund can now be devoted to housing expenditure in favour of marginalised communities, including the Roma. This provides a potentially promising avenue for improving the housing provision of the Roma people. However, as the Commission has already acknowledged, shortcomings in the administration of funds at the local level, and the widespread reticence and lack of awareness of such opportunities, constitute serious obstacles to the implementation of successful Roma strategies in this area. Given the critical inter-linkage between progress in desegregation in housing and education and together a fundamental driver in improving the socio-economic situation of Roma EU citizens, it is critical for the successful application and receipt of ERDF funding, it is imperative to:

- Invest in capacity building at the local level.
- Educate Roma communities about ERDF funding opportunities for housing provision, possibly through the work of mediators (also appointed to promote access to quality education).

## 9.6. Practical policy recommendations: health

In the area of health, direct health care provision or access to standard services and the improvement of sanitary conditions (clear drinking water from a flowing source, sanitation conditions, and sewage in camps or fixed housing) have the greatest impact on the quality of life of Roma EU citizens. Given the lower health status of Roma EU citizens across a range of health indicators (where data is available) compared with the majority population in the countries in which they are resident, this Study makes the following recommendations:

### 9.6.1. Health care provision

- Facilitate access to standard minimum health care for Roma, with particular attention to child-care and care for women – if necessary allowing them to circumvent complex administrative requirements.
- Organise mobile systems for basic health care service provision in order to attend to Roma communities in their localities.
- Organise health promotion campaigns as a means of explaining the scope and the importance of such health care services to Roma people and in particular for the future good health of their children. Tailored educational campaigns focusing on

particular topics (virus, vaccinations, infections etc.) should be conducted with the aim of encouraging Roma people to accept help in the field of health care.

- Institutional capacity building in the health area: Encourage the adoption of Open Method of Coordination (OMC) approaches among Member States, focusing on health targets across a range of areas as a vehicle for the improvement of the national/local standards and identifying relevant benchmarking for health provision.

#### 9.6.2. Improvement sanitary conditions

- Local administrations need to address the bad living conditions in fixed housing and halting sites as they are also a primary cause also of illness. Local institutions need to ensure provision of basic utilities as drinking water, electricity, sewage systems by the help of a coordinated effort between local actors, health care institutions and Roma NGOs.

### 9.7. The territorial dimension – horizontal measures

In light of the need for an integrated approach, and of the analysis of the territorial dimension in the Introduction to the report, this section sets out a few remarks on the potential of a horizontal element in the overall European Strategy for Roma Inclusion. It also takes into account relevant EU policy documents (Europa 2020; EC 2010; EC 2008).<sup>148</sup> The regional and local dimension responds to the complexity and inter-dependence of the factors leading to the social and economic marginalization of the Roma EU citizens. The territorial dimension ensures an integrated and horizontal approach that brings together relevant themes. Firstly, it assists the integration of the otherwise fragmented sectoral approaches, in education, employment, housing, and health policy fields. Secondly, it introduces a wider institutional dimension as it involves directly the regional and local administrations that deal with local problems and policy issues. Being closer to the issues and more aware of local specificities and needs, they are better able to measure the extent of the needs and their inter-connections. They are also in a position to have a better access to local information. They may also make a better use of resources and increase the effectiveness of policy measures. Thirdly, partnership between local administrations, NGOs and Roma people has provided the basis of many of the best practice examples we have identified in the analysis of member States policies towards Roma inclusion. These also accord with the common basic principle no.9 to include civil society, and no. 10 to encourage the active participation of Roma people, as well as no. 8. to involve regional and local authorities<sup>149</sup>.

The involvement of the regional and local administrations in the policy making process can be beneficial, especially in regions where there is high share of Roma people in the population. Several policy recommendations can be made to this regard:

- In "*micro-regions*" where there is a high spatial concentration of Roma, local plans for social and economic inclusion should be formulated and implemented through a partnership model.

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<sup>148</sup> Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. The social and economic Integration of the Roma in Europe /COM/2010/0133 final/; and Commission Recommendations of 3 October on the active inclusion of people excluded from the labour market. 2008/867/EC.

<sup>149</sup> Council of the European Union (2009) Note, 10394/09 (and Table 5 above).

