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Executive Summary

The Roma Community across Europe has been estimated to consist of more than 10 million people: it is the biggest minority group in the EU. Throughout Europe no precise data exist on the dimension on the Roma Communities: in many countries ethnic registration is forbidden, while in others official statistics contain no information on ethnicity or self-identification.

Throughout Europe the Roma community is composed of several communities differentiated by settlement model, culture and religion, legal status, language, and period of migration. These differences impact strongly on their status, opportunities and quality of life, but in particular on their level of integration in the broader national community. Most of these sub-communities suffer from the same structural discrimination; in particular, segregation in the fields of employment, education, training and housing.

The denomination “Roma” is a term given by the non-Roma population or by the Roma themselves when distinguishing from the non-Roma population. Some authorities (such as the Council of Europe, OSCE, etc) recognize five main groups, which may be further divided into two or more subgroups, distinguished by occupational specialization or territorial origin, or both. In this study the “Roma” is used having in mind its great internal heterogeneity.

The legal status of the Roma throughout Europe

The legal status of the Roma minority differs across Europe from country to country and from group to group: it is related, on the one hand, to the period of migration of the groups, and on the other hand recognition in each country as an ethnic or national minority. Some groups of long-established migration are *citizens* of the country where they live where they are considered national minorities or ethnic minorities and have full citizenship. In the same countries some other groups are considered *refugees* or *asylum-seekers* and have no residence permit; in other countries they are considered *asylum-seekers/refugees*, but not in the condition to obtain the status. Quite a large number of Roma are *nationals of countries now members of the European Union* such as Romania, Bulgaria, Czech Republic and Slovakia: they are entitled to free circulation as European citizens, but in some Member States they lack full rights as workers. In most of the countries many of the Roma have no birth certificates or identity documents and are therefore considered *illegal immigrants*.

A considerable part of the Roma population in the European Member States does not have any authorized legal status. This is a fundamental issue, as it strongly influences rights to the social security and health system and to education, as well as the standard of living and possibilities to participate in public and political life.

Socio-economic conditions

Across Europe the Roma experience *greater social exclusion* than the majority community, especially in accessing employment, education, health and social services: The Roma present high rates of illiteracy and poor school attendance of children. They usually live in segregated, isolated districts where the living conditions are frequently poor, with problems of extreme overcrowding, lack of basic facilities. This contributes also to aggravating their health condition. The Roma show very scant use of health care services because medical treatment may conflict with the Roma rules of hygiene and modesty, and because of the negative attitudes/racism/ discrimination of some health care professionals and hospitals. For cultural reasons they also show limited use of family planning services.

Many European and national surveys show that an appreciable proportion of European citizens take a negative view of the Roma population, based mainly on stereotypes and prejudice. Throughout Europe Roma discrimination is frequent. Some local studies have revealed an important role of the media in the reproduction of Roma stereotypes.

The EU has an advanced legal framework which provides for protection against discrimination. The *Racial Equality Directive (Directive 2000/43/EC - RED)* has been adopted with the aim of combating discrimination on the grounds of race or ethnic origin and prohibits direct or indirect discrimination in employment, education, social protection, property matters and services.

Main issues at stake

The exclusion of the Roma Communities from employment

Low or lacking of educational qualifications, work-based skills no longer relevant in a modern labour market, and settlement in isolated areas with limited access to jobs constitute real barriers that reduce employability and exclude many Roma from work, but there is another important dimension to be considered, that is direct and indirect discrimination that impair their access to employment. Roma unemployment is a complex phenomenon, difficult to remedy since it is a multi-layered and inter-generational problem. Taking this into account, specific attention has been given in the study to the impact of the “active welfare approach” with Roma recipients, considering the manifold difficulties the Roma have to face to enter the labour market: legal status, poor education and a high rate of illiteracy, dependence on social welfare benefits, prejudice and discrimination in the labour market.

The exclusion of the Roma Communities from education

The European Agency for Fundamental Rights (EUFRA) has recently recognised that Roma children, in spite of the increasing number of dedicated programmes, still suffer peculiarly high levels of discrimination with respect to the education system: a) in primary education the enrolment and attendance of Roma pupils’ are disproportionately low all over Europe; b) Roma pupils present an uneven and only partial transition to secondary education, with high drop-out; c) segregation of Roma pupils, although formally banned from education policies, still persists in many respects. Their placement in separate classrooms or in special schools is justified on the grounds of their (perceived) “different needs”, or of their patterns of behaviour, or as a reaction to their learning difficulties. Their separation from other pupils may also be a result of their residential segregation or isolation.

Factors influencing inadequate Roma access to education also include lack of training, support and resources for school personnel to deal with ethnically mixed classes; low educational levels and past discrimination experience on the part of the parents, resulting in poor motivation in investing in children’s education; lack of informal education facilities, helpful to support the socialization of Roma children, as well as their acquisition of linguistic skills. The fact remains that education still acts as a channel of intergenerational reproduction of Roma social inequalities.

The exclusion of the Roma Communities from social and health care

The difficult access to social and health care services, as described in recent studies across Europe, presents some common factors across Europe: *discrimination* by social service practitioners, including improper application of eligibility criteria to social assistance programmes and policies; *territorial segregation* of Roma minorities, making their access to welfare services even more difficult; *communication barriers* between social workers and welfare agencies, on the one hand, and Roma communities and individuals on the other; *poor information* and great distrust with respect to the social services within Roma communities.

Roma Community integration policies throughout Europe

European national policies for the Roma – whether targeted on them or involving them within a wider framework – can be basically classified, according to a World Bank (2005) study, along a twofold continuum: on the one hand, coercive vs. rights-based policies; on the other hand, individual-based vs. group-based policies. The first model – *Exclusion policies* – involves policies oriented to maintain, or even to reinforce, Roma marginality with respect to the majority society, often on the grounds of their radical strangeness, of their perceived dangerousness, or even of their supposed “inferiority”.

A second ideal type, (*Forced*) *Assimilation policies*, shares with the former the fundamental concern “to reduce the visibility of Roma communities”. Assimilative policies aim to make them adopt the majority society’s values, lifestyles and behaviours. A typically assimilative approach towards Roma minorities has been the one underlying socialist policies in Eastern Europe.

Over the last few decades, however, quite different policy models have gained salience in liberal democratic states, also under the impulse of international organizations: the *Integration policies* approach involves recognition of Roma as individually full members of societies, irrespective of their peculiar cultures: Roma inclusion in the labour market, in the education system etc., on equal footing with any other individuals; a more recent version of this approach, putting greater emphasis on groups rights, is *Minority rights policies*. In this perspective, improving the Roma living conditions and opportunities entails greater respect for their “cultural self-determination”, along with their attainment of full individual rights: a significant development in the last decades has been the recognition of minority rights, as a result first of OSCE and the Council of Europe’s initiatives, and then in a common EU framework

Whatever their approach, effective social inclusion policies should balance three distinct objectives (World Bank, 2005)

- “increasing Roma economic opportunities”, by enhancing and qualifying their participation in the labour market;
- “building human capital”, with the levers of education and health;
- “strengthening social capital and community development”, by facilitating Roma participation in the public sphere and in civil society initiatives.

Collecting data on ethnicity

Data on Roma socio-economic conditions and on their access to social welfare provision are, in most EU countries, poor or lacking. While gathering disaggregate ethnic data may itself be problematic, in the case of the Roma it is made even more difficult by a systematic under-recording trend. Two obstacles generally stand in the way of gathering data on ethnicity: a) the widespread belief that international law and/or the domestic legislation prohibit the gathering and maintenance of ethnic statistics; b) the widespread fear, among the Roma and other ethnic minorities - regardless of their legal status – of misuse of ethnic statistics, dangerous for the Community, and the fear that those statistics may reinforce negative racial stereotypes.

An objection has been made on the grounds that collection of ethnic data would breach the provisions of the EU Directive 95/46/EC on personal data protection. According to the opinion of the EU Network of Independent Experts on Fundamental Rights the European rules relating to the processing of personal data, including the protection of sensitive data relating to the ethnic origin of the individual, should not be seen as an obstacle to adequate monitoring of the impact on certain ethnic, religious or linguistic groups of either public policies or legislation or private practices. “On the contrary” – it has been argued - “they constitute a necessary and welcome safeguard against any risk of abuse in the process of such monitoring, a pre-condition for which therefore is that these rules protecting personal data are strictly adhered to”.

Elements for the decision making process

The need for an integrated approach

Roma social exclusion has many distinct roots, each interconnected with the others, which results in a multidimensional, intergenerational process of cumulative causation. Hence the need, in terms of social inclusion strategies, of a comprehensive and multifaceted approach: poor housing for example has an impact on health and educational performance as well as access to public services, while low attendance rates at school and unequal treatment within the educational system affect employment opportunities, access to services, health, and access to justice.

To improve the situation of the Roma in Europe it is therefore necessary to begin: a) by developing policies which identify and address all aspects of their deprivation through an integrated approach; b) providing for the *empowerment* of the communities through support for the Roma’s own self-organization capacities, whether in terms of mutuality, advocacy, self-representation or service provision.

Bearing in mind this key approach, every particular integration policy should present specific elements, which we will now consider.

Policies of integration through employment

The concern exists that the distance of the Roma from the labour market may be too wide for employment policies to bridge, and the need for dedicated wider programmes is envisaged. Policies must be geared to identifying and overcoming the specific barriers to employment for the Roma.

A twofold concern should orient the implementation of any welfare policy addressing the Roma:

- facilitating their access to ordinary or targeted welfare provision, which may also involve contrasting barriers related to prejudices and discrimination;
- supporting Roma individuals and families, if necessary, to help their access to employment.

The aim of reducing the number of unemployables and increasing employment in the various groups of the Roma population are a clear and long-term objective of public employment policy. This objective can only be achieved together with increasing the level of education and reducing the attractiveness of social benefits. More attention is needed in seeking out more efficient active employment policy measures, inter-connected not only with the social benefit system but also with education and housing policies. Getting a job should become much more motivational for unemployed people and for people living on social benefits.

The mobilisation of the private sector towards promoting the employment of the Roma through corporate social responsibility programmes can also be an effective method, but also through incentives for employers employing Roma and campaigns to create a discrimination-free social environment that promotes the employment of Roma people.

It could also be useful to support Roma entrepreneurship to help them to integrate their competences in the formal economy: the Roma could be supported in taking advantage of their native language and cultural skills, for example becoming mediators in the health sector or in translation, or by offering them incentives to produce cultural products, including food, arts and crafts, etc.

Policies of integration through education

It is advisable to reduce Roma pupil segregation, first of all avoiding their placement in separate classrooms: comprehensive schooling is recommended to postpone the date of school selection and thus give Roma pupils the opportunity to make up for their educational disadvantages.

To sustain Roma access to school and enhance attainment in education, it is essential to support, on the one hand, training, support and resources for school personnel to deal with ethnically mixed classes, and, on the other hand, informal education facilities helping to support Roma children in their socialisation as well as their acquisition of linguistic skills.

Several MS programmes aiming at helping children integrate into the school system already exist, but there are far fewer programmes for the education of adult Roma. This is to be considered an essential issue as a means intended to break intergenerational reproduction of Roma social inequalities and as part of an active employment policy.

Policies of integration through social and health care

A recent comparative report by ERRC/NUMENA Research Centre on Human and Social Sciences (2007) puts special emphasis on four lines of intervention, to be developed for greater “health inclusion” in Roma minorities: *mediation in health care*. Active involvement of mediators, especially in hospital structures, is likely to enhance reciprocal trust, for easier communication between health staff and Roma patients; *training for health practitioners*: training programmes for medical professions, in the field of anti-discrimination and cultural awareness, may also prove helpful; *increasing knowledge* of the Roma among professionals in social and health care sectors, and stimulating the outreaching work of the institutions; *proactive health initiatives*: visits to the Romani communities by health workers may be helpful in facilitating Roma access to ordinary health facilities; in improving the health practitioners’ understanding of Roma lifestyles and conditions, with their impact in health terms; and even in reinforcing the Roma users’ confidence in health workers.

Specific focus on the situation of Roma women

In such a marginalized group as the Roma, Romani women confront multiple grounds of discrimination: they face discrimination as women, as members of the Roma community, and as women within their community with its own discriminatory patriarchy traditions and practices. Their specific issues, problems, and needs are widely unaddressed by policies. The manifold discrimination faced by Roma women should be recognised and specifically addressed in policies. Policies addressing Roma women could have a twofold, long-term impact on them but also on other family members, and especially the children.

Addressing discrimination passing from negative to positive duty

The key action to address discrimination is to pass from negative to positive duty in legal provisions. The EU Race Equality Directive allows Member States to introduce limited positive measures to compensate for past discrimination. While there has been some debate as to the lawfulness of positive measures, the European Court of Justice, in a bulk of decisions has made clear that the use of positive measures does not violate the principle of equal treatment. The need for positive measures in the case of the Roma is irrefutable. Without such measures in a whole range of areas, particularly in housing, education, health care, and employment, it will be impossible to bring the Roma up to the level of access to these basic rights as that enjoyed by their fellow citizens.

The European Commission against Racism and Intolerance (ECRI) recommendations to national legislature on the duty to promote equality are noteworthy: a) the law should place public authorities under the duty to promote equality and prevent discrimination in carrying out their functions; b) the law should place public authorities under the duty to ensure that those parties to whom they award contracts, loans, grants or other benefits respect and promote a policy of non-discrimination; c) organisations such as associations, trade unions and other legal entities with a legitimate interest should be entitled to bring a case of racial discrimination without reference to a specific victim; d) in terms of sanctions, the law should provide for the possibility of imposing a programme of positive measures on the discriminator.

Addressing xenophobia and prejudice

In some EU countries the majority population still show xenophobia and prejudice towards the Roma. Specific policies should be developed to guide public opinion towards education and information in the broadest sense. In particular, specific attention should be paid to the role of the media in spreading negative Roma stereotypes. Member States are required to take appropriate action to eliminate any racial hatred and incitement to discrimination and violence against the Roma in the media and in any form of communication technology, and the mainstream media to establish best practices for hiring staff who reflect the composition of the population. Moreover it is advisable to develop *programmes and campaigns aimed at the majority population*, to enhance awareness and understanding of cultural differences and reduce prejudices and discrimination against the Roma.

Integrating programmes addressing the Roma within a comprehensive policy framework

An interim evaluation report of PHARE support to Roma minorities (EMS, 2004)¹ argues that programmes targeted to the Roma have been developed across Eastern Europe in “the absence... of a clear policy framework for social inclusion”. The lack of long-term strategies (and even of appropriate capacities and expertises), the poor integration with wider social inclusion policies, along with the weaknesses of partnerships between the relevant stakeholders, have mostly resulted in short-term, one-off initiatives.

Substantial resources have been invested in education (albeit with insufficient emphasis on lifelong learning) and infrastructure development – although mostly with a top-down approach, with a feeble impact on local participation and community planning. Relatively less investment has been made, however, either in labour market (re)integration, or in health protection.

¹ EMS – European Management Solutions (2004), *From pre-accession to accession. Review of the European Union PHARE assistance to Roma minorities – Interim evaluation*, Research Report.

PHARE programmes have been successful in giving greater visibility and political priority to the Roma issue in the agendas of new EU Member States. Still, “the scope and scale of initiatives are too small in relation to the scale of the problem” (European Commission, 2006).

It is essential to support the *continuity of interventions* and policies and their internalisation within mainstream intervention fields: actually integration of the Roma relies mainly on action at the local level and on contingent factors. Especially in Southern and Eastern European countries, these programmes are often short-lived, pilot projects, funded by the European Social Fund. Effective programmes must, instead, be internalised in ordinary policy making and provided with sufficient financial and human resources.

Evaluating the effectiveness of the policies implemented

The European countries are increasingly adopting specific policies targeting ethnic minorities, immigrants and Roma in particular, even though scant attention is given to evaluation of their effectiveness. It is advisable to introduce constant evaluation of the effectiveness of the policies implemented to promote and refund anew those found effective, changing the ineffective ones, while disseminating policies and measures found particularly effective throughout Europe.

The recognition of the Roma as a minority

The Roma population occupies a peculiar position: being widely dispersed throughout Europe and even beyond it, the Roma have no territory of their own. Being a minority everywhere, they share a similarly imposed identity characterized by political and social marginalization and stigmatization.

In many countries the Roma are recognised neither as a national minority nor as an ethnic minority.

- Since the Roma are first and foremost citizens of a given country, local legal settings and practices are decisive in determining their position and status. In contrast to other legitimate or historical national minorities, however, the Roma are at a disadvantage. Many of the rights and guarantees of protection existing for other minorities have been obtained through bilateral, legally binding treaties, which the Roma do not enjoy.
- Lacking a "mother country" within Europe, the Roma are not considered to fit the ad hoc definition of a national minority. Additionally, since they do not live in well-defined areas of settlement, they do not conform to the traditional profile of a territorially concentrated national minority.

Romani intellectuals, aware of the ambiguity and limitations of applying traditional concepts to their particular situation, have introduced such innovative concepts as "stateless nation" and "nonterritorial," "transnational" or "truly European" people (in the Brussels Declaration) to describe their position. The expression “European Minority” reflects both their nature as a truly transnational minority and their importance for the process of European integration.

The European Parliament's *resolution on the situation of the Roma in the European Union* (P6_TA(2005)0151) calls in Article 2 on the Council, the Commission, the Member States and the candidate countries to consider recognising the Roma as a European minority.

Unlike other minorities in the European countries, the Roma have no kin state and are not politically mobilized. This not only makes them a truly “transnational” minority, but also, makes improvement of their status largely dependant on the policies of European Union.

The involvement of Roma

The involvement of NGO and Roma community organisations/representatives in policy design and implementation can maximise the effectiveness of programme implementation thanks to their strong commitment and knowledge of the needs of the target groups. Moreover through these organisations it is much easier to tackle internal differences of the Roma sub-communities, an issue that we consider essential for the effectiveness of every integration policy to be implemented.

Concerning ethnicity data

A number of obstacles have been evidenced in many European countries concerning the feasibility of collecting ethnic data. Since there exists a need for ethnic statistics by governments and anti-discrimination advocates, convinced that the collection of ethnic data would effectively help anti-discrimination litigation, in early 2000 INDOK, the Hungarian Human Rights Information and Documentation Centre together with experts from the European Roma Rights Centre (ERRC), the Constitutional and Legal Policy Institute (COLPI) and the Central European University carried out a comparative study on the issue, which pointed out some common characteristics and major differences in the law and practice of the European countries examined, and formulating some recommendations regarding the issue discussed in the country reports – and in particular the following: a) clarify the present availability - or lack thereof - of ethnic statistics in European countries; b) clarify the legal status of ethnic statistics in Europe under both international and domestic law to determine which, if any, legal prohibitions limit the collection and maintenance of ethnic statistics; c) to those jurisdictions where present legislation impedes reasonable efforts to gather ethnic statistics with privacy safeguards, recommend legal reforms; d) to all other jurisdictions where present legislation does not impede reasonable efforts to gather ethnic statistics, educate public and policy-makers that the law does not bar from gathering such information, e) in all places, address the legitimate non-legally-based concerns of those presently opposed to gathering ethnic statistics by (i) making clear the problems above caused by absence of statistics (i.e. lawyers cannot prove, and governments cannot monitor or combat, discrimination), and (ii) suggesting practical steps (including successful examples employed elsewhere) which might be taken to permit the gathering and collection of such statistics with safeguards which address the legitimate concerns raised.

According to the EU Network of independent experts on fundamental rights, the treatment of personal data on individuals' affiliation with an ethnic minority needs to be coupled with adequate legal safeguards. In this respect, two principles have to be taken into account: a) the affiliation with an ethnic, cultural, religious and linguistic minority falls under the right to respect for private life. Therefore Articles 7 and 8 of the Charter of Fundamental Rights as well as Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) are applicable, b) where the data collected from the person concerned relate directly or indirectly to the membership of the person of a minority, replying to such a question should always be optional. This follows both from Article 3 of the Framework Convention on the Protection of National Minorities, which provides that every person belonging to a national minority shall have the right freely to choose to be treated as such.

Proposals to develop the potential of antidiscrimination law as an instrument for the protection of the rights of Roma

In order to overcome the inadequacy of RED and of transposing national legislations, and to develop the potential of antidiscrimination law as an instrument for the protection of the rights of Roma and other minorities, a number of proposals have been put forward by the Network of Independent Experts on Fundamental Rights and by other legal experts.

- Given the multifaceted nature of Roma identity, it is crucial that the definition of discrimination on grounds of racial or ethnic origin in the RED encompasses a multifaceted view, which takes into account the whole range of social attributes constitutive of their identity, including culture, language, area of residence, social class and historical exclusion.
- The potential of RED implementing the principle of equal treatment between persons irrespective of racial or ethnic origin could be further explored in various directions: a) at the national level the legal system should incorporate a clear ban on racial segregation and explicit recognition in the antidiscrimination framework that segregation is a form of discrimination; b) where the conditions for granting nationality themselves constitute direct or indirect discrimination on grounds of racial or ethnic origin, this may be prohibited from the viewpoint of Directive 2000/43/EC, insofar as access to nationality conditions facilitates access to employment, education and housing, as well as to the other social goods to which this Directive applies in accordance with its Article 3. c) The use of language requirements should be carefully scrutinized, in order to ensure that they are not unreasonable or disproportionate, thus potentially leading to a form of indirect discrimination on the grounds of ethnic origin as prohibited under this Directive.
- The definition of discrimination under Directives 2000/43/EC and 2000/78/EC, especially in the context of any future revision of the latter directive, should include that a refusal to provide reasonable accommodation to meet the requirements of any particular religion or the traditions of any particular racial or ethnic group could constitute a form of discrimination
- EU institutions should consider the perspective of *a directive based on Article 19.1 of TFEU², specifically aimed at improving the situation of the Roma/Gypsies population* (could be called *Integration Directive*). This directive could be based on studies documenting the situation of the Roma/Gypsies population, and take into account the relevant rules of the Council of Europe Framework Convention on the Protection of National Minorities as well as the interpretation of this instrument given by the Advisory Committee established under its Article 26. It should provide that effective accommodations will be made to ensure the Roma/Gypsies will be able to maintain their traditional lifestyle, when they have chosen the nomadic or semi-nomadic mode of life, without being forced into sedentariness. It should take account the need to effectuate the desegregation of the Romani/Gypsy communities, where this is required, especially in employment, housing and education. It should address the question of the inaccessibility of certain social and economic rights due to the administrative situation of Roma/Gypsies to whom administrative documents are denied or who are considered stateless. The EU Network of Independent Experts on Fundamental Rights recalls in this respect that such an initiative may be called for by the European Parliament, relying on *art. 225 of TFEU*.

² Treaty on The Functioning of The European Union ('Lisbon Treaty' not yet in force)

- A more open form of coordination of the measures could be adopted by the Member States in order to tackle the situation faced by the Roma/Gypsy minority. Article 19(2) of TFEU could be relied upon to ensure that the Member States will inform themselves mutually about the measures they are taking in order to ensure the desegregation of the Roma/Gypsies in the fields of employment, education and housing, to which health care and social security could be added, and about the reasons for their successes and failures in addressing this problem. This strategy would oblige the Member States to collect the requisite information about the situation of the Roma under their jurisdiction, in order to arrive at a better understanding of the problem to be addressed. Under this strategy, each Member State would submit at regular intervals a report on the measures which have been adopted in order to make progress towards the goal of ensuring the integration of the Roma/Gypsy minority, which should result in a process of mutual evaluation and contribute to collective learning.
- The Member States are bound to respect the EU Charter of Fundamental Rights, as well as the other fundamental rights which belong to the general principles of Union law. The EU Charter of Fundamental Rights does not provide as such for rights of minorities. However, it prohibits any discrimination based on, *inter alia*, membership of a national minority; it states that the Union shall respect cultural, religious and linguistic diversity and it protects the right to respect for private life, freedom of religion, freedom of expression, and freedom of association, all of which may serve to protect certain dimensions of the rights of persons belonging to minorities.
- At the present stage of the development of the Union, the institutions of the Union should send a clear message that they will take into account the rights of minorities in the exercise of their competences. Such a declared commitment to upholding the rights of minorities should refer to the Copenhagen Document adopted on 29 June 1990 in the framework of the Conference on Security and Cooperation in Europe, as well as to the Council of Europe Framework Convention for the Protection of National Minorities of 1 February 1995. Such a clarification could take the form of an inter-institutional declaration, or even of a communication by the Commission, affirming a willingness to respect, protect and promote the rights of minorities and the understanding the institution intends to give to this term as it appears in Union law.
- Considered that the Roma are entrenched in a situation of structural disadvantage in all areas of social, economic and political life, the European institutions should consider if it is not necessary to impose on the Member States an obligation to adopt positive action schemes.
- Any measure seeking to promote the integration of the Roma/Gypsy minority should be devised with the active participation of representatives of this group.
- The scale of the evictions problem and the weight of international human rights standards, which both the Member States and the European Union are bound to respect, demand an urgent response at the European level national level, including the formulation of laws and policies and the implementation of programmes to ensure that discriminations against Roma produced by forced eviction are eliminated.

The role of the main actors in an integrated strategy

The European Parliament, the Commission and Member States act according to their specific competencies.

The European Parliament in particular plays a key role in protecting the rights of minorities, including the Roma. The European Parliament voted in January 2008 on a European strategy³ to try and improve the lives of the Roma community. It highlights the "lack of progress made in combating racial discrimination against the Roma" in Europe, the resolution points out that, in the negotiation and accession process, all candidate countries are committed to improving the inclusion of this community.

It also urges the European Commission to support active programmes concerning the improvement of employment, housing, education and health conditions of the Roma in Europe and promoting their inclusion in the European Communities. A directive based on *art. 19.1 of TFEU* and specifically aimed at improving the situation of the Roma/Gypsies population may be called for by the European Parliament (*art. 225 of TFEU*).

From the side of the European Commission from a statement of Vladimír Špidla, Commissioner responsible for Employment, Social Affairs and Equal Opportunities: *"The Commission is keen to ensure that the situation of the Roma is taken into account in all EU programmes and policies that could be significant in this context. To this end, a group has been set up comprising representatives of all the relevant Directorates-General, with the aim of exchanging best practices, coordinating policies and engaging in dialogue with participants from outside the institutions. The Commission also cooperates with other international organisations working to promote inclusion of the Roma, and is in regular contact with the Council of Europe, the OECD, the World Bank and other major players"*.

The national and local level have the strongest role in policies for inclusion of the Roma people, as social policy belongs to the exclusive competence of Member States, and also considering that, in accordance with the principle of non-discrimination on the basis of nationality, all Union citizens and the members of their families who reside freely and lawfully in a Member State should enjoy, in that State, equality of treatment with national citizens, and Member States must guarantee it.

According to OSI "Roadmap for Action" (2006), the priority "areas where the EU can significantly contribute to national action to promote Roma equality" are the following: a) *promoting Roma participation and consultation* in decision-making processes related to them – and to public life in general –, with the aim also to reinforce Roma civil society; b) *encouraging data collection*, allowing – with due respect to privacy – for a better monitoring of Roma living conditions, along with the discrimination they may be enduring, even in comparative terms; c) *combating anti-Gypsyism*, investing both in awareness-raising campaigns and in targeted trainings to key actors (teachers, social workers, public servants, etc.), thus combining an overall anti-racist framework with specific, Roma-addressed action; d) *encouraging national strategies on Roma Equality*, also through a support for Roma civil society organizations.

³ European Parliament, A European strategy on the Roma, P6_TA(2008)0035

An earlier EU-wide Report promoted by the European Commission (2004) – *The situation of Roma in an enlarged European Union* – provided some specific recommendations, on three levels of action: a) *on the role of the EU*: awareness-raising about the Roma situation, monitoring the effects of the Racial Equality Directive, enhancing co-ordination between different EU programmes (and between distinct international organizations), guaranteeing Roma involvement in policy-making, monitoring and evaluating Roma-addressed initiatives; b) *on the role of Member States*: recognizing the Roma population as an ethnic group in its own right, collecting appropriate and comparable data on ethnic origins, developing national and local bodies in charge of Roma inclusion; c) *on the role of Roma civil society organizations*: actively contrasting Roma stereotyping, supporting closer monitoring of ethnic minority issues, participating in European networks in anti-discrimination and basic rights protection.

List of abbreviations

ACFC	Advisory Committee of the Framework Convention on the Protection of National Minorities
CEDU	European Court Of Human Rights
CERD	Committee on the Elimination of Racial Discrimination
CFCF	Chance for Children Foundation
CoE	Council of Europe
COHRE	Centre on Housing Rights and Evictions
COLPI	Constitutional and Legal Policy Institute
CNED	Centre National d'Education à Distance
ECRI	European Commission against Racism and Intolerance
ECT	EC Treaty
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECJ	European Court of Justice
EMS	European Management Solutions - Senior Evaluation Consultant Phare Programs
ERGO	European Roma Grassroots Organisation
ERIO	European Roma Information Office
ERPC	EU Roma Policy Coalition
ERRC	European Roma Rights Centre
ESF	European Social Fund
EUMAP	European Monitoring and Advocacy Program
EUMC	The European Union Agency for Fundamental Rights
FCNM	Framework Convention for the Protection of National Minorities
FSGG	Fundación Secretariado General Gitano
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination.
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IHF	International Helsinki Federation
INDOK	The Human Rights Information and Documentation Center
LGI	Local Government and Public Service Reform Initiative
NGO	Non-governmental organization
OA	Oxford Analytica
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organisation for Economic Cooperation and Development
OSCE	Organisation for Security and Co-operation in Europe
OSI	Open Society Institute
PILI	Public Interest Law Initiative in Transitional Societies of Columbia Law School
RED	Racial Equality Directive - Directive 2000/43/EC
TFEU	Treaty on The Functioning of The European Union ('Lisbon Treaty')

Introduction

The Europe-wide Roma Community has been estimated to consist of more than 10 million people – the largest minority group in the EU. It is not a homogeneous population: over Europe the Roma community is composed of several communities differentiated by models of settlement, culture and religion, legal status, language, and period of migration. Most of these sub-communities suffer from the same structural discrimination, and in particular segregation in the fields of employment, education, training and housing. This is the case in almost all EU countries and the trend does not look very encouraging. The unacceptably high levels of unemployment and poor health conditions widespread among the Roma communities reflect their status as the most disadvantaged minority in Europe.

This study sets out to analyse the social and legal situation of the Roma and the policies of inclusion adopted in the European Countries with particular attention to those fostering access to the labour market. To address these issues the study outlines the legal and socio-economic condition of the Roma Community across Europe, providing a brief overview of the main characteristics of a population composed of sub-communities with some common features but with different historic and cultural backgrounds. The study focuses more on the differences between the communities than on the similarities. As the aim of the study is to offer suggestions and policy options, it is worth pointing out that policies designed to take these differences into account have better chances of being accepted by the communities, and so proving more effective, than ‘generic’ policies for ‘the Roma’. For example, policies addressing isolated and rural communities of illegal Roma have to consider specific issues different from those for urban Protestant Roma legally resident in the country and vice versa. Specific attention is paid to the legal status of the Roma, as it is highly differentiated across the European Member States and within each country according to the specific group considered.

The statement of common objectives of the EU social inclusion policy urges Member States to mainstream social inclusion policies in employment, education and training, health and housing policies, and to develop priority actions in favour of specific target groups such as minorities. In fact, employment is considered the key to poverty eradication and social inclusion, but is not the sole solution to address the exclusion of Roma Communities. In this respect the focus of the study is on the strategies of integration of the Roma adopted throughout Europe, and it will provide, on the one hand, analysis of the directives adopted under article 13 ECT to prevent discrimination and to improve the integration of Roma in the fields of education, training, employment and social inclusion, highlighting their implementation in Member States; and on the other hand analysis of the integration policies implemented in the Member States concerning access to the labour market, the education system, decent housing and financial services.

Chapter I - Analysis of the status and legal definition of the Roma Community in the 27 Member States

Understanding that the Roma community is not a homogeneous group but, on the contrary, composed of sub communities with some common features but different historic and cultural backgrounds are the key to understanding the problems and strategies related to their possible integration.

Over Europe the Roma community is composed of several communities differentiated by models of settlement, culture and religion, legal status, language, and period of migration. These differences impact strongly on their status, opportunities and quality of life, but in particular on their level of integration in the wider national community. It appears essential to understand these differences to be able to implement adequate policies targeted to the Roma; this chapter therefore analyses in depth the dimensions, distribution and characteristics of the Roma Communities across Europe, pointing out specific internal differences in terms of these key issues, and providing some key elements concerning the legal status of these communities in the 27 EU countries.

1.1 Who are the Roma in Europe: internal differences between the Roma Communities

Within the “Roma” community different groups and numerous subgroups can be distinguished, with sometimes similar, sometimes different traditions, cultures and languages, forming a vast “mosaic” of Roma groups in each of the European Member States. The frequently used single term “Roma” does not reflect the large variety of subgroups of the largest ethnic minority group in the European Union, but there is no consensus on the correct terminology.

Although the denomination ‘Roma’ is the most common, some distinguish “Roma and Sinti” or “Roma, Sinti and Travellers”⁴. The nomination “Roma” is an all-inclusive and exonymous term (a term given by the non-Roma population), or by the Roma themselves when distinguishing themselves from the non-Roma population (which they call *gadje*). Other exonymous are *Gypsies*, *Tsigane* (France), *Cigano*, *Tzigane*, *Zingari* (Italy), *Gitano* (Spain) and *Zigeuner* (Germany), mostly used as derogatory terms.

In this report “Roma” will be used bearing in mind the great internal heterogeneity. The Roma recognize divisions among themselves based in part on linguistic, cultural and territorial differences. Some authorities⁵ recognize five main groups which might be further divided into two or more subgroups, distinguished by occupational specialization or territorial origin, or both. Each group may use other terms (autonyma⁶) according to the subgroup:

- The *Sinti*, mainly settled in German-speaking regions (in Germany the largest group, others are in Switzerland, Austria), in northern Italy (Piedmont, Lombardy), in Provence, in the Benelux and some Scandinavian countries, do not consider or call themselves Roma⁷. The difference between Roma and Sinti is based on self-identification, already existing in the early 12th century and related to traditions and language variations. The term Sinti is probably based on the geopolitical area of origin, namely Sindh, Pakistan.

⁴ For discussion of the different terms see: Council of Europe (2006), *Roma and Travellers Glossary*.

⁵ Council of Europe, OECD, etc.

⁶ An autonymum is the name by which certain communities designate themselves;

⁷ Council of Europe (2006), *Roma and Travellers Glossary*.

- The groups most closely related to the Sinti are a) the *Manouche* in France and Belgium: they do not identify themselves as Sinti but as Manouche. The term Manush means “human being”. b) the *Polske* in Poland c) the *Kàlo* in Spain, southern France, Portugal and Finland. In Spain, the *Kàlo* call themselves *Gitanos*. The name *Kàlo* probably refers to the Romani Word “black”, first an exonymous term and later on used by the Roma themselves.
- In the UK, the Roma call themselves *Romanichels* or *Gypsies*, while the denomination *Travellers* (exonymous term) is widely used, referring to travelling Roma and Sinti but also including non-Roma population (“gens du voyage”) with similar characteristics in lifestyle and social status.⁸ In some cases, the exonymous term was picked up and later used by the Roma group itself.⁹
- The Kalderash Roma is the most numerous group from the Balkans, many of whom migrated to central Europe. They were traditionally metal and smithy workers, which is the origin of their name (“cauldron makers”), while today only some of them work in the metallurgy sector. The *Caldrari* group is present in Romania. They are a more traditional group, maintaining a strict traditional lifestyle, with hygiene taboos. The Kalderash (together with the *Lovara*, *Gurbeti* and *Jambazi*) are part of the Vlach-Roma.
- The Erlides (also known as Yerlii, or Arlije is a Roma population in South-Eastern Europe, including Greece and Turkey). They are usually settled but some nomadic groups also exist, both maintaining their own traditions and customs.

Other important subgroups are: Machvaya (Machwaya), Lovari, Churari, Rudari, Boyash, Ludar, Luri, Xoraxai, Ungaritzá, Bashaldé, Ursari and Romungro.

The articulation of groups and subgroups (*endaia*) is often related to linguistic characteristics or the historical professions, comprising more than 18 categories¹⁰ and a large number of subcategories.

Considering the professional differentiation the main subgroups are:

- the *Kalderashi* (cauldron makers or coppersmiths) in Bulgaria and Romania,
- *Ursari* or *Meckari* (bear trainers) and *Kosnicari* (basket makers) in Bulgaria,
- the *Rüdüari* or *Kopanari* (mineworkers) in Bulgaria, former Yugoslavia and Hungary, England and France
- *Lovara* (horse traders) in Poland and central and western European countries (as in Burgenland/Austria).
- *Tschurara* (*sievemakers*) in Hungary, Scandinavia, Spain and France

Most of the Roma communities are socio-economically excluded and highly segregated throughout Europe. This has to do with external structural discrimination on one hand, but it is also due to Roma traditions and general mistrust towards the majority population based on long-lasting negative experience and persecution. Nonetheless, some groups are more integrated, while others maintain their traditional distance.

⁸ Some experts recommend including the term “Traveller” under the “Roma and Sinti” nomination, as they share many characteristics with the nomadic Roma groups, being nomads and a disadvantaged group often socially excluded.

⁹ For more detailed explanations on the derivation and semantic meaning of the Roma group names see: Hübschmannova, M. (2003), *Roma-Sub Ethnic Groups*. Prague. (<http://romani.uni-graz.at/rombase>.

¹⁰ <http://burgenland-roma.at/ethnogloba1/a13.htm>

- The level of assimilation and integration into the non-Roma society is more common within groups that have been in the countries for longer periods, as is the case for example of groups in Spain or the Sinti in Germany;
- while newly migrated groups, for example from Romania and the Balkans, tend to be more disadvantaged and socially excluded;
- in some Eastern European countries, like Slovakia, some Roma groups were forced to integrate and become assimilated during the communist regime, with the formation of a Roma “middle class”.¹¹

The following paragraphs present the main characteristics of the subgroups in terms of models of settlement, culture and religion, language, area of origin, and period of migration. The models and levels of integration of Roma throughout Europe will be analysed in depth in the final report.

Settlement model

Although in many countries the name “Roma” implies nomadic or travelling practices, the overwhelming majority of Roma can be considered sedentary. Migration and the nomadic life have often been forced due to discrimination, eviction or deportation in different historical periods.

As the figures on the total number of Roma population are insufficient or based on estimations, no exact data on the number of settled Roma are available. Estimations of the total number of Roma living across Europe range from 10 to 12 million people, only 5% of which estimated to have nomadic traditions.¹²

Three types of settlement for the sedentary or semi-nomadic people can be distinguished.

- The first type of settlement is complete integration in towns and villages;
- the second is separation or segregation in urban or rural areas, often with low living standards, often in neighbourhoods or streets where the majority population is Roma;
- the third type is segregation in settlement areas or (authorized and unauthorized) nomad camps outside towns or villages.

¹¹ Vasecka, I, Vasecka M. (2003), *Recent Romani migration from Slovakia to EU Member States: Romani Reaction to discrimination of romani ethno-tourism?* Nationalities Papers, Vol. 31, No. 1.

¹² Teichmann M. (2002), *Nomadic and sedentary*. Rombase. Graz. <http://romani-uni-graz.at/romebase>.

Table 1.1: Groups, characteristics and settlement structure in European Countries

COUNTRY	Groups	Characteristics of the groups	Type of settlement and area
Austria ¹³	Burgenland-Roma Lovara (from Budapest 1959) Kalderash (Serbia) ¹⁴ Arlije (Macedonia) Sinti Prekmurje-Roma (from Slovenia)	Burgenland-Roma estimate their numbers between 2,500 and 5,000 persons. The Kalderash are the most wide-spread Roma group (coming from Moldavia/Walachia). Arlije (from southern Balkans in the '60: Macedonia and Kosovo). As Muslims, they belong to the southern Balkan/western Rumelian cultural tradition. Sinti from Eastern European Countries.	All are settled. Larger settlements of Burgenland Roma are found in the Wart (= Oberwart and its surrounding communities). Some Roma or Roma families live in the central and northern areas of Burgenland, or have settled in the larger cities of eastern Austria. The more traditional Lovara live in Vienna and other larger cities of eastern Austria; only a few are to be found in western Austria. Kalderaš: mainly in urban areas; was a nomadic group, but now mostly settled, having a traditional lifestyle. The great majority of the Sinti today live in the larger cities of all Austrian federal states except for Burgenland.
Bulgaria	Kalderash Arlije	Five big groups and more than 95 subgroups.	Roma are present in all provinces, with the highest proportion in the Montana Province (12.5%) and Sliven Province). Living mainly in urban centres like Sofia, Sliven, Plovdiv, Burgas, Stara within segregated areas. Largest shanty town in Sofia called Fakulteta with about 35,000. Half of the Roma live in villages, without owning the land.
Belgium	Sinti / Manouches Roma Travellers	Most of the groups come from Eastern and Central Europe (Romania, Bosnia, Kosovo, Serbia-Montenegro, Macedonia and Bulgaria). Smaller groups come from Slovakia and Czech Rep.	Mainly living in large towns (Antwerp and Brussels). Some groups have a nomadic culture.

¹³ <http://romani.uni-graz.at/rombase/index.html>

¹⁴ The Roma group Kalderash, Lovara, Gurbeti and Jambazi form part of the Vlach-Roma.

COUNTRY	Groups	Characteristics of the groups	Type of settlement and area
Cyprus	Roma	Only few Roma counted (500-1,000), and no information found on country of origin.	No information found on housing conditions.
Czech Republic	Slovak Roma (<i>Servika</i> Roma) Moravian Roma Hungarian roma Vlachi Sinti Czech Roma/Cikani	The Vlachi may represent about 15-20 % of the total Roma population in ČR and SR. Today most of the Sinti live in the Czech Republic, many of them coming from Germany	Roma are almost exclusively settled in industrial urban areas
Denmark		The first Roma came to this area from Hungary in the late 1950's (Elsinore) Today, most Roma are immigrants from Serbia.	Roma are sedentary, living mostly in towns.
Estonia ¹⁵	Roma	Roma are long-established minorities in Latvia, living here since the 16th century. By the first half of 20th century immigration from Germany and Poland.	Tent to form a small minority living among the Latvians or Russians, and ghetto-like segregated living areas are not reported. Nonetheless they suffer high levels of discrimination in other aspects of life (as education and employment).
Finland	Kàle		Roma are mainly settled, living all over the territory, mostly in large urban centres in southern Finland.
France ¹⁶	Roma Sinti Manouch (Sinti subgroup) Kalderash Kale/Gitans Travellers/Gens du voyage	French term for Roma: Tsiganes, or Gens du Voyage (Travellers) Gens du Voyage comprises different ethnic groups, such as Travellers, Yenish, Roma, Sinti, Kale and Manouch, amongst others. The Travellers group is much larger than the Roma ones.	Mainly living in precarious conditions, due to difficult access to employment and education.

¹⁵ http://www.li.lv/index.php?option=com_content&task=view&id=77&Itemid=464

¹⁶ Tara Bedard, Employment Activating Social Assistance Schemes Not Working for Roma and Travellers, ERRC

COUNTRY	Groups	Characteristics of the groups	Type of settlement and area
Germany	Sinti Roma	The majority of the Roma come from the Eastern European Countries (refugees from Yugoslavia).	Sinti groups have been sedentary since the 15 th century.
Greece	Sinti Travellers Arlije/Erlides (also Tsiganoi)	In Greece mainly Christian and a Muslim minority in Northern Greece.	Roma are sedentary, semi-nomadic or nomadic. They live mainly in towns or large urban centres. They are scattered over the whole territory, but with concentrations in Athens and Thessalonica. In the Roma settlement Agia Varvara, the living conditions are quite good, while in Ano Liosia the living conditions are considered bad.
Hungary	Roma Beàs	Roma population is sedentary, living scattered across the entire country.	They live both in urban and rural areas. Especially in rural areas Roma suffer low quality housing.
Ireland ¹⁷	Roma (recently arrived group, mainly from Romania) Travellers (not ethnic Roma, but identifies themselves with Roma)	Some Travellers are settled and live in social housing. For the nomad Travellers the local authorities have to provide halting sides. Nonetheless, many Traveller communities live under vulnerable housing conditions. In 2000, one in four Traveller families was reported as living without access to water, toilets or refuse collection facilities.	A Census of Population showed (2002) that 55.6% of Travellers are in permanent accommodation and 36.9% in temporary accommodation (with a further 7.6% not stated).
Italy	Roma (mostly south and central Italy) Sinti (mostly north Italy)	Sedentary Roma are about 30%, while semi-nomadic or in process of sedentarisation around 70%. Italian term: zingari and camminanti	They live in areas peripheral to urban centres. High level of segregation. Roma “colonies” can be found all over Italy, mostly with low quality housing conditions. Most of the nomad camps are not recognized by the authorities to be permanent camps, but have only temporary status. In 2001, shows that there were more than 18 thousand foreign Roma living in camps ¹⁸ .
Latvia	Roma (<i>Cigani</i>) are long established. Latfika-Lotfica Roma (syn. Chuxni)	Some Roma live in integrated areas in urban centres with good housing conditions, while other groups live in substandard housing.	The Roma live mainly in urban centres: some of them are concentrated in the Western part (Stabile, Talsi, Ventspils).

¹⁷ Traveller Inclusion in a New National Agreement, <http://www.paveepoint.ie/pdf/SocialInclusion.pdf>

¹⁸ Sigona, N., Monista L. (2006), Cittadinanze Imperfette. Rapporto sulla discriminazione razziale di rom e sinti in Italia. http://www.osservazione.org/documenti/OA_imperfectcitizenship.pdf

COUNTRY	Groups	Characteristics of the groups	Type of settlement and area
Lithuania	Roma	According to the Population Survey conducted in 2001 there are 2800 Roma in Lithuania.	Roma live segregated in low level quality houses. Settlements are often built without legal permission or lack permissions.
Luxembourg	No information found	No information found	No information found
Malta	Officially no Roma counted	No information found	No information found
Netherlands ¹⁹	Roma Sinti Also autochthonous traveller population	The majority of Roma live in more urban areas, while the Sinti primarily live in the countryside and often withdraw into their own communities, as they might be more attached to traditional customs.	Netherlands count some 9,600 caravan parks, some 9,000 caravans and ca. 10 to 11 thousand travellers households. During the last years ca. 3.000 sites were shortaged. 437 municipalities have caravans on their territory (25% of these count also Roma and Sinti), especially in the southern provinces.
Poland	Kalderash Lovari		Large proportions of the Roma live in rural areas (Bukowina, Atrzenska, Poviato) or in urban areas. Previously nomadic groups are now settled due to the settlement policies during the socialist period.
Portugal	Kále Roma	Most of the Roma in Portugal are sedentary. In the southern part of the country mainly nomadic groups.	The settled groups are mainly in the north of the country.
Romania	Kalderash Aurari Beasha Churara	The Roma are mainly sedentary, living mostly in segregated sub-standard neighbourhoods.	The Roma live in urban (55%) and rural (45%) areas.
Slovakia	Servika Roma (Slovak Roma, largest group with nearly 2/3 of Roma population) Vlachi (15-20%, as Lovari)	The Servika Roma have been settled since the 16 th century. Some of them were born in the Czech lands and descendants of those who moved to the Czech lands from Slovakia after 1945. The younger generations tend to call themselves "Czech"	Roma are considered to be completely settled, living in urban and rural areas, often in communities in the outskirts. Nearly 50% of the Roma live in the Eastern part of the country. The Servika and Hungarian Roma live mainly in the southern and eastern parts (in separated settlements). In eastern Slovakia there lives also the Slovak Roma subgroup <i>Patavara and Vichodňara</i> .

¹⁹ Rodrigues, Peter (2006), Few and Neglected: Roma and Sinti in the Netherlands, in: Roma Rights Quarterly (Roma Rights Quarterly), issue: 1 / 2006, pages: 3138, www.cceol.com

²⁰ Hübschmannova, M. (2003), Roma – Sub Ethnic Groups. Index of appellations. Prague.

COUNTRY	Groups	Characteristics of the groups	Type of settlement and area
	Moravian Roma Hungarian Roma Sinti Bergitska Roma	Vlachika Roma from Moldavia and Romania in the 19 th century (CR) Bergitska Roma (geogn. =syn. Berg = “mountain”) live in the mountains of the Polish-Slovak border region ²⁰	
Slovenia	Dolenjska Sinti	The Dolenjska group traversed Hungarian territory, from Croatia. The Sinti immigrated from the north across the Austrian territory	The previous nomadic groups were settled under the socialist regime. Mainly settled, but also nomadic groups. They live in urban and rural centres, mostly in segregated and isolated areas with low standard accommodation.
Spain	Kàle	Reached Spain in the early 15 th century and quickly spread all over the country. Although they were not expelled along with the Moors and Jews during the 16 th century, they suffered persecution.	43% live in southern Spain (Andalusia). In Madrid there is a high concentration of Roma (nearly 10%), followed by Catalonia and Valencia (each 9%). They are mainly settled, while mobility remains an important cultural element. There has been a notable urbanisation trend over the last few years. ²¹
Sweden	Finnish Kàle (not identic with spanish Kàle) Kalderash		They are all sedentary, mainly living in suburban areas of the largest cities.
United Kingdom	(Irish and Scottish) Travellers Roma	The Roma come mainly from the Czech Republic	Previous nomadic groups (Travellers) are now mainly sedentary. The number of Travellers living in unauthorized sites has decreased over the last few years.

Main Source: Hübschmannova, M. (2003), *Roma – Sub Ethnic Groups*. Index of appellations. Prague.

The settlement structure has often been influenced by governmental policies, in some cases with forced migration or the concentration of Roma-groups in defined delimited areas.

²¹ Ringold D., Orenstein, M.A., Wilkens, E. (2005), *Roma in Expanding Europe*, The World Bank. Washington

Box 1.1: Forced settlement in former socialist countries

In the Eastern European countries during the Second World War and later on in the socialist period, the Roma were forced to settle and end their nomadic lifestyle. In Slovakia policies during World War II forced the Roma to settle outside the towns, which led to the formation of segregated housing areas. In former socialist countries such as the Czech Republic, Poland and Bulgaria campaigns against nomadism were introduced, with an administrative allocation of Roma people in specific areas of the countries. Separated areas were built up to allocate them, which could consist of shanty camps, entire streets or even larger areas. In Romania, the Ceausescu “systematization” programme in the 80s was accompanied by forced resettlement of entire villages and urban neighbourhoods. Also in Hungary the *Rumungro*-Roma live in separate colonies on the outskirts of villages and practice agriculture.²² Today, some EEC countries have segregated areas where the population is mainly Roma. In Bulgaria there are 300 such settlements and in Slovakia more than 600.

As already seen in the previous table, in Europe there is a wide differentiation across countries and groups between urban and rural settlements.

- In some countries the Roma are concentrated in *rural areas*, such as in some of the Eastern European countries where the Roma used to work in the agricultural sector.
- In other countries, such as in Austria, Belgium, Denmark, Finland, Greece, the Roma are concentrated in *urban areas*. In these countries the Roma are concentrated in the large urban areas or in (former) industrial cities.
- In most of the countries the Roma are *scattered throughout the country*, such as in Finland, even though most of them live in urban centres²³, in Poland, where large numbers of Roma live in rural areas as well as in urban areas. In Romania, in Hungary and Bulgaria²⁴ for example about 45/50% of the Roma live in rural villages, while the rest live in urban areas.
- In some cases, Roma groups are *concentrated in specific regions* within each country. For instance, in Hungary the greatest share of the Roma population live in the North, East and South Transdanubia region, in the Czech Republic in northern Moravia, in Bohemia (except the eastern region), and in Prague. In the Slovak Republic they are concentrated in the East²⁵. The Spanish Roma live mainly in the southern part of the Country, namely Andalusia, while relatively high proportions can also be found in Madrid, Catalonia and Valencia. In other countries the Roma are more uniformly distributed homogeneous.

The type of settlement is closely linked to the level of social integration of the community, even though deprivation and low living standards are a common feature for most of the Roma communities in most of the European countries, whether for sedentary or nomadic groups: the Roma population is in fact the minority most affected by inadequate housing and living conditions throughout Europe. Housing conditions often show low or extremely low standards, with insufficient or no infrastructure facilities, and large proportions of the Roma groups live in segregated and poor housing areas, whether in urban or rural areas.

²² UNDP (2005), *Faces of Poverty, Faces of Hope*, Bratislava

²³ <http://virtual.finland.fi/netcomm/news/showarticle.asp?intNWSAID=26474>

²⁴ Spolu website on Bulgaria http://www.spolu.nl/index.html?http://www.spolu.nl/m5b_bulgaria.html

²⁵ Ringold, D. (2000), *Roma and the transition in Central and Eastern Europe: Trends and Challenges*. World Bank. Washington,

In most of the countries they have no access to social housing due to lack of documents or illegal status, or to the need for extensive accommodation given the extended family, or for absence of policy programmes for this highly discriminated social group. In particular, low-income and insecure labour makes access to housing more difficult.

- Standards tend to be considerably lower in segregated rural settlements, while the situation may not prove so bad in the more developed and economically better-off regions or in urban areas.
- In Eastern Europe, the transition towards a capitalized system affected especially those Roma living in rural areas, now the most deprived and hit by poverty and unemployment, inducing a rural-urban migration, that is bound to increase segregated settlements in urban areas.
- In the urban areas, in fact, most of the Roma live in segregated sub-standard neighbourhoods²⁶, in segregated areas outside town-development schemes, or in deprived neighbourhoods within the cities. The difference with rural settlements is that in urban areas the Roma may have some more chances to get in contact with the majority culture, with education and training opportunities.

Although the majority of the Roma are sedentary, a number of communities still lead a *nomadic life*: in this case they live in authorized or unauthorized camp areas in urban, semi-urban or rural areas. This is the case in particular with recently immigrated Roma having no access to other housing opportunities. These camp areas show mostly low or very low standards of infrastructural facilities.

Nomadic Roma or Travellers face increasing difficulties in finding adequate camping sites, while stricter legislation discriminates against their lifestyle. Provision of these nomad camps is generally scarce, so areas in the outskirts of the cities or villages are often occupied by unauthorised settlements.

Authorized camps are mostly with low standards of infrastructural facilities, which are even worse for unauthorized nomad camps, having no access to general utilities and infrastructure such as running water, electricity, roads, transportation and communication facilities. Sometimes the camps are built on contaminated land, causing severe safety and health hazards for the inhabitants. This jeopardises their tradition, culture and identity, driving them into highly vulnerable situations.

Unauthorized status increases the risk of displacement and conflicts with the neighbourhoods and the local authorities. In some countries unauthorized caravan settlements are frequently evicted. In the Czech Republic, Italy and Greece Roma people have suffered forced evictions, unauthorized settlements being destroyed by the police without any compensation or resettlement programmes and with grave violation of human rights. For example, in Italy, in 2007 the municipality of Rome evicted more than 5,200 people from unauthorized settlements, while only 880 have been re-accommodated in the 'villages of solidarity' built in isolated areas outside Rome's main ring-road.²⁷

²⁶ UNDP (2005), *Faces of Poverty, Faces of Hope*, Bratislava

²⁷ Nando Signona (2007), *The latest public enemy: Romanian Roma in Italy*. OsservAzione. Strasbourg. Powerpoint presentation <http://www.open.ac.uk/Arts/ferguson-centre/discussion-docs/nando-presentation.pdf>

Local or communal urban policies often fail to provide social housing for Roma people or consider them in urban planning. During recent years awareness of the high level of deprivation in living conditions has been increasing, and comprehensive urban rehabilitation programmes has been undertaken by some European Member States, in particular in Bulgaria, the Czech Republic, Hungary, Poland, Slovakia, Finland and Latvia, where regional and national programmes address the poor housing conditions²⁸.

Culture and religion

Within the overall Roma Community three main religious groups can be distinguished, often coinciding with the dominant religion of the host country. While the Catholic, Muslim and Orthodox Christian religions dominate, some groups have been evangelized or converted to the Holy Spirit and Jehovah's Witnesses Group. In some Roma groups, aspects of traditional or indigenous beliefs often with Hindi religious elements also influence the religion. The Roma generally have little contact with the religious institutions (churches or mosques), and celebrate their ceremonies within their own group. Religious alignment and adherence to more traditional values also has an important correlation with the level of integration and social inclusion of the groups in the broader community.

- In the Balkans the Roma are overwhelmingly Muslim, while other religions are also present, such as Catholic and Orthodox.²⁹ In Bulgaria, the Roma belong to the Orthodox and Evangelical churches, while some other groups are Muslim.
- In Poland, the majority are Catholic, while some belong to the Orthodox church.
- In the EU-15 autochthonous groups belong mainly to the Christian religion (catholic or protestant), while recently immigrated groups are mainly Muslims. This is for example the case of Italy, where the second immigration group are mainly Muslims, while only a few are Christians.
- Since World War II, a growing number of Roma have been involved in Evangelical movements. In some countries, settled Roma have created their own churches. Some hundred of churches exist in France, Spain or Germany called "Filadelfia Evangelical Church" or "Pentecostal".³⁰ Present in Spain since the 1960s, Filadelfia Church is composed almost exclusively of ethnic gypsies. It is also the fastest growing Christian denomination in the country, expanding from 31 local (1960) congregations to over 600 today. In France, many Roma belong to the Pentecostal Gypsy Church.
- This is also the case in the former socialist countries, where religious freedom was introduced, and many Roma have converted to new Protestant religions. In Bulgaria for example approximately 90 % of the Pentecostal community is composed of Gypsies.

Religion is an extremely important element within Roma culture. The recognition of cultural diversity through recognition of the ethnic (or national) minority status is seen as an important target within Roma groups. Strict traditions according morality, cleaning taboos, supernatural beliefs, and celebration rules are integral parts of Roma culture.

²⁸ European Union Agency for Fundamental Rights (2007), Trends and Developments 1997-2005. combating ethnic and racial discrimination and promoting equality in the European Union. Vienna

²⁹ Laederich S. (2007), *The situation of the Roma in South East Europe today*.

http://www.sdc.admin.ch/de/Home_21719/ressources/resource_en_153001.pdf

³⁰ <http://www.crystalinks.com/romapeople.html>

Religion and patriarchal traditions have an important influence in particular on the Roma women's opportunities for integration. Within their own ethnic group strict role divisions persist, as they are the mainly responsible for the household as well as for child growing or dependents' care. Roma women are expected to marry early and have many children, which holds them back from participation in education, work and public life. Marginalisation and traditional roles increase the risk for them of being in weaker positions in terms of social and economic inclusion. Although discrimination and submission apply to some Roma women, not all suffer from segregation, as in some groups within their communities they have strong positions. Nonetheless, during the last few years emancipation movements have arisen within the communities, questioning traditional role divisions.

The integration of the Roma into the wider country population is widely influenced by religious and cultural factors: some of the Roma groups consider rituals and traditions to be highly important for Roma identity, and in particular those concerning separation from the non-Roma ('*gadje*'), which has been maintained for centuries. The self segregation due to traditions in the past had the sense of a form of self-defence, while in the present it has been reinforced by the external segregation due to stereotypes and mistrust. Also within the Roma communities, some groups distinguish themselves from others by the level of "integration", introducing an internal hierarchy.

The more traditional groups have an organisation system based on extended family ties with an autonomous system of individual and community justice (*kris*). They usually have less contact with non-Roma society and with integrated Roma groups, considered by the more traditional Roma groups not to be "real" Roma as they might have abandoned their Roma traditions.

The modern Roma groups are split by the wish to be integrated and to maintain their traditions. A settled existence facilitates integration, which does not necessarily include assimilation, and renders it possible to participate in the state educational and vocational training system, increasing opportunities for inter-cultural contacts. Assimilation bears the risk of losing cultural autonomy, but integration through a settled existence does not automatically lead to the loss of language and culture but can positively influence the living conditions of the marginalized ethnic minority group.

Language

The Roma language "Romani" is still prevalent among many Roma communities and is spoken widely in the European Member States, Roma being the largest ethnic minority group with more than 10 million members. According to estimations, approximately 4.6 Million people speak Romani (other estimations report 6.6. Million Romani speakers).³¹

³¹ <http://romani.uni-graz.at/rombase/index.html>

Box 1.2: Different groups and different languages

“Romani” belongs to the family of Indo-European languages that includes other languages of Indian origin, such as Hindi and Bengali. A strong influence of a number of other languages, such as Byzantine Greek, is notable, too, while still nowadays many words of the majority language have been included into the Romani, leading to regional variations and dialects based on common characteristics, but not comprehensible or sometimes even known to other Roma groups. The Romani dialect differs according to the former occupational traditions, although some groups understand each other. As an example: some Hungarian Roma³² speak the native *Beash* (an archaic Romani form), while others speak the *Walachian* dialect (and are able to communicate with other Roma around the world more easily).³³ The Slovak dialect is spoken by 80% of Roma in the Czech and Slovak Republics, while the Hungarian and Walachian dialects make up an additional 10% each. In the UK and Ireland *Gammon* (or sometimes *Cant*) is spoken by the *Travellers*. Other languages spoken by Roma are *Jenish* and *Kalo*.³⁴

The period of migration influences language use as well as transformation of Romani, often including words of the majority language. Some groups have developed a pidgin or Creole language. Examples are *Kalò*, which uses Spanish grammar, the English-Romani (or *Angloromani*), the Romano-Greek (or Greek-Romani), the Serbian-Romani, *Boyash* (a dialect of Romanian with Hungarian words), and the *Sint* (with German grammar).³⁵

Language is one important instrument to identify the ethnicity of persons and plays a vital role in retaining cultural identities, but it represents also a substantial barrier to integration. Knowledge and common use of the language of the host country determines the level of integration of the groups: it allows children to attend normal schools, mothers to communicate with doctors and social workers, etc.

An important factor determining knowledge of the language is the period of migration. Groups living for a longer period in the country speak the majority language more often than those recently immigrated, influencing integration into the majority society and the area of settlement. Roma from isolated and segregated settlements may come less into contact with the majority language, or only come into contact with it when entering primary school. As an example: in **Bulgaria**, half of the Roma speak only the Roma language at home; in **Hungary** the native language of the *Wallach* Roma is Romani, while the two other main groups of Roma (*Beash* and *Rumungro*) generally speak Romani and Hungarian as native language, respectively³⁶; in the **Slovak Republic** approximately half of the Roma speak some of the Romani language, while no information is available as to how many speak Romani at home. In southern Slovak Republic many Roma speak the majority language; some groups have also taken over the national language, as in the case of the *Medvera* in **Greece**, or the *Gitanos* in **Spain** (who additionally speak *Kàlo*, strongly influenced by the Spanish language).

Recent studies evidence that the younger generations tend to use the majority language and are losing the Romani language. Middle-aged and young adult Roma often use the majority language in everyday communication, while the Romani or other minority languages tend to be less used. In Spain, for instance, the younger generations speak mainly Spanish, while the older people speak *Kàlo*.

³² Hübschmannova, M. (2003), *Roma- Sub Ethnic Groups*. Prague. (<http://romani.uni-graz.at/rombase>).

³³ Roma in the Czech Republic - Website. <http://romove.radio.cz/en/article/18659>

³⁴ European Commission (2004), *The Situation of Roma in an Enlarged European Union*. Brussels

³⁵ <http://www.crystalinks.com/romapeople.html>

³⁶ Ringold D., Orenstein, M.A., Wilkens, E. (2005), *Roma in Expanding Europe*, The World Bank. Washington, p. 11, 29

Only in some countries have efforts been made to revitalize education in Romani languages. In other European countries only few attempts have been undertaken to gain recognition for Romani as a language, and provide bi-lingual education. Despite the existing legal framework for bilingual education including Romani in some European countries, the lack of trained teachers and teaching materials make bilingual education still difficult.

Area of origin and period of migration

The Roma minority group has never had an own country or a national state. Language and history scholars agree that the area of origin is Northern India, where Roma groups initiated their migration from around the year 1000, triggered by the Muslim invaders. They journeyed over the Caucasus, China, the Middle and near East (Turkey) and Greece towards the Balkans and later on to the European continent (12th to 15th century).

The migration of Roma has never been one of individuals, but of families and extended families.

Despite the long tradition of Roma settlements within the European Countries since the 15th century, different waves of immigration can be distinguished. The Roma groups have been widely considered as “nomad” ethnic groups, although sedentary groups have always existed and migration has often been motivated by the need to avoid discrimination or due to historical or political events. For centuries, Roma persecution and discrimination have accompanied the migratory process, lasting to the present day.

Many migration flows have occurred over centuries, notably:

- The first wave towards European countries can be dated around the 14th to the 16th century. These dates refer to the first official documentation, while some nomad groups might have arrived much earlier, but are not documented clearly or the history can not be reconstructed due to missing documents. Since then the Roma have been considered “problematic” in most European countries, where “edicts” prohibited settlement or even entry of the country. They probably arrived in the Eastern European Countries (Hungary, Poland, Slovakia and Slovenia) in the 14th or 15th centuries. In other European countries, like Germany (especially the Sinti), Spain, Portugal, Italy, Belgium, Finland, and the UK the first Roma ethnic groups arrived around the 15th century.
- A second wave can be dated during the middle of the 19th century, with the end of slavery (1856) in the Balkan region, where the Roma had been forced into serfdom and slavery since the 15th century. Roma groups migrated to the western and northern European countries, where they also arrived from Hungary, Greece, Macedonia, Transylvania, Serbia. Migration to the western and northern European countries took place in order to improve living conditions after the long period of repression. By the middle of the 19th century in some countries they were denied the right of settlement or the transition. By the 18th century under the Habsburg, policies to integrate and force the settlement of the different Roma groups had been implemented, accompanied by forced assimilation.³⁷

³⁷ In Central and Eastern Europe the policies of the Austrian Empire, the Hungarian Kingdom and the Ottoman Empire (ca. 14th/15th century) had a great influence on the settlement of Roma communities. The Habsburg policies (under Maria Theresa) encouraged assimilation and elimination of the nomadic lifestyle, forcing them to a more settled lifestyle. Under the Ottoman Empire free movement was allowed, though some attempts were made to force the Roma to settle.

This was also the case in other European countries, like Finland, by the end of the 18th century and the beginning of the 19th century. Also in Hungary, the *Beasch* Roma of nomadic culture, but have been forced to settle and assimilate.³⁸ In other countries discrimination and persecution continued in the 18th and 19th century with the prohibition to enter or settle in the country, or attend school for the children.

- While no specific migration movements in the beginning of the 20th century can be clearly distinguished, persecution of Roma groups reached a peak during the Nazi-Regime of the Second World War, where forced migration, deportation and extermination took place in some European Countries (Germany, Yugoslavia, Romania, Poland and Hungary), but it is not considered as a single migration period.
- The third migration period is in the post-Second World War, when Roma groups, often stateless due to the new border arrangements, came to the EU-15 countries as work migrants (1960-1970). This is for example the case in Italy with the arrival of Roma from the Yugoslav countries (Bosnia, Montenegro and Herzegovina). Also in Austria Roma migrants from Hungary and Serbia arrived as migrant workers. A massive Romani immigration from Eastern Europe to a number of West European countries, like Austria, France, Germany, Italy, Sweden, took place in the Post-Second World War³⁹.
- The fourth migration wave can be dated after the fall of the socialist regimes in the Eastern European countries and the opening of the borders since 1990: during the socialist regime many Roma were targeted by a strict assimilation policy (Czech Republic, Bulgaria, Hungary) and after the transition the Roma minority suffered economic difficulties far more than other groups, especially mass unemployment. During this period approximately 50,000 Roma left the EEC, to seek asylum or to fled deprivation, conflict and crisis.⁴⁰ Other groups remained, gaining citizenship of the countries (as in the Slovak Republic). The fall of the iron curtain in the 90s increased migration from Eastern European countries (Bulgaria, Romania, Czech Republic, Slovakia) of Roma groups to the EU 15 Countries.
- Also the Yugoslav and Kosovo conflict with ethnic persecution and violence towards the Roma led to migration to neighbouring or western European countries. Ethnic persecution during the Yugoslav War (1992-1995) lead to forced migration of large Roma groups to the European Member States. After the Kosovo conflict and the violent attacks on Roma by Albanian nationalist, nearly 90 % of the *Roma* and *Aschali* (nearly 120,000 people) had to flee. Many destination countries tried to protect themselves from immigration from the former communist countries by introducing visa regimes, or making access to asylum more difficult. Only a few were granted political asylum, while the majority obtained temporary refugee status and non-permanent resident permits. Efforts have been made, for example by the German government, to “repatriate” those Roma groups, which account for nearly two thirds of the German Roma population.

³⁸ UNDP (2005), *Faces of Poverty, Faces of Hope*, Bratislava

³⁹ Sobotka, E. (2003), *Romani Migration in the 1990s: Perspectives on Dynamic, Interpretation and Policy*. Romani Studies, Vol. 13, No. 2, pp. 79-121

⁴⁰ Ringold, D. (2000), *Roma and the transition in Central and Eastern Europe: Trends and Challenges*. World Bank. Washington, p.8

- The fifth and most recent migration period is related to the access of the 10 new European Member States in 2004 and Bulgaria and Romania in 2007. With their accession to the European Union, these countries with the largest shares of Roma population (Romania, Bulgaria, Slovak Republic and Hungary) obtained the possibility of free-movement within the EU countries (excluding labour market access). This facilitates the inter-European movement of this Roma groups. Today, in the EU-15 countries, the number of Roma coming from the European Accession States has widely increased. In Finland for instance, the largest Roma groups now come from Romania and Bulgaria. Also in Italy, there is an estimated increase of Roma population from Romania.

Though not all European countries are affected by new immigration of Roma groups to the same extent, the legal situation of allochthone groups is different from autochthon groups which are resident for centuries, with acquired citizenship and fully integrated into the society. Newly arrived groups (since the fourth and fifth migration period) often lack secure resident status, as they are refugees, stateless or unauthorized immigrants.

Table 1.2: Estimations on Roma populations in Europe by different sources and years.

COUNTRY	compendium (2007)	Open Society Institute (2006) ⁴¹	Council of Europe (2002) ⁴²	Tscherenkow/Laederich (2004) ⁴³	Census
Austria	The Roma consists of 4,300 people (compared to 122 in 1991).		Low estimates: 20,000 High estimates: 50,000	Low estimates: 35,000 High estimates: 50,000	6,000 or 0.07%
Bulgaria		OSCE Estimates: 800,000-850,000 Minority Rights Group estimates: 700,000-800,000		Low estimates: 700,000 High estimates: 900,000	370,908 (or 4.7%)
Belgium			(1999) Low estimates: 25,000 High estimates: 30,000	Low estimates: 10,000 High estimates: 15,000	
Cyprus			500-1,500		
Czech Republic		OSCE Estimates: 350,000-450,000 Minority Rights Group estimates: 250,000-300,000	Official Census (1999): 32,903 Official Census (2001): 11,716	Low estimates: 300,000 High estimates: 400,000	
Denmark			Estimates 1,750	Low estimates: 1,000 High estimates: 1,500	
Estonia	0.1% of total population (estimated)			Low estimates: 2,000 High estimates: 4,000	

⁴¹ Open Society Institute (2006), Roma inclusion: lessons learned from OSI's Roma Programming, Brussels <http://www.romadecade.org/portal/downloads/General%20Resources/Lessons%20Learned.pdf>

⁴² Council of Europe (2002), Legal situation of Roma in Europe, DOC 9397, available at: <http://assembly.coe.int/Documents/WorkingDocs/doc02/EDOC9397.htm>

⁴³ Tscherenkow, L, Laederich, S. (2004): *The Roma*. Basel, Schwabe, 2004

COUNTRY	compendium (2007)	Open Society Institute (2006) ⁴¹	Council of Europe (2002) ⁴²	Tscherenkow/Laederich (2004) ⁴³	Census
Finland	Historical minorities: 13,000 Minority Right Groups: 7,000-9,000		Estimates: 10,000	Low estimates: 7,000 High estimates: 15,000	
France			Minority Right Groups 280,000-340,000	Low estimates: 100,000 High estimates: 500,000	
Germany	Sinti and Roma approx. 70,000;		Estimates 700,000	Low estimates: 110,000 High estimates: 130,000	
Greece	The Roma represent ca. 2.5% of the population dispersed throughout the different regions		Low estimates: 80,000 High estimates: 150,000 Minority Right groups 100,000-200,000	Low estimates: 200,000 High estimates: 300,000	
Hungary	During the 2001 census, 190,000 Roma were recorded, i.e. about 2% of the population; estimations put the actual figure much higher, varying between 4-8%.	Official Figures: 190,046 (93,711 women and 96,273 men) OSCE estimates: 500,000-600,000 Minority Rights Group estimates: 550,000-600,000	Official Census : 142,683, Low estimates: 400,000 High estimates: 800,000	Low estimates: 550,000-600,000 High estimates: 1 Mio.	Census 2001: 190,000
Ireland			ERRC: 10,891 Minority Right groups: 20,000-28,000		Census: 22,400 (0.53%) (Travellers), 2,000-2,500 Roma
Italy	70,000 out of the 160 000 Roma and Sinti living in Italy enjoy citizen status.		Estimates 120,000	Low estimates: 90,000 High estimates: 110,000	
Latvia				Low estimates: 9,900 High estimates: 15,000	Census (2000): 8,205 (0.36%)
Lithuania			Minority Right Groups 3,000-4,000	Low estimates: 5,000 High estimates: 6,000	Census 2001: 2,570
Luxembourg			100-150 ⁴⁴		
Malta			No Roma counted		
Netherlands			Estimates: 23,500	Low estimates: 35,000 High estimates: 40,000	0.01% (official data)

⁴⁴ http://www.anr.gov.ro/docs/programe/Roma%20in/Romain_final_supervised_analysis.pdf

COUNTRY	compendium (2007)	Open Society Institute (2006) ⁴¹	Council of Europe (2002) ⁴²	Tscherenkow/Laederich (2004) ⁴³	Census
Poland			Estimates: 25,000-30,000 Minority Right Groups 50,000-60,000	Low estimates: 30,000 High estimates: 60,000	Census (2001): 12,731 (0.03%)
Portugal				Low estimates: 40,000 High estimates: 50,000	0.21% official data
Romania		Official Figures: 535,350 OSCE Estimates: 2.3+3 mio. Minority Rights Group estimates: 1.8-2,5 mio.	Official census: 409,000, Estimates: 1.5-2 Mio.	Low estimates: 1.5 Mio. High estimates: 3 Mio.	Census (2002): 535,250 (2.43%)
Slovakia		Official Figures: 91,450 OSCE Estimates: 500,000-550,000 Minority Rights Group estimates: 480,000-520,000	Official census (1991): 75,802, estimates: 420,000-500,000	Low estimates: 450,000 High estimates: 550,000	Census (2002): 89,920 (1.67%)
Slovenia	Roma (3,246) 0.17% of the population		Official Census: 2,293-2,847, estimates: 6,500-7,000	Low estimates: 8,000 High estimates: 10,000	Census (2002): 3,246 (0.16%)
Spain				Low estimates: 600,000 High estimates: 1 Mio.	
Sweden			Estimates: 40,000-50,000	Low estimates: 15,000 High estimates: 20,000	
United Kingdom			Estimates: 300,000 (Roma and Irish Travellers) 90,000-120,000 (1995)		

Sources: see head of table.

1.2 The legal status of the Roma throughout Europe

The legal status of the Roma minority differs across Europe and is related, on the one hand, to the period of migration of the groups, and on the other hand to the recognition as a ethnic or national minority. It represents an essential issue, as it strongly influences the right to the social security and health system, the right to education, the standard of living and the possibilities to participate in public and political life.

Some groups of ancient migration are *citizens* of the country where they live, where they are considered national minorities or ethnic minorities and have full citizenship; in the same countries other groups are considered *refugees* or *asylum seekers* and have no residence permits. In others they are considered *asylum seekers/refugee*, but in no condition to obtain it.

In many countries, quite a large number of Roma are *nationals of countries now members of the European Union* such as Romania, Bulgaria, Czech Republic and Slovakia: they are entitled to free circulation as European citizens, but in some Member States they do not have full rights as workers⁴⁵. In most of the countries many of the Roma lack birth certificates or identity documents and so are considered *illegal immigrants*.

The legal status of autochthon (long established or traditionally settled) groups is often much better, as they tend to have legal status or are recognized as ethnic or national minority groups, while recent migrated groups often have the status of refugees or of asylum applicants or simply of authorized or unauthorized immigrants.

In some countries certain groups of Roma are recognised as national minorities, in others as ethnic minorities, while in yet others they are not recognised at all. Recognition as national minorities mostly implies as being present in the country for a long period, while recognition as ethnic minority implies cultural identities different from the majority population, in some cases also more structurally disadvantaged.⁴⁶

- In some the European countries, some groups of autochthon Roma have the *status of national minority or have full citizenship*, as in Belgium, Germany (mainly Sinti), Finland, Norway, Spain, Sweden or the UK.
- Other European Member States have recognized the Roma minority as an *ethnic minority*, as in Austria, the Traveller communities in the UK, and in Bulgaria (referring only to language). In the Netherlands, where the autochthon Roma have been present since the 19th or arrived in the 1960s they have Dutch nationality, but are not recognized as a national minority. Also in the Eastern European countries Latvia, Hungary, Romania, Slovakia and Poland the Roma are recognised as an ethnic minority.
- In some of the EU15 Roma with long-term resident status or citizenship are considered as neither an ethnic nor national minority group, while recently immigrated groups have the status of immigrants. This is the case, for example, of Greece, where no special status is given for autochthon Roma groups based on ethnicity but only on the basis of religious group. In Ireland, the Travellers have full citizenship but are not recognized as an ethnic or national minority. In Spain and Portugal, Roma or Gitanos are not recognised either as an ethnic minority or national minority. In France, the ethnic minority concept only refers to new immigrants, but is not considered for autochthon Roma groups. In Italy, no ethnic minorities are recognised legally apart from some linguistic minorities, but Romani is not one of them. Also in Lichtenstein, Luxembourg, Malta and Portugal the concept of ethnic or national minority is not applied to the Roma.
- In some of the new European Member States Roma were not recognized as a particular ethnic group but were forced to assimilate obtaining citizenship. In Estonia, there are no officially recognized ethnic minority groups. In the Czech Republic, long-term resident Roma were granted nationality after the split up of Czechoslovakia, and were later given ethnic minority status.

⁴⁵ Barriers to free movement of workers should be removed in the next few years: The seven year period of transition will formally end in 2011 for the EU-10 new MS. A different timeframe is applied for the EU-2 Romania and Bulgaria regarding free movement of workers.

⁴⁶ Benedikter, T. (2006): Legal Instruments of Minority Protection in Europe. Society of threatened people.

Table 1.3: The legal status of Roma throughout Europe

COUNTRY	Legislation
Austria	The autochthonous Roma are a recognized ethnic minority group (Ethnic Groups Act 1976), and Article 8, <i>para. 2 Austrian Constitution</i> (2000). Some allochthonous Roma groups (arriving since 1950) have Austrian citizenship.
Bulgaria	There is no policy document addressing the national minority groups. The Parliament ratified the Framework Convention for the Protection of National Minorities (Council of Europe) in 1999, and in 2003 the Protection against discrimination Act (2003) was ratified.
Belgium	There are no officially recognized minority groups. The Flemish Parliament Decree has established a policy on allochthonous ethnic cultural minorities (1998), which describes ethnic-cultural minorities as all allochthonous people, refugees, caravan dwellers and groups of foreigners without legal residence permits, and those requiring relief or assistance due to their emergency situations.
Cyprus	The Constitution of Cyprus recognizes ethnic minorities only under the category of the religion. The three recognized “religious groups” are the Maronites, Armenians and Latins. No particular legal protection is given to the Roma Ethnic group.
Czech Republic	The Act on the Right of Members of Ethnic minorities (2001) distinguishes between Roma (and other ethnic minorities) with Czech citizenship and immigrated Roma with residence permits.
Denmark	There are no officially recognized minority groups besides the German ethnic group. Legal protection according Language Integration Act (1999).
Estonia	<i>The Law on the Cultural Autonomy of National Minorities</i> (1993) defines national minorities as consisting of only those people who have Estonian citizenship. The law allows the constitution of autonomous communities.
France	In France there are no officially recognised minority groups.
Finland	Roma are a minority group recognized by the constitution. Other protection laws are the <i>Non-Discrimination Act</i> , 2004 (following EU Directive); language is protected according the language law (2004).
Germany	Autochthon and legally resident Roma and Sinti groups have been a recognized National Minority under the Framework Convention for the Protection of National Minorities, since 1995. In 1997 the Framework Convention for the Protection of National Minorities was ratified.
Greece	The only minority group the Greek authorities officially acknowledge is the Muslims of Thrace. There is no recognition of cultural diversity. With the exception of those Roma who were covered by the Lausanne Treaty, most Roma did not have Greek citizenship until the mid-1970s.
Hungary	Roma are recognized as national and ethnic minorities. Hungary has a wide-ranging institutional framework for the protection of minorities and the promotion of cultural and educational autonomy. The Minorities Act (1993) granted considerable cultural, educational, and linguistic rights to Hungary’s recognized ethnic and national minorities including Roma.
Ireland	There are no officially recognised minority groups in Ireland.
Italy	Roma and Sinti are not recognised as minorities by the Italian law, but approximately 60% of the Roma communities in the country are composed of Italian citizens with formal access to all society’s institutions and service provision. There is also no specific legislation on Ethnic minorities, while Article 6 of the Constitution of Italy (1947) and Law 482/99 prove civic and cultural rights with a focus on language. This law does not include Roma and Sinti among Italian linguistic minorities

COUNTRY	Legislation
Latvia	<p>Roma with Latvian citizenship are recognized as an Ethnic Minority (General Convention on Protection of National Minorities). The Racial Directive (2000/43/EK), has been integrated in some legislation.</p> <p>The Framework Convention for the Protection of National Minorities was ratified in 2005. Since the term 'national minorities' was not defined in the convention, an agreement was included to distinguish citizens of Latvia who differ from Latvians in terms of culture, religion or language, who have been traditionally living in Latvia for generations. http://www.am.gov.lv/en/policy/4641/4642/4649/)</p>
Lithuania	<p>According to Art. 6 of the Law on National (Ethnic) Minorities (1991) the national minorities in Lithuania have the right to foster their language and are guaranteed that their language shall be respected: "historical and cultural monuments of ethnic minorities shall be considered part of the cultural heritage of Lithuania and shall be protected by the state."</p>
Luxembourg	<p>There is no legal definition of ethnic minorities according the sense of the Framework convention.</p>
Malta	<p>There is no legal definition of ethnic minorities.</p>
Netherlands	<p>Roma and Sinti have no specific legal status in the Netherlands.</p>
Poland	<p>According the constitution (1997) Roma are a recognized ethnic minority. <i>Article 35</i> ensures that national and ethnic minorities retain freedom to practise their own traditions and customs, and to use their national language.</p> <p><i>The National and Ethnic Minorities and Regional Languages Act</i>, adopted in 2005, defines ethnic minorities as those groups who do not have their own country.</p>
Portugal	<p>No special legislation on ethnic minorities</p>
Romania	<p>Ethnicity is based on self-identification, according to the National constitution. Roma are a recognized ethnic minority.</p>
Slovakia	<p>Roma are a recognized ethnic minority group and the language right is present in the <i>Act on Application of Languages of National Minorities (1999)</i>.</p>
Slovenia	<p>Roma are one of the three recognized minorities in Slovenia (Constitution of Slovenia, 1991). A separate Article (adopted 2007) dedicated to the Roma minority which indicates that the "status and special rights of the Romany community living in Slovenia shall be regulated by law" (Constitution of Slovenia, Article 65). The Roma Community Act (2007) defines the scope of special rights of the Roma Community. The Self-Governing Ethnic Communities Act adopted in 1994 defines, that Romany communities have their own town councillors in the municipalities where they live (19 of 210 municipalities).</p>
Spain	<p>Roma were first recognized as legal citizens in the Spanish Constitution of 1978, which guarantees the fundamental rights and freedoms on the basis of citizenship. There is no specific legal framework according ethnic or national minority status (Framework Convention for the Protection of National Minorities 1995). The protection of fundamental rights and freedoms are secured through broad civil, criminal, and administrative guarantees.</p>
Sweden	<p>Roma are a recognized cultural minority, according to the Government Bill 1998/99 (National Minorities in Sweden). Romani Chib is a recognized minority language. The Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages was ratified in 2000.</p>
United Kingdom	<p>Roma (since 1988) and Travellers (2000) are a recognized ethnic minority group. Entitled to protection by the Race Relations act (1976) regarding discrimination.</p>

Source: *Compendium – Cultural Policies and Trends in Europe*⁴⁷ and official websites (Ministries)

A considerable part of the Roma population in the European Member States has no authorized legal status. This is the case for war refugees, who did not get a legal resident status or asylum, but remained in the country, but some are also stateless persons. In other cases the lack of documents (birth certificates, marriage certificates or other documents) makes it impossible to obtain a legal residence permit, although they might have been born and living for a long period in the country. This situation does often affect children.

1.3 The socio-economic conditions of the Roma in Europe: common features and main differences

The situation of the Roma in the European Member States is characterized by persisting discrimination and far-reaching social and economic exclusion, to different levels throughout the countries. Social and economic exclusion affects all aspects of daily life, including education, labour, health, and access to social services and the labour market.

The available data and surveys indicate that the general situation of the Roma is worse than for the majority population or other disadvantaged ethnic minority groups and that they face higher poverty and unemployment risks. Racial and ethnic discrimination and stereotyping hinder the access of Roma to the labour market, with the consequence of much higher rates of unemployment and significantly lower levels of income. This also has negative consequences upon access to housing and social services. They have lower levels of education and professional skills, affecting Roma women in particular. Additionally they suffer poorer health than the rest of the population. This hampers the development of the largest ethnic minority group.

It can be summarized that *“poverty among Roma is multifaceted and is related to a complex mix of historical, economic, and social factors, including the location of Roma settlements, low educational status, large family size, and poor labour market and health status. Although other vulnerable groups in the region face similar circumstances, given the lack of integration among some Roma communities and the added barrier of discrimination, the challenges loom large. Aspects of Roma culture and living conditions also reinforce stereotypes by limiting communication between Roma and non-Roma, and contributing to a vicious circle of isolation and marginalization.”*⁴⁸

The general lack of statistics, of qualitative data and studies, as well as comparability of the available data on the Roma groups in the European Member States makes it difficult to compare the situation on a European level. The socio-economic situation of the Roma is highly differentiated among groups and subgroups within each country according to their legal status, as for example for those with a long-term resident permit or with only a temporary residence permit. Even more difficult is the situation for Roma who have no personal documents or resident permits or are stateless, facing high access barriers to social and health services and to education. Some common features can in any case be summoned up as follows:

- All over Europe, Roma families differ from other families by some specific demographic features: high fertility and mortality rates and consequently a large child population and, conversely, a smaller number of senior citizens.

⁴⁷ <http://www.culturalpolicies.net/web/profiles.php>

⁴⁸ Ringold, D. (2000), *Roma and the transition in Central and Eastern Europe: Trends and Challenges*. World Bank. Washington, p. 4.

- Life expectancy among Roma men and women is usually much lower than that of the majority of the population in all European Member States, due to their living conditions and poor access to health services. Their life expectancy at birth in many countries is 10 or more years less than the rest of the population.
- The average age at marriage is usually around 15-16 years for the girls (or lower in some communities) and 18 years for boys, with the birth of their first child soon after and the other children in rapid succession. Romani girls are expected to grow up quickly and to take on adult caring roles from the age of about 11.
- Roma Communities are characterised by low educational levels with a high rate of illiteracy and poor school attendance of children, in particular as far as the women are concerned: Roma girls normally leave school earlier than boys due to their family responsibilities and the Roma culture, which considers women as the custodians of traditional values. Some communities consider education and the integration that school promotes as an attack on their traditional lifestyle and cultural heritage. The lack of education in the case of Roma women is identified⁴⁹ as one of the key factors for Roma women's social exclusion and poverty.
- The Roma usually live in segregated, isolated districts in socially poor areas (urban ghettos), in shanty camps in the periphery of urban areas (as in Italy, Spain and some Eastern European countries); in caravan sites (in Italy, UK, Belgium for example); in 'centres d'accueil'; in asylum seekers' hostels; or in overcrowded houses. As a consequence, living conditions in Roma settlements are frequently poor, show problems of extreme overcrowding, lack basic facilities, such as running water and electricity, and imply high risks of eviction. The prejudices of the majority population and the weaker economic position of the Roma make it hard for them to find accommodation on the private housing market.
- Health conditions and access to health care services by Roma is much poorer than the rest of the population due to major health risks caused by socio-economic conditions; malnutrition and bad eating habits and difficult access to health care services. The access to health services is hindered by prejudice and language problems.
- The high inactivity and unemployment rates are a cause of great dependency on social welfare benefits; in other cases the informal and occasional employment prevents the Roma from accessing unemployment benefits or other social security/contribution based benefits (i.e. child raising allowance), especially in countries where social benefits are related to the employment status and social assistance is residential. Access to social services is difficult due also to the physical location of many settlements which have poor access to essential services, such as schools, hospitals, public transport.
- Roma Communities usually present higher levels of unemployment. Prejudice and discrimination in the labour market is one of the obstacles, with employers and co-workers often not accepting Roma workers. Other obstacles are the low level of education, low skills acquired, intermittent work habits, and frequent eviction forcing the Roma to move away. Self-employment constitutes one of the most traditional and frequent forms of occupational among the Roma.

⁴⁹ European Parliament report "*The situation of Roma women in the European Union; Thematic comment number 3: the protection of minorities in the European Union,*", 2005; European Commission report on *Equality and non-discrimination in Europe*, 2005

1.4 The role of the Media in disseminating prejudice and stereotypes

Many European and national surveys show that a substantial proportion of European citizens have a negative view of the Roma population, based mainly on stereotypes and prejudice. Throughout European Member States discrimination of Roma is widespread. The fall of the Iron Curtain in 1989 and the arrival of Roma from the Eastern European countries to the EU-15 were accompanied by negative media reports warning of the “Gypsy invasion” and “mass migration”, with a strong racial connotation. Also the forced migration following the Yugoslav war, where the Roma suffered ethnic cleaning campaigns, as in Albania, led to anxiety within the EU-15 population and other European countries.

Issues related to the Accession of the Eastern European Countries were present especially before or during the access, as in the UK in the year 2004, where press reports gave the impression of a mass immigration of Roma from the accession countries.

Various researches on the acceptance of Roma population in the European Countries indicate that across Europe the non-Roma population has an unfavourable opinion of Roma. Roma discrimination has led to “*since 2005, the explicit reference to ‘Anti-siganisme’ as a specific form of racism*”. At international conferences, for instance by the OSCE, EU and the Council of Europe on Roma, Sinti and Travellers, an increasing ‘anti-Gypsyism’ trend on international level has been reported. As the former Director of ERIO (European Roma Information Office) stated, this “*Anti-Gypsyism is not just another type of racial discrimination. It is, at the same time similar, different and intertwined with racism.*”⁵⁰

The latest report on public opinion presented in the Eurobarometer⁵¹ indicates that:

- “*Discrimination based on ethnic origin (62%) is seen to be the most widespread form of discrimination in the EU*”.⁵²
- Discrimination is greater towards the Roma, though differences are present in the European Countries.
- Having a Roma neighbour is a cause of uneasiness for 24% of the non-Roma population (for other ethnic minorities it is 6%). The highest levels of prejudice (expressed by the percentage of respondents who would feel uncomfortable having Roma as neighbours) are documented in the Czech Republic and in Italy (47%), followed by Ireland (40%), Slovakia (38%) and Bulgaria (36%).
- The lowest levels of “uneasy” feelings (12-14%) are measured in Poland, Luxembourg, Spain, Sweden and France.

Another part of the Eurobarometer study analyses the willingness of Europeans to have friends among the Roma:

- On average in Europe only 14% of the population answered positively, with the lowest numbers (below 7%) in Austria, Belgium, Cyprus, Italy, Greece, Estonia, Poland
- The highest numbers were in Romania and Hungary (42% each), where also the largest number of Roma is living.

⁵⁰ Council of Europe (2006), *Roma and Travellers Glossary*.

⁵¹ European Commission, *Discrimination in the European Union: Perceptions, Experiences and Attitudes, Special Eurobarometer 296*, July 2008

⁵² European Commission (2008), *Discrimination in the EU, Special Eurobarometer 296*.

http://ec.europa.eu/public_opinion/archives/ebs/ebs_296_sum_en.pdf

This indicates a generally very low level of contact between the majority and the Roma population, which might be influenced by many factors, as for example the segregated living conditions Roma face in many countries, the dispersed numbers of Roma within each country limiting possible contact, language barriers or lack of interest or possibilities in becoming acquainted with people from this culture.

	Average (on scale from 1 to 10)	Comfortable (8,9,10)	Uncomfortable (1,2,3)	Friends/acquaintances Roma
PL	7.5	58%	12%	7%
SE	7.1	52%	14%	9%
FR	6.9	48%	15%	14%
LU	6.9	36%	13%	6%
ES	6.8	42%	13%	32%
MT	6.8	43%	18%	2%
DK	6.7	47%	21%	4%
NL	6.7	40%	13%	5%
BE	6.6	45%	16%	6%
UK	6.3	40%	22%	11%
EL	6.2	42%	26%	6%
LT	6.2	42%	25%	12%
RO	6.2	34%	20%	42%
SI	6.1	36%	24%	13%
EU27	6.0	36%	24%	14%
EE	5.9	36%	28%	7%
DE	5.8	33%	25%	5%
PT	5.7	24%	19%	26%
CY	5.6	37%	34%	4%
HU	5.5	28%	28%	42%
FI	5.5	25%	25%	20%
AT	5.3	22%	28%	3%
LV	5.2	24%	28%	26%
BG	4.8	21%	36%	47%
IE	4.8	24%	40%	6%
SK	4.5	17%	38%	37%
IT	4.0	14%	47%	5%
CZ	3.7	9%	47%	18%

Source: European Commission (2008), *Discrimination in the EU, Special Eurobarometer 296*.

The low level of contact has an important impact on the perception of the culture, often influenced by negative media reports, preconceptions or a deep rooted mistrust as well as racial discrimination. The other important factor in this respect is the scant and partial media coverage on issues addressing the Roma, opening the way to depicting negative images of Roma.

Some studies have revealed this negative media coverage on issues addressing the Roma population, highly influenced by superficial reports and the reproduction of stereotypes. According to the Spanish Romani Union “*Studies carried by the Romani Union indicate that media coverage of Roma and Romani issues is superficial, heavy on stereotypes and predominantly negative.*”

Roma/gitanos are most commonly depicted in the media either as artists or criminals, accompanied by images of shantytowns and dirty children. The issues facing Romani communities are most often framed as social problems rather than as human rights”⁵³

Negative stereotyping in the media and statements by public officials often seems not to be sanctioned against, as in the Italian case, the Roma being actually one of the main issues addressed by the media. As stated by the former Commissioner for Human Rights, Mr. Alvaro Gil-Robles “*Anti-Roma sentiments are so deeply rooted in some societies that discrimination against the Roma in areas such as employment, education, housing or access to public premises appears to be generally tolerated, and not considered illegal.*”⁵⁴

⁵³ Open Society Institute (2002), The Situation of Roma in Spain, p. 344

http://www.eumap.org/reports/2002/eu/international/sections/spain/2002_m_spain.pdf

⁵⁴ <http://www.vlada.cz/cs/rvk/rzrk/mezinardniaktivita/radaevropy/mgsrom/priloha/default.html>

Annex to chapter 1

Box 1.3: The socio-economic condition and the access to service provision in the largest Roma community in Europe: the case of Romania

Education: Progress has been made in terms of increased participation in education for the Roma and the need to integrate Roma children into mainstream schooling on a national level is recognized by the Ministry of Education and Research; still further steps are needed to ensure that Roma have full access to quality education throughout the country as the poor quality of education received by Roma children in some schools is still cause for concern.

Statistical data from the 2002 census (most recent) show high illiteracy rates for the Roma population with big discrepancies between overall literacy rates among the Roma (69%) as compared to the non-Roma (96%). Enrolment rates for the Roma and the majority population also indicate significant differences:

<i>Education level</i>	<i>Enrolment rate (%)</i>	
	<i>Majority population in close proximity to Roma</i>	<i>Roma population</i>
Primary (age 7–15)	94	76
Secondary (age 16–19)	69	17
Tertiary (20>)	5	1

The Romanian Government policies and measures to increase the educational attainment of the Roma population include: use of the Roma language in some schools; the presence of Roma inspectors in the school inspectorates; and allocation of a certain number of special places for Roma students in schools and universities. All Roma children attending school benefit from the “milk and croissant” governmental programme. This supplementary food programme has encouraged an increasing number of Roma children to attend school, demonstrating that the level of extreme poverty among Roma communities is a real barrier to education. Among other projects, various educational activities have been organised including: school rehabilitation and refurbishment, after-school programmes / support for exam preparation, training for teachers, activities to facilitate parents’ involvement in school activities and intensive pre-school programmes for children who did not attend nursery schools.

Interestingly, there are now many Roma graduates in social work, sociology and psycho-pedagogy who could be an important staff resource, but the number of Roma social workers employed in the social protection system remains low.

Education is clearly important in bringing the Roma into the community, but it is not only a matter of the Roma population being educated into the community, for there is also a need to educate the community into accepting the integration of the Roma population. While education can be particularly effective for some of the younger population, the majority of the older Roma population are fairly uneducated. There is also the issue of the 'traditional' lifestyle, which is part of the cultural heritage of the Roma population. Any attempt at education or integration may be seen as an attempt to dilute the Roma cultural heritage.

Health: Continuous efforts are being made to address the need to ensure access to the health system by including the Roma population in the national health insurance system and ensuring that health services reach all the Roma communities. Comprehensive data on the healthcare of ethnic minorities is not being collected, however; life expectancy for the Roma is significantly lower than for the majority population, while child mortality and fertility rates are higher. Access to medical services remains difficult for the Roma due to a combination of their geographical isolation and difficulty in travelling to a health service provider, lack of identity documents and health insurance, or discriminatory practices by health providers.

Most of the Roma population perceive the health system as emergency intervention rather than a means to improve poor health. This is due to a number of reasons that prevent or delay medical intervention until it becomes an emergency. Moreover, emergency intervention is immediate and free, whereas other health services require appointments and documentation indicating health insurance contributions. Considerable attention needs to be directed towards preventive care whilst breaking this vicious circle where untreated diseases become medical emergencies.

Continuous actions to extend the network of healthcare specialists in order to facilitate access to healthcare services and promote health education (e.g. developing the Roma health mediator network) represent positive steps in addressing health issues in poor, isolated Roma communities. That of the 'health mediator' was recently added to Romania's list of recognised professions. The health mediators are now active throughout the country running activities that include: identifying health problems and associated social problems, preparing registration with family doctors, preparing vaccination campaigns, disseminating information regarding the health system, hygiene, contraception and family planning. Ongoing training is being provided for health mediators so that they can work in rural communities and help to improve access to health services.

Social services: Many Roma are heavily dependent on welfare benefits (between a quarter and two-thirds of their household income from child allowances), and this dependency appears to have increased over time; wages account for only 13% of the average household income within Roma families, which is half of what it was at the beginning of the transition period. Moreover, high unemployment rates among the Roma imply high levels of dependency on social welfare benefits and for some (especially those living in isolated areas) accessing these services is still difficult. Similarly, because the Roma frequently live in quasi-legal circumstances or remote areas, they lack the necessary information and documentation for claiming social assistance rights or other benefits. Estimates indicate that about 16 percent of the Roma are predominantly reliant on state support for survival.

Social assistance measures taken by the Ministry of Labour, Social Solidarity and Family target all vulnerable groups including the Roma population. These measures include allowances for newborn children and families, for families with many children, for children in foster families, the guaranteed minimum income, support for house heating costs and emergency aid. Special attention has been directed towards the registration of Roma entitled to allowances based on the guaranteed minimum income.

A number of projects funded by the European Union have aimed to improve access to social assistance for the Roma population. Outputs from these projects included the distribution of informative brochures about local services; training in the field of human rights, anti-discrimination and child protection issues; and the creation of information and counselling offices.

The Ministry of Administration and Internal Affairs, the General Police Inspectorate, the National Authority for Child and Family (representing the Ministry of Labour, Social Solidarity and Family) and Roma NGOs (which provide counselling and guidance to help the Roma population to obtain identity papers) have started to cooperate to ensure that all members of the Roma population are able to obtain personal identification papers. In addition, the Ministry of Interior and the Ministry of Labour, Social Solidarity and Family, jointly with a non-governmental organization on Roma issues, are currently undertaking a programme to encourage the Roma to come forward for registration.

Access to the labour market and socio-economic condition: The Roma communities are characterised by high unemployment levels (28% according to the 2002 census).

Other estimates place unemployment in the Roma communities between 50% and 90%. A large proportion of family income in the Roma communities is the result of irregular work, often on the black market, with very low wages and scant job security. High unemployment rates among the Roma are associated with high levels of dependency on social welfare.

Although on a decreasing trend the poverty rate among Roma is significantly higher than for rest of population (according to the 2002 data from the Commission Antipoverty and Promoting Social Inclusion the poverty rate was 75.1% for the Roma compared to 24.4% for the majority population and the severe poverty rate was, respectively, 52.2% compared to 9.2%).

More recent studies (2004) continue to show three-quarters of the Roma population still living in poverty, and the poverty rate for the Roma is three times the national average (74.3% compared with 18.7%).

Subjective self-assessment data record that two-thirds of the Roma think they lack even the bare living necessities compared to 31% of the overall population.

The material difficulties may take different forms, most often interrelated with monetary difficulties (lack of subsistence income), various housing problems, lack of access to utilities, and the characteristics of the residential area.

The developmental differences between urban and rural and between geographical regions also have an influence on the Roma communities. Thus, the Roma communities in Transylvania are perceived as enjoying better conditions than those living in other regions (in the South and South-East the situation of Roma is more difficult because of the less consistent support policies at the local level and the small number of active Roma organisations).

It must be acknowledged that underdevelopment and extreme poverty in Romania are not limited solely to the Roma minority but are to be observed throughout the population (especially in rural areas) and affect at least as many non-Roma citizens.

Labour market: In Romania, very few Roma are registered as officially unemployed, but the true level is almost certainly much higher. According to the 2002 census the Roma minority had the highest inactivity rate and the lowest employment rate. Only 27.5% of the Roma held waged jobs, which is less than half the national rate. Estimates show that most of the Roma work on their own account (71.7%), often as day-labourers in agriculture and other casual jobs in the informal economy. Long periods of unemployment are common.

Among the Roma, the women are even less likely than the men to have an occupational status including professional training. Those Roma women who are employed work mainly in agriculture and processing industries; family work and self-employment are common. The high prevalence of Roma in the informal sector of employment also limits their access to insurance-based benefits, including health care and unemployment insurance.

Many of the Roma population are excluded from employment or training as legal provisions require at least 8 years of elementary education. Ensuring a basic education and increasing literacy levels is a national priority, but many Roma find it difficult to overcome barriers such as financial worries and discriminatory attitudes.

Government policies to address economic development in Roma communities are based primarily on the key issue of poverty reduction through access to the labour market, but Romania's local authorities do not appear to have made much progress in developing viable projects that actually increase employment and self-sufficiency within the Roma communities. The most frequent type of project is to encourage professional training and qualification, and while some local projects have demonstrated that successful partnerships can create jobs on a small scale, on the whole the level of unemployment among the Roma communities remains high. The process of finding jobs is still difficult and few of the trainees find jobs, or manage to hold down jobs for a significant length of time.

The 'economic section' included in the Strategy for Improving the Condition of the Roma is related to employment. It focuses primarily on vocational training, aimed at preparing the Roma for professions in demand on the labour market as a means of raising Roma employment. There are also provisions for tax breaks for companies that employ Roma and for Roma entrepreneurs. Moreover, it is specified that the authorities should combat any form of discrimination against the Roma on the labour market.

Other actions include: collaboration agreements between the county-level employment agencies and the county-level Roma offices of the County Councils; “employment caravan” – travelling throughout the country, especially in rural areas – in order to disseminate information on rights and available services, to identify the issues faced by Roma and to register the Roma population in a database; Roma-specific job fairs, organised by County Employment and Professional Training Agencies in collaboration with the County Roma Offices and Roma NGOs; Small business incubator projects, aimed at initiating new income-generating activities offer subsidised interest rate loans to Roma applicants. However, the loans rarely appear to be used and there is a need for additional training and guidance in entrepreneurial skills.

Government policies state that some Roma are to be given land for agricultural activities or building houses, but there is no available record of this happening as yet.

Housing: Many of the Roma in Romania live in integrated areas, while others live in urban slums or rural settlements. Many settlements are in hazardous environments with health and safety risks. The Roma communities frequently lack basic infrastructure and utilities such as paved roads, running water, electricity, and telephone lines. In urban areas, the communities are frequently ghetto-like, located in separated neighbourhoods, and situated on the periphery of cities or towns.

Roma housing is typically overcrowded (a rate of 80% of Roma households, which is twice the national average) and lacking in basic utilities. On average, the Roma households include 5 – 6 people, thus being significantly more numerous than the households of other ethnic groups, which have an average of 3-4 persons. This difference is accounted for in particular by the number of children, because the number of elderly people is smaller in the Roma households.

One of the most significant problems faced by the Roma communities is the legal status of their housing, from the ownership of the land to the lack of property documents for their houses. Only 3% of the Romanian population do not own their own home, as compared with 21% for the Roma. One quarter lack documents attesting ownership of their house/land, which exposes them to eviction when ownership is disputed. There are also many Roma that may own their houses, but have no water supply, electricity etc. Problems are often exacerbated by Roma who lack identity documents or are unaware of property ownership regulations.

In Romania, Roma homelessness is growing due to a multitude of economic and political causes: restitution of nationalised buildings to their former owners, no social housing provided for evicted tenants, inability to pay housing costs in the economic disruption of the transition, and burgeoning fraud, particularly in the early years of transition.

Housing policies include measures for addressing land ownership issues and the building/rehabilitation of houses, but scant concrete results of these measures can be seen at the local level and few funds, if any, have been allocated for such activities.

Chapter II - An assessment of the directives adopted under Article 13 ECT to address the needs and to improve the integration of Roma in the fields of education, employment, social inclusion, (vocational) training

“For nearly 50 years, the European Member States have worked towards achieving a high level of employment and social protection, increased standards in living and quality of life, economic and social cohesion and solidarity. They have also endeavoured to create an area of freedom, security and justice. Discrimination can seriously undermine these achievements, and damage social integration in the labour force and at large.”⁵⁵

Roma is one of the groups most exposed to discrimination and segregation throughout Europe. As reported in chapter I a recent EU-wide public opinion survey⁵⁶ shows that a quarter of Europeans would feel uncomfortable to have a Roma as their neighbour. In some countries half of the respondents take this view. It has been highlighted by researchers that anti-Gypsyism is a specific form of racism which is based on de-legitimation and moral exclusion of groups which are perceived as separate and distinguished by their race or ethnic origin. Reports from international supervisory bodies, such as Committee on the Elimination of Racial Discrimination (CERD) or the European Committee of Social Rights, show that discrimination against Roma has often an institutional or systemic nature, being carried out not only by private parties but also by public institutions. Roma also experience discrimination determined by factors such as religion, gender or disability, and because of the complex overlap of different individual identities, the detrimental treatment suffered by Roma people often amounts to a multiple discrimination.

The EU has an advanced legal framework which provides for protection against discrimination. In 2000, the **Racial Equality Directive (Directive 2000/43/EC - RED)** was adopted with the aim of combating discrimination on the grounds of race or ethnic origin. It prohibits direct or indirect discrimination in employment, education, social protection, property matters and services. The Directive, based on Article 13 of the Treaty establishing the EC, was agreed by all the EU governments within 18 months, together with the **Employment Equality Directive 2000/78/EC** (so called **Framework Directive**). **The latter** implements the principle of equal treatment in employment and training irrespective of religion or belief, disability, age or sexual orientation in employment, training and membership and involvement in organisations of workers and employers.

The **RED** covers all persons and extends the scope of protection against discrimination well beyond the traditional area of employment, into fields such as social advantages, health care, education and, crucially, access to goods and services which are available to the public, including housing. The Directive includes provisions on definitions of discrimination, harassment, prohibition of instruction to discriminate and victimisation, as well as on positive action, rights of effective, proportionate and dissuasive legal redress and the sharing of the burden of proof.

All Member States have transposed the Directive into national law, and even those with long-standing race discrimination legislation, such as the United Kingdom, had to make some changes to national law to comply with the Directive.

⁵⁵ Source: Dg Employment and Social Affairs Website

⁵⁶ European Commission, *Discrimination in the European Union: Perceptions, Experiences and Attitudes, Special Eurobarometer 296*, July 2008

It is widely agreed that the **RED offers a unique opportunity to challenge discrimination against Roma** in all the covered areas and can become an effective tools to fight discrimination before national courts and before the European Court of Justice. According to the ERRC "the provision of adequate laws banning racial discrimination is a *sine qua non* for addressing Roma rights issues..."⁵⁷. Moreover, the EU legal order also provides protection against other forms of discrimination, included multiple discrimination based on gender and on one the other forbidden grounds.

However, a number of factors has been identified which severely hinder the effectiveness of the antidiscrimination legislation and a list of suggestions and initiatives for reforming the existing legal framework is now being discussed.

This chapter, relying on reports from Community, international institutions, experts and on the current debate going on between scholars, policy makers and NGO's, gives an assessment of the real impact of the antidiscrimination legislation on the situation of Roma, of its strengths and weakness, and the perspectives for the future. It will also highlight some key issues, which substantially affect the building up of a strategy aimed at delivering equality for Roma, namely the legal limits to the collection of ethnicity data; the quest for recognition of Roma as minority; the problem of forced evictions.

2.1 The inadequacy of the antidiscrimination provisions

As already seen in the other chapters of this report, in most Member States, Roma are in many respects, placed in situation of *de facto* segregation.

It has been argued by many experts and researchers⁵⁸ that to effectively bring a change to this structural situation it is **insufficient to rely on the tool of antidiscrimination law**, which was not specifically aimed at achieving the *integration* of groups that are traditionally excluded, such as the Roma.

According to this analysis, there are many features of the RED which explain why the simple tool of non-discrimination protection, although it still has an essential function to fulfil in an overall strategy for the inclusion of the Roma, is incapable, by itself, to realize this aim. The shortcomings of the RED are mirrored in and, in some cases, reinforced by the national legislations enacted to transpose the Directive and the judicial decisions interpreting the new laws. What follows is **a summary of the antidiscrimination law's shortcomings** identified by experts and researchers in the current legal debate.

2.1.1. The mere prohibition of direct or indirect discrimination is insufficient

With regard to the necessity of achieving the integration of the Roma the mere prohibition of direct or indirect discrimination is deemed not to be sufficient. The **RED does not address the issue of segregation** as such, since the separation of groups does not lead to one group being treated less favourably than another. In many cases no comparison is possible because Roma, Sinti and Travellers communities live segregated from other communities.

⁵⁷ See European Roma Rights Center and Greek Helsinki Monitor, *Cleaning Operation, Excluding Roma in Greece*, 2003 p. 178.

⁵⁸ Here we will refer particularly to the report of the E.U. Network of Independent Experts on Fundamental Rights, *Thematic Comment N° 3: The Protection Of Minorities In The European Union*, 2005.

Enhancing equality, in this case, will involve taking into account a) the need to achieve desegregation of Roma in the area employment, of housing and of education b) the need to compensate for past discrimination which resulted in a particularly unfavourable situation for the Roma in social and economic life as a whole, by adopting a policy of affirmative action to integrate the Roma in the community c) the need to encourage the integration of the Roma minority while respecting the attachment to an itinerant life which some of its members may still have. Current antidiscrimination law allows Member States to introduce measures of positive action (Article 5), yet without imposing this, that is to say, without making it an essential element of effective equal treatment. See box 2.1 in the Annex to Chapter II.

One way to address the limits of the prohibition of discrimination has been pointed out by the Roma experts of the European network of legal expert in the non-discrimination field. It has been argued that, although segregation seems to pose challenges for the application of the prohibition of discrimination, **structural segregation as experienced by Roma can be constructed as direct discrimination**⁵⁹. According to this opinion, the establishment or maintenance of, for example, homogenous or majority Roma schools or classes, where the only differences between Roma and non-Roma students is their race, clearly amounts to direct discrimination. Even if in many Member States alleged differences in intellectual capacities between majority and Roma children are said to justify curricular and related material differences, pedagogical and methodological arguments prove otherwise, showing a reluctance to adopt integrative methodologies. Such treatment in effect denies that Roma children are equal to their major counterpart. Thus, these situations too amount to direct discrimination based on race.

Clearly, it could be objected that segregation is the result of social class, language, residential patterns, cultural traditions, a travelling way of life, religion of Roma, and not the direct result of race. The counter-argument here is that such characteristics are all essential characteristics of this ethnic group. Just as it would deny the essence of protection on the ground of race to say that skin colour is not part of racial origin, so would it deny the essence of legal protection from Roma to argue that other essential characteristics do not form part of their racial or ethnic origin.

The issue of segregation of Roma Children in education has recently been addressed by the Grand Chamber of the European Court of Human Rights in a ground-breaking judgment delivered in November 2007a in the case of **D.H. v. the Czech Republic**. The court held that there had been a violation of Article 14 (prohibition of discrimination) read in conjunction with Article 2 of Protocol No. 1 (right to education) of the European Convention on Human Rights on account of the fact that the applicants had been assigned to special schools as a result of their Roma origin.

2.1.2. The RED does not guarantee access to reasonable accommodation matching Romas' specific needs

Roma should be able to have access to employment or obtain services without being prevented from doing so by the fact of wearing traditional clothing, even where a justification may be given to support the prohibition of such clothing, as established by the justification to a detrimental provision provided for by the Directive. By the same token, Roma should be able to choose to lead an itinerant or semi-itinerant lifestyle, even where there are good justifications for country planning legislation which in principle denies the availability of stopping places for their caravans.

⁵⁹ See L. Farkas, *Segregation of Roma Children in Education. Addressing structural discrimination through the Race Equality Directive*, 2007, p. 24 and ff..

Considering that the itinerant lifestyle is part of the Roma identity, non-discrimination in access to housing as in principle imposed by the Directive should be understood as obliging the authorities to provide sufficient stopping places for caravans. The **obligation to provide effective accommodation** where it is reasonable should be imposed, too, in the sphere of education.

All this implies an understanding of the concept of indirect discrimination as imposing the obligations to take into account the specific situation of members of certain minorities. Such an interpretation of the prohibition of indirect discrimination will request to carve exceptions into generally applicable regulations, where in the absence of such exceptions they would be negatively affected by the application of such regulations, even in situations where the general rule is fully justified. This interpretation will enable Roma groups to challenge rules such as those that, in many Member States, make unlawful to station caravans without obtaining prior planning permission, or establish duties to go through complicate procedures to obtain granted social benefits or legal redress. See box 2.2 in the Annex to Chapter II.

2.1.3. The concept of “racial or ethnic origin” is not defined by the Directive

The concept of “racial or ethnic origin” is not defined by the RED, apart from the declaration in the preamble that the “use of the term “racial origin” does not imply an acceptance of theories that attempt to determine the existence of separate human race”. Although the concept is central to the definitions of both direct and indirect discrimination, most Member States have chosen not to define this ground of discrimination in their implementing legislation. There are many definitions of Roma in national legislations, reflecting different statutes in different Member States. Many EU Member States have ethnic minority groups who are not migrants or descendants of recent migrant population, but are either indigenous or have settled in the countries a long time ago. At times these groups are referred to as national minorities, at other times as autochthonous minorities, as linguistic minorities, or as ethnic minorities. The same minority might officially be recognised in some countries, but not in others, and this is also the case of Roma. Still, as the UN Human Rights Committee states: “the existence of an ethnic, religious or linguistic minority in a given State party does not depend upon a decision by that State but requires to be established by objective criteria”. Since differences based on race and differences based on national origin often overlap, the exclusion of differences based on nationality from the scope of application of RED, often cuts severely the reach of the prohibition of discrimination.

Given the multifaceted nature of Roma identity, the **lack of a Community definition** may raise **concern in the interpretation of direct and indirect discrimination**, as well as in the enjoyment of social rights. See box 2.3 in the Annex to Chapter II.

2.1.4 The scope of RED is too limited for the needs of Roma

Although the RED is distinguished by its broad material scope, extending beyond employment to include areas such as education and housing, the scope *ratione materiae* of RED is too limited for the needs of Roma. Their exclusion from a number of public services and essential social goods is the result of their precarious administrative situation, their statelessness and, worst of all, the total lack of administrative documents attesting their legal status. These documents are often expensive to obtain for a highly impoverished people. A specific obstacle for obtaining these documents is also the requirement to furnish proof of a fixed address to which social benefits can be paid, which *de facto* has the effect of excluding Roma who lead an itinerant or semi-itinerant life.

RED does not prohibit discrimination in the issuing of administrative documents. Such documents, however, are often required to access certain social benefits which constitute, particularly for marginalized peoples, an essential aid to integration.

2.1.5 The problematic process of implementation of the Racial Equality Directive

Finally, a number of other problems have arisen in the process of implementing the Racial Equality Directive. Several Member States have not adopted adequate legislation on discrimination outside employment: notably, this includes the Czech Republic, Estonia, Latvia, and Poland.

Moreover, the Racial Equality Directive requires Member States to establish a body or bodies for the promotion of equal treatment. In several Member States such a body has yet to be created or become operational: the Czech Republic, Luxembourg, Poland and Spain. Another common issue that arises is the lack of data in many Member States on the socio-economic situation of persons vulnerable to racial discrimination. This makes it difficult to identify the extent of disadvantage and whether any progress is being made in reducing inequalities (see *infra*).

2.2. Proposals to develop the potential of antidiscrimination law as an instrument for the protection of the rights of Roma

In order to overcome the inadequacy of RED and of transposing national legislations and to develop the potential of antidiscrimination law as an instrument for the protection of the rights of Roma and other minorities, a number of proposals has been put forward by the Network of Independent Experts on Fundamental Rights and by other legal experts⁶⁰.

- Given the multifaceted nature of Roma identity, it is crucial that the definition of discrimination on grounds of racial or ethnic origin in the RED encompasses a multifaceted view, which takes into account the whole range of social attributes constitutive of their identity, including culture, language, area of residence, social class and historical exclusion.
- The potential of RED implementing the principle of equal treatment between persons irrespective of racial or ethnic origin could be further explored in various directions:
 - 1) National legal system at national level should incorporate a clear ban of racial segregation and the explicit recognition in the antidiscrimination framework that segregation is a form of discrimination.
 - 2) Where the conditions for granting nationality themselves constitute direct or indirect discrimination on grounds of racial or ethnic origin, they may be prohibited from the viewpoint of Directive 2000/43/EC.
 - 3) The use of language requirements should be carefully scrutinized, in order to ensure that they are not unreasonable or disproportionate, thus potentially leading to a form of indirect discrimination on the grounds of ethnic origin as prohibited under this Directive.

⁶⁰ See, in particular, E.U. Network Of Independent Experts On Fundamental Rights, *Thematic Comment N° 3: The Protection Of Minorities In The European Union*,; L. Farkas, *Segregation of Roma Children in Education. Addressing structural discrimination through the Race Equality Directive*; Open Society Institute, *Equality for Roma in Europe. A roadmap for action*, 2005.

4) The definition of discrimination under Directives 2000/43/EC and 2000/78/EC, especially in the context of any future revision of the latter directive, should include the refusal to provide *reasonable accommodation* in order to meet the specific situation of ethnic and religious minorities. In accordance with a growing recognition both in national laws and in the international law of human rights, a refusal to provide reasonable accommodation to meet the requirements of any particular religion or the traditions of any particular ethnic group might constitute a form of indirect discrimination (see *infra*).

5) EU institutions could consider the perspective of a *directive based on art. 19.1 of TFEU, Treaty on The Functioning of The European Union or 'Lisbon Treaty', (ex art. 13.1 TEC) and specifically aimed at improving the situation of the Roma/Gypsies population* (could be called *Integration Directive*). This directive could be based on the studies documenting the situation of the Roma/Gypsies population, and take into account the relevant rules of the Council of Europe Framework Convention on the Protection of National Minorities as well as the interpretation of this instrument given by the Advisory Committee established under its Article 26. It should provide that effective accommodations will be made to ensure the Roma/Gypsies will be able to maintain their traditional lifestyle, when they have chosen the nomadic or semi-nomadic mode of life, without being forced into sedentariness. It should take account the need to effectuate the desegregation of the Romani/Gypsy communities, where this is required, especially in employment, housing and education. It should address the question of the inaccessibility of certain social and economic rights due to the administrative situation of Roma/Gypsies to whom administrative documents are denied or who are considered stateless. The EU Network of Independent Experts on Fundamental Rights recalls in this respect that such an initiative may be called for by the European Parliament (*art. 225 of TFEU, ex art. 192.2 TEC*).

- A more open form of coordination of the measures could be adopted by the Member States in order to tackle the situation faced by the Roma/Gypsy minority could be envisaged. Article 19.2 of *TFEU* could be relied upon to ensure that Member States will inform themselves mutually about the measures they are taking to ensure the desegregation of the Roma/Gypsies in the fields of employment, education and housing, to which health care and social security could be added, and about reasons for their successes and failures in addressing this problem. This strategy would oblige Member States to collect the requisite information about the situation of the Rome under their jurisdiction, to get better understanding of the problem to be addressed. Under this strategy, each Member State would submit at regular intervals a report on the measures which have been adopted in order to make progress towards the goal of ensuring the integration of the Roma/Gypsy minority, which should result in a process of mutual evaluation and contribute to collective learning.
- Member States are bound to respect the EU Charter of Fundamental Rights, as well as the other fundamental rights which belong to the general principles of Union law, as provides *art. 6 of TFEU*. The EU Charter of Fundamental Rights does not provide as such for rights of minorities. However, it prohibits any discrimination based on, *inter alia*, membership of a national minority (Article 21); it states that the Union shall respect cultural, religious and linguistic diversity (Article 22); and it protects the right to respect for private life (Article 7), freedom of religion (Article 10), freedom of expression (Article 11), and freedom of association (Article 12), all of which may serve to protect certain dimensions of the rights of persons belonging to minorities.

- Any measure seeking to promote the integration of the Roma/Gypsy minority should be devised with the active participation of representatives of this group.

A new impetus to the desegregation strategy is likely to be supplied by the dialogues between the European Court of Justice and the European Court of Human Rights and by the intertwining of Community and international human rights instruments. In the above mentioned decision *D.H v. the Czech Republic*, the Grand Chamber of the Strasbourg Court pointed to the RED as a relevant point of reference and quoted in detail the case law of the European Court of Justice which elaborated the concepts of indirect discrimination and the use of statistics in discrimination cases.

2.3 The failures of a remedy-individual rights-based model and the need of a more proactive approach: the development of concept of positive duty to promote

The RED allows Member States to introduce limited positive measures to compensate for past discrimination. While there has been some debate on the lawfulness of positive measures, the European Court of Justice has made clear in a certain number of decisions (*Marshall, Badek, Abrahamsson, Lommers, Briheche*) that the use of positive measures does not violate the principle of equal treatment, provided that the preferential treatments pay due regard to the principle of proportionality.

The **need for positive measures in the case of Roma is irrefutable**. Without such measures in a whole range of areas, particularly in housing, education, health care and employment, it will be impossible to bring Roma up to a level of access to these basic rights as enjoyed by their fellow citizens.

Housing is a good example: Roma Sinti and Travelling peoples stand out as the most deprived and worst treated group across the European Union. Although their numbers and the sizes of their settlement areas vary, they consistently experience xenophobic attitudes from the public (and often from officials as well), and suffer from a combination of neglect in terms of housing provision and control in terms of settlement. This is reflected in their housing circumstances, which appear typically highly segregated, deprived and excluded from mainstream society. Approaches to their integration range from continuing disregard for their welfare and potential for inclusion, to the encouragement of site provision or to coercion to settle and assimilate.

The picture painted in a research on migrants, minorities and housing in Europe differs in detail, but is almost uniformly bad⁶¹. Italy provides a typical example of the situation in the southern European Member States. The housing report highlights how the “negative categorisation of all Roma”, together with the deeply rooted popular conviction that Roma are ‘nomads’ and do not want fixed homes, has found its way into Italian public policies towards this group for decades. The authors note that “*almost all regions and autonomous provinces have laws providing for ‘transit’ camps for Roma minorities*”, but that these camps are located in remote, marginalised places”. The encampments are described in the report as “*ghettos, usually overcrowded, and some do not have drinkable water and electricity*”.

⁶¹ European Monitoring Centre on Racism and Xenophobia (EUMC), *Migrants, minorities and housing, Exclusion, discrimination and anti-discrimination in 15 Member states of the European Union* 2005.

In 2005, following the a complaint submitted by European Roma Rights Centre (ERRC), the European Committee of Social Rights found that the insufficiency and inadequacy of camping sites, the failure of meeting minimum living standards and the segregation of Roma in ghettos, as well as the practice of forced evictions, threats of forced eviction, systemic destruction of property and invasion of Roma dwellings by the Italian authorities constitute a violation of Article 31§1 of the Charter in combination with Article E (right o housing and prohibition of discrimination) ⁶².

The situation in Greece is also very difficult. The *International Helsinki Federation (IHF)* and the *European Roma Rights Centre (ERRC)* addressed the Committee of Ministers of the Council of Europe, urging them to adopt a recommendation on the continuous violation of Roma rights in Greece. The *Centre on Housing Rights and Evictions (COHRE)* pointed out that since December 2006, when Greece won the COHRE's 2006 Housing Rights Violators 'award' for its practice of forced evictions of Roma, no improvement has been documented. In 2007, a court eviction order of 26 November obliged some 100 Roma families from the Votanikos area to move from a privately-owned area (property of the *VIAMAX* company), where they had settled after having already been evicted from another settlement in the same area in June 2007. The nongovernmental organization Greek Helsinki Monitor (GHM) repeatedly and widely publicised in the media appeals to the Greek ombudsman, the Council of Europe and the UN Special Rapporteur on the Right to Housing against the Greek government for failure to provide resettlement site to the Roma families ⁶³.

Examples from northern Europe also point to evidence of local hostility and state control. Encampments may generally be smaller, but some reactions to Roma and Sinti are similar. Germany's response to its nomadic population is de-segregation and dispersal. For example, following failed attempts to rehouse the Sinti people of Straubing, the municipality decided to disperse them across the city. The national report for Finland of the research on migrants, minorities and housing in Europe⁶⁴ also notes a lack of sensitivity to the needs of the Roma population in this country, observing that "*the Roma are under severe threat from cultural prejudice and misconceptions, both on the part of their potential majority population neighbours, and the authorities that are responsible for securing their housing needs.*"

In its 2001 opinion on the United Kingdom, the Advisory Committee of the Framework Convention for the protection of National Minorities stresses that "*since the repeal in 1994 of Section 6 of the Caravan Sites Act (1968), local authorities are no longer under a duty to provide adequate accommodation for Roma / Gypsies and Irish Travellers. This change of Government policy has had the effect of shifting responsibility for providing sites from local authorities to private initiatives. (...) this policy has not led to any increase in the provision of sites, but has rather had the opposite effect. Furthermore, the Advisory Committee notes that Roma / Gypsies and Irish Travellers experience increasing problems to find places to stop and face the threat of criminal sanctions under Section 77 of the Criminal Justice and Public Order Act (1994) if they fail to move on when required to do so by the local authorities.*" In addition, members of this group encounter difficulties in securing permission to station their caravans on land owned by them, which has led to the examination of a number of cases on this issue by the European Court of Human Rights (see infra).

⁶² See ECSR, *Decision on the merits*, 7 December 2005, *European Roma Rights Centre v. Italy*, Complaint No. 27/2004

⁶³ See Greek Helsinki Monitor PressRelease *Greece: Chronicle of Votanikos Roma eviction with Council of Europe complicity*, available at: <http://cm.greekhelsinki.gr/index.php?sec=194&cid=3212>; See also The Greek Ombudsman *Letter to the Minister of Interior Mr Prokopis Pavlopoulos* 23.1.2007, available at: <http://www.synigoros.gr/pdfs/5>;

⁶⁴ See EMUC, *Migrants, Minorities and Housing*, q. at 64.

A similar systemic discrimination, resulting into *de facto* segregation, exists in the field of education. The segregation affects the new Member States as well as EU 15 Member States. The European Roma Rights Centre carried out a research on the segregated school system in Central and Eastern European countries, including Hungary, the Czech Republic and Slovakia. According to this research, the segregation of Roma children in these countries' educational system is pervasive. Segregated schooling of Roma/Gypsies is a result of the interplay of a number of factors such as deep-seated anti-Roma racism, the indifference of the educational systems to cultural diversity and a lack of effective protections against. The practice of creating special 'Roma classes' exists (or existed) in other countries, such as in Latvia, Lithuania, Denmark and Sweden. Against this type of systemic discrimination, there are few cases in which individuals are able to obtain effective judicial remedy.

In this respect, countries where there is a longer history of antidiscrimination protection have already experienced **the failures of a purely remedy based individual rights model and the need of a more proactive approach.**

- The case of the United Kingdom is illustrative. In the mid-sixties, the United Kingdom enacted laws prohibiting discrimination in public places, employment, access to goods, facilities, services, and housing. It also established a specialised body (Race Relations Board), which was mandated to investigate and conciliate complaints of discrimination and to bring civil proceedings in cases where conciliation was unsuccessful. After a decade, in which there was only a reduction in the most overt forms of discrimination and a low level of cases being taken by individuals, the government enacted new legislation empowering a new specialised body, the Commission for Racial Equality, to initiate its own investigations to expose discriminatory practices. However, by early 2000, after more than 25 years of anti-discrimination legislation ethnic minorities continued to experience significant racism and discrimination. As a consequence there has been a shift toward a more proactive approach to fighting discrimination. New legislation, adopted in April 2001, placed a **positive duty on public authorities** to eliminate discrimination and to seek to promote equal opportunities and good relations between persons of different racial groups. The Commission for Racial Equality was given explicit powers to enforce compliance with these duties. There is, however, an irony in the fact that such a turn follows the repeal in 1994 of the duty for local authorities to provide adequate accommodation for Roma/Gypsies and Irish Travellers, established by Section 6 of the Caravan Sites Act (1968).
- A similar situation exists in Northern Ireland. Section 75 of the *Northern Ireland Act of 1998* imposes “*an equality duty on all public authorities in Northern Ireland to have 'due regard to the need to promote equality of opportunity' across all the equality grounds, including sex, race and ethnic origin, disability, age, sexual orientation and also political belief, in carrying out their public functions*”.
- In Finland each public authority must draw up a plan fostering ethnic equality, which must be as extensive as required by the nature of the work of the authority.

On the whole, however, **proactive and supportive policies for Roma, Sinti and Traveller peoples seem quite rare.**

The national reports on the implementation of the RED and of the Framework Directives mention only a few cases of positive action plans aimed at securing effective equality for Roma. They have no basis in legislation and are usually established by governmental decree or resolution, such as those adopted in the Czech Republic.

The Czech Republic, Hungary and Slovakia are involved in the Roma Decade of Social Inclusion, which requires their government to draw up and implement action plans over a ten-year period.

In the field of housing, the study on migrants, minorities and housing in Europe above mentioned reports some positive policies, described in box 2.4 in the Annex to Chapter II⁶⁵.

Also in the field of education some countries have taken measures to address structural segregation, but their success in doing so has been variable. See box 2.5 in the Annex to Chapter II

In the **employment** field the ACCEDER Programme, launched in Spain, has been identified by the European Social Fund as a “case of good practices” on the Intermediate Evaluation of the Operative Programme ‘Fight Against Discrimination’ co-financed by the European Social Fund and by the Spanish government. See box 2.6 in the Annex to Chapter II

An argument has been made that a certain **interpretation of the prohibition of discrimination** could accommodate, allow or even impose positive duty to adopt special minority measures⁶⁶. As it has been already argued, a limited duty of positive action is in fact implicit in any prohibition of indirect discrimination to the extent that, if no differential treatments and rules are adopted for persons in different situations, this is likely to have a disproportionate negative effect on the group concerned and would thus amount to indirect discrimination⁶⁷. However, the prohibition of indirect discrimination does *not* entail a blanket obligation of positive action in order to avoid the disproportionate impact of on their face neutral criteria, provisions or practices. This has been made clear by the European Court of Justice ruling in *Bilka*: The reason of the Court’s rejection of compulsory positive action flowing from the prohibition of indirect discrimination is that such impact only raise a *presumption of discrimination*, which can be discharged by offering an objective justification that meets the requirements of proportionality and necessity⁶⁸.

Also the establishment of an explicit duty of reasonable accommodation for disabled workers by Article 5 of the Framework Directive implicitly confirms that such a duty can not be automatically derived by the prohibition of discrimination.

The essentially optional framework for positive action in EC law explains the recent turn in the legal debate to the perspective of introducing positive duty in the Community legal framework.

Nevertheless, the '*Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation*', presented by the Commission on July 2008, with the aim of expanding the scope of the prohibition of discrimination based on those grounds, still prescribes *only* positive action of a voluntary nature.

⁶⁵ See EMUC, *Migrants, Minorities and Housing*, q. at 64.

⁶⁶ See for references Henard K., *Equal Rights versus Special Rights? Minority Protection and The Prohibition of Discrimination*, 2007.

⁶⁷ See supra at § 2.1.2.

⁶⁸ See for references De Vos M., *Beyond Formal Equality. Positive Action under Directives 2000/43/EC and 2000/78/EC*, 2007, p. 14.

The Commission's explanatory memorandum says on this point that the provision is homogeneous to all Article 13 directives and that, even if "*it may be necessary to put in place specific measures to prevent and correct situations of inequality, Member States have different traditions and practices regarding positive action*". For these reason "*the article lets Member States provide for positive action but does not make this an obligation*".

A different picture of the relationship between non discrimination and positive duties is given by the international human rights instruments, such as ICERD (International Convention on the Elimination of All Forms of Racial Discrimination), ICCPR (International Covenant on Civil and Political Rights), ICESCR (International Covenant on Economic, Social and Cultural Rights).

All **these international sources focus on substantive equality**. This means that positive action through temporary and special measures is naturally expected and, on occasion, required either through explicit provision or through interpretation by the competent committee.

It has been argued that "*the human rights dimension at Member States level can serve as a useful compulsory complement to the essentially optional framework for positive action in the EC law*", and that, indeed, several states have already moved beyond the Community timid framework"⁶⁹.

In this regard, the European Commission against Racism and Intolerance (ECRI) recommendations' to national legislature on the duty to promote equality are noteworthy:

- the law should place public authorities under a duty to promote equality and to prevent discrimination in carrying out their functions;
- the law should place public authorities under a duty to ensure that those parties to whom they award contracts, loans, grants or other benefits respect and promote a policy of non-discrimination;
- organisations such as associations, trade unions and other legal entities with a legitimate interest should be entitled to bring a case of racial discrimination without reference to a specific victim;
- -in terms of sanctions, the law should provide for the possibility of imposing a programme of positive measures on the discriminator.

Bearing in mind that Roma are entrenched in a situation of structural disadvantage in all areas of social, economic and political life, the European institutions should consider whether imposing an obligation to adopt positive action schemes on the Member States is an option.

2.4 Ethnicity data and the legal limits to their collection

The decision of the Italian Government to collect ethnicity data on Roma and fingerprints of adults and children⁷⁰ (stored in a newly created special database held by the Ministry of Interior) has highlighted the risks connected to practices of ethnic profiling. However, as it has been noted already in several parts of this report, the collection of ethnic data might be necessary to design or to monitor special antidiscrimination and social inclusion policies or positive action programmes or to establish a case of indirect discrimination before a court.

⁶⁹ Ibidem, at p. 62.

⁷⁰ See the decree adopted by the Italian government on the 21st of May 2008, declaring the state of emergency until the 31st of May 2009 in relation to the settlements of nomad communities in the territories of Campania, Lazio and Lombardia, followed by further orders of the President of the Council issued on the 30th of May 2008.

It is thus necessary to analyse the objections of such a practice and the arguments put forward to countervail them. The question has been dealt with in great detail by the EU Network of Independent Experts on Fundamental Rights in its *Thematic Comment n. 3: the Protection of Minorities in the European Union*⁷¹. What follows rely substantially on their findings.

2.4.1. The legal framework

In order to address valid concerns about the security of personal data, international organisations have elaborated a number of instruments aimed at protecting personal privacy.

- The right to privacy is set out in both the Universal Declaration of Human Rights (Art. 12) and the International Covenant on Civil and Political Rights (Art. 17). The UN has issued guidelines on the protection of computerised data files that provides, “*Subject to cases of exceptions restrictively envisaged under principle 6, data likely to give rise to unlawful or arbitrary discrimination, including information on racial or ethnic origin, colour [...], should not be compiled.*”
- The Organisation for Economic Cooperation and Development (OECD) has also adopted recommendations on Guidelines Governing the Protection of Data and Privacy and Transborder flows of Personal Data.
- At the regional level, the European Convention on Human Rights also recognises a right to privacy in Article 8, which the Council of Europe (CoE) has supplemented by elaborating a Convention n. 108 for the Protection of Individuals with regard to Automatic Processing of Personal Data. The CoE Convention permits the collection of information on racial or ethnic origin, but prohibits automated storage, alteration, erasure, retrieval or dissemination of that data.
- The processing of data regarding the affiliation with a minority must also comply with the guarantees stipulated by the Recommendation No. 97(18) of the Committee of Ministers of the Council of Europe concerning the protection of personal data collected and processed for statistical purposes and by Recommendation No. (91) 10 of the Committee of Ministers on the communication to third parties of personal data held by public bodies must be taken into account.

The European Union itself has adopted **Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data**, which must be transposed into domestic law by member States.

All international and Community instruments leave domestic legislation broad discretion to develop procedures and implement standards for the protection of personal data.

2.4.2. Does the collection of ethnic data breach the provisions of the EU Directive 95/46/EC on personal data protection?

An objection has been made to the collection of ethnic data on the grounds that such a collection would breach the provisions of the EU Directive 95/46/EC on personal data protection.

⁷¹ See *supra*, at 10.

According to the opinion of the European experts on fundamental rights the European rules relating to the processing of personal data, including the reinforced protection of sensitive data related to ethnic origin or religious beliefs of the individual, should not be seen as an obstacle to an adequate monitoring of the impact on certain ethnic, religious or linguistic groups of either public policies or legislation or private practices. It has been argued that “on the contrary, they constitute a necessary and welcome safeguard against any risk of abuse in the process of such monitoring, a pre-condition for which therefore is that these rules protecting personal data are strictly adhered to”⁷².

In this respect a difference must be drawn between monitoring not based and based on personal data.

Monitoring not based on personal data

According to Article 2(a) of the Personal Data Directive, *personal data are any information relating to an identified or identifiable natural person* ('data subject'); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity.

Therefore, once personal data are made anonymous in order to be used in statistics, the information contained in such statistics *should not be considered as personal data*. It has been argued that, in many cases, the use of other reliable techniques under the principle of anonymity (such as those traditionally used in social science empirical research, including the use of representative samples, personal interviews conducted by independent researchers) may lead to obtaining results both reliable and comparable⁷³. Therefore, experts say, this monitoring technique, where it is practicable and presents a same or better degree of reliability, may be preferred to a monitoring based on the collection of personal data from the individuals concerned, because of the absence of risk it presents for the protection of personal data⁷⁴.

Monitoring based on personal data

In certain cases, the processing of data relating to the ethnic, religious or linguistic affiliation of an individual will be required not only for statistical purposes, to ensure that the situation of minorities under generally applicable laws or policies is adequately monitored, but also to grant the individual members of minorities certain advantages or to offer them specific treatment: this, indeed, is required under positive action programmes.

⁷² See EU Network of independent experts on fundamental rights in its *Thematic Comment n. 3: the Protection of Minorities in the European Union*, *supra* at 57.

⁷³ Indeed, the collection of data relating to ethnicity or religion, or even language, by the use of individual questionnaires initially linked to identified or identifiable individuals, as in the case of censuses including an item on the membership of the individual to any particular group, may in many cases lead to under-reporting or over-reporting. Along with other unenumerated/under-enumerated groups (such as migrant workers, refugees and people seeking asylum) Gypsies, Travellers, Roma, Sinti are generally not enumerated in national censuses (Ireland is an exception in gathering data on Travellers).

⁷⁴ Also the ACFC (Advisory Committee of the Framework Convention on the Protection of National Minorities) notes in this regard that “If, in view of the historical context and the particularly sensitive nature of this information for persons belonging to national minorities, exhaustive statistical data pertaining to national minorities cannot be collected, other methods should be used, with the co-operation of the national minorities, such as estimates based on ad hoc studies, special surveys, polls or any other scientifically sound method (...). This data should be broken down by age, gender and location”.

Insofar as sensitive data are concerned, relating in particular to the race or ethnic origin, the Directive authorizes the Member States to derogate from the prohibition on processing sensitive categories of data, when justified by grounds of important public interest, for instance for the preparation of government statistics.

Moreover, the preparation of such statistics is required to enable individuals to claim to be victims of discrimination and that they can bring forward certain statistical data which will shift the burden of proof on the respondent if these data make a sufficiently convincing case that such discrimination has indeed occurred.

Outside the field of employment (particularly in education, social protection, social advantages and the supply of goods and services, to which the Racial Equality Directive applies), the Personal Data Directive also allows the processing of sensitive data where it is “necessary for the establishment, exercise or defence of legal claims”.

The treatment of personal data on individuals’ affiliation with an ethnic minority needs to be coupled with adequate legal safeguards.

In this respect, two principles have to be taken into account. See also box 2.7 in the Annex to Chapter II.

1. The affiliation with an ethnic, cultural, religious and linguistic minority falls under the right to respect for private life. Therefore Articles 7 and 8 of the Charter of Fundamental Rights as well as Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) are applicable. In particular, Recommendation No. R (97) 18 of the Committee of Ministers of the Council of Europe prescribes that personal data collected and processed for statistical purposes shall be made anonymous as soon as they are no longer necessary in an identifiable form. It also prescribes that, where personal data are collected and processed for statistical purposes, they shall serve only those purposes and that, where, personal data are collected from the person concerned, he/she must be informed of the compulsory or optional nature of his/her response and of the legal basis of the collection. Where the consent of the data subject is required for the collection or processing of sensitive data, it shall be explicit, free and informed.
2. Where data collected from a person relate directly or indirectly to the membership of a minority, the reply to such a question should always be optional. This follows both from Article 3 of the Framework Convention on the Protection of National Minorities, which provides that every person belonging to a national minority shall have the right freely to choose to be treated as such.

Another objection has been made arguing that introducing racial or ethnic categories in official statistics and routinely classifying people along this taxonomy would reinforce cleavages and eventually run against the goal of fighting discrimination and promoting a more equal society. In the words of a lawyer, here “*we may have to choose between two routes.*”

Either we consider that shielding such characteristics from the view of others...will protect individuals presenting those traits from the risk of discrimination.... Or we consider, instead, that “suspect” characteristics should be considered explicitly if equality is to be effective.... the choice to take these traits into account may be justified by the desire to move from a negative approach to equality to a positive approach: while the negative approach may be understood as a prohibition to commit acts of discrimination, the positive approach should be seen as imposing an obligation to affirmatively promote equality, through tools such as affirmative action policies, action plans in favour of diversity, or other positive action measures⁷⁵”.

2.5 The quest for a minority ethnic status and the recognition of special group rights for Roma

The Roma population occupies a peculiar position: being widely dispersed throughout Europe and even beyond it, the Roma have no territory of their own. Being a minority everywhere, they share a similarly imposed identity characterized by political and social marginalization and stigmatization. Since the Roma are first and foremost citizens of a given country, local legal arrangements and practices are decisive in determining their position and status. In contrast to other legitimate or historical national minorities, however, the Roma are at a disadvantage. Many of the rights and guarantees of protection existing for other minorities have been obtained through bilateral, legally binding treaties, which the Roma do not enjoy.

Lacking a "mother country" within Europe, the Roma are not considered to fit the ad hoc definition of a national minority. Additionally, since they do not live in well-defined areas of settlement, they do not conform to the traditional profile of a territorially concentrated national minority.

Romani intellectuals, aware of the ambiguity and limitations of applying traditional concepts to their particular situation, have introduced such innovative concepts as "stateless nation" and "nonterritorial" "transnational" or "truly European" people (in the Brussels Declaration) to describe their position.

The expression “European Minority” reflects both their nature of a truly transnational minority and their importance for the process of European integration.

Unlike other minorities in the European countries, the Roma have no kin state and are not politically mobilized. This not only makes them a truly “transnational” minority, but also, makes the improvement of their status largely dependant on the policies of European Union.

Researchers generally argue that the European integration process has had a very direct effect on the candidate states policies towards this disadvantaged minority in Eastern Europe, minority protection being one of the political requirements for accession into the EU. On this regard, it has been argued that minority protection has been something the EU has preached rather than done and that some of its member states have a long way to go to satisfy the criteria imposed on the candidate states.

There is no consensus among states (both at the European and at the international level) on the definition of a minority.

⁷⁵ De Schutter O., “Three Models of Equality and European Antidiscrimination Law”, *Northern Ireland Quarterly*, 2006.

For this reason neither the Council of Europe Framework Convention for the Protection of National Minorities, nor any other legally binding international instrument contains such a definition.

The result of this situation is that any reliance in an instrument of the European Union on the notion of “minorities” or of “national minority” (as in Article 21 of the Charter of Fundamental Rights) may be subject to diverse interpretations in the different Member States.

However, in their report on the protection of minorities rights in the European Union⁷⁶, the Network of legal experts argues that an approach is needed which focuses on the rights themselves, rather than on the notion of “minorities”.

The experts consider that this is in conformity with the understanding of the Council of Europe Framework Convention for the Protection of National Minorities, which considers the protection of national minorities to form an integral part of the international protection of human rights, as well as with the understanding of other international human rights bodies which have stated that the qualification of “minority” is a matter of fact and not of law: a group has to be recognised as a “minority” in the sense of international law when it possesses all the characteristics, independent of whether it is recognised as such by national law.

In its General Comment on Article 27 ICCPR, the UN Human Rights Committee states: “The existence of an ethnic, religious or linguistic minority in a given State party does not depend upon a decision by that State party but requires to be established by objective criteria.”

The experts also considered “ill-advised to make the recognition of certain rights dependent on the prior recognition of a “minority”, where this is not required by the nature of the right itself”.

Moreover, where certain specific rights or protections are granted only to groups who are recognized as “minorities”, or to individuals under the condition that they are considered members of “minorities”, the definition relied upon by the States should not lead to arbitrary distinctions being introduced, which would be the source of discrimination.

For instance, a State could define “minority” under its jurisdiction as a group of persons who reside on the territory of a State and are citizens thereof, display distinctive ethnic, cultural, religious or linguistic characteristics, are smaller in number than the rest of the population of that state or of a region of that state, and are motivated by a concern to preserve together that which constitutes their common identity, including their culture, their traditions, their religion or their language. Even if this definition will appear to be resorting to the definition which is dominant in Europe, the State should not be allowed to rely on it to exclude non-citizens from a full range of protections granted to its own nationals, even where these protections contribute to the preservation of “minority rights”. As recalled by the UN Committee on the Elimination of Racial Discrimination in its General Recommendation 30 on “Discrimination against non-citizens”: “Although some fundamental rights “such as the right to participate in elections, to vote and to stand for election, may be confined to citizens, *human rights are, in principle, to be enjoyed by all persons*. States parties are under an obligation to guarantee equality between citizens and non-citizens in the enjoyment of these rights to the extent recognized under international law”.

The acceptance of this understanding of the meaning of minority rights seems crucial as regards the Roma legal status, taking into consideration their nature of transnational minority.

The different approaches adopted by the Member States with respect to the definition of minorities call for a clarification of the meaning recognized to that notion in Union law.

⁷⁶ E.U. Network of Independent Experts on Fundamental Rights, *Thematic Comment n° 3: The protection of minorities in the European Union*, q. at 57;

On this point the guiding principle should be that the prohibition of discrimination based on membership of a national minority enshrined by Article 21 of the European Charter of Fundamental Rights must be read in accordance with the international instruments which seek to protect the rights of persons belonging to minorities, as provided by Article 53 of the Charter, which states that *“nothing in this Charter shall be interpreted as restricting or adversely affecting human rights and fundamental freedoms as recognised, in their respective fields of application, by Union law and international law and by international agreements to which the Union, the Community or all the Member States are party, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, and by the Member States' constitutions”*.

Although nor **Belgium, France, Greece, or Luxemburg** have ratified the 1995 Council of Europe Framework Convention for the Protection of National Minorities, this does not exclude the that a consensus between the Member States may be found, insofar as it is based on the *acquis* of international and European human rights law.

The instruments constituting this *acquis* on which the institutions of the Union could build are easily identifiable. The Minorities Convention is based on the Copenhagen Document adopted on 29 June 1990 in the framework of the Conference on Security and cooperation in Europe, which lists the rights of the members of national minorities and has been agreed by all the Member States.

Moreover, all EU Member States are bound by the European Convention on Human Rights, which already protects an important range of minority rights; all States are bound by a range of international instruments, including in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which contain equality clauses which protect the right of members of minorities not to be subjected to discrimination – and, indeed, all States are bound by Article 27 of the International Covenant on Civil