- The active participation of the Roma representatives and NGOs should be encouraged as a key element of the process of plan design and formulation, together with local administrations in working out integrated approach for social inclusion of Roma in their territory, integrating the different sectoral policies, such as improved job opportunities, better access to subsidized loans for self-employment, micro-credits, improved access to education and training opportunities, access to social housing or subsidized social housing or private rental housing, improvement of the services and utilities in the settlements and halting sites, and improved to health care services.
- Support for local data collection about the status of Roma communities, by local administrations, in order to provide evidence on needs and resources for improved policy making at a local level.

## 9.8. Supporting conditions for European policy effectiveness

### 9.8.1. Data Collection

The lack of reliable data and information regarding Roma population in Europe, from demographic, social, economic point of view, represents a substantial barrier for policy elaboration, programming and policy impact assessment. The need to improve the collection of data on Roma is a pre-requisite for greater policy effectiveness at all levels including (i) at European level for acquiring an overall picture of the Roma conditions, and (ii) for the individual Member States, to improve their knowledge about the resident and the incoming Roma communities, obtaining a clearer national understanding of their real number and social status, and for a better grasp of the actual needs to addressed by local public policy actions.

The Open Society Institute initiative culminating in the 2010 report *No Data No Progress* supported by the World Bank, took steps in this direction but at the same underlined the clear current limitations to such an exercise. The informal limbo in which part of Roma population live, the fragmentation of the collection of information based on local surveys, limits the overall vision of the socio-conditions of Roma. This target, already foreseen in the "EU Platform for Roma inclusion", needs to be supported in a systematic way, involving all Member States, irrespective of the size of the Roma population living in their territory. This is a critical issue for the design and planning of public policies, that in order to be sound and well founded, need adequate background information and policy relevant evidence based on rigorous impact assessments. Data collection is a key function which could be fulfilled by the proposed upgraded existing institutional structures or through a newly established Agency for Roma Inclusion.

There are some conditions for data collection that should be specified from the legal point of view. Data collection is a very sensitive matter, and there is the risk for misuse, which can lead to further discrimination. The collection and processing of statistics are regulated in the *Data Protection Directive 95/46/EC*. It is often believed that it is forbidden to collect sensitive data. This is not the case. The Data Protection Directive establishes the legal framework and the conditions within which data processing must take place. Processing of sensitive data is allowed on the conditions that the subject of the data gives his/her consent thereto. Processing of sensitive data is even allowed without consent, where it is necessary, in the context of legal proceedings, or in the course of activities that public authorities take in order to promote equal treatment.

### 9.8.2. Public awareness campaigns

Giving the relevance of the socio and cultural traditions of the Roma population and their internally diverse ethnic and identity composition in Europe, it is important to disseminate more widely information about the historical background of the Roma communities, to initiate and promote anti-discrimination campaigns and to develop cultural initiatives to improve the Roma situation and facilitate the public acceptance of cultural diversity (such as the successful Gypsy Roma Traveller History month organised in the UK). Public education campaigns are therefore a necessary component of any legal action undertaken and should target tolerance of the Roma culture and integration in both their countries of citizenship as well as their host EU countries. The role of social cultural mediators is central for carrying on initiatives focused on better social integration of the Roma EU citizens within the EU at all levels including:

- *At EU level* –it is necessary to underline that improving socioeconomic situation of Roma citizens is a positive investment both in the short-term and the long-term – as continued marginalization risks exacerbating existing problems, and will cost more in future. i.e. investment in the short-term facilitating increased Roma integration will reduce the costs in the future.
- At the national level to *encourage programmes of education* about the history, culture, language, and music of the Roma people in order to improve mutual understanding, including both countries of residence and immigration and the Roma communities, and favouring in particular the integration of young people into school and local social life.

### 9.8.3. Promotion of legal awareness

Recent and short-term projected legal developments such as the accession of the EU to the European Convention on Human Rights linked to the entry into force of the Lisbon Treaty indicate the commitment of the Union towards a 'fundamental rights culture'. The EU Agency for Fundamental Rights (FRA) has already indicated, however, that rights awareness remains persistently weak, with empirical evidence that includes the Roma population of the Union<sup>150</sup>. Without resources invested in awareness programmes and, just as crucially, the further enhancement of the work of equality and social rights mechanisms, even the most prominent legal provisions will not secure more efficient access to rights for Roma.

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<sup>150</sup> Fundamental Rights Agency, *The Stockholm Programme: A chance to put fundamental rights protection in the centre of the European Agenda*, at p.2, available at <http://www.fra.europa.eu/fraWebsite/attachments/FRA-comments-on-Stockholm-Programme.pdf>, July 2009.

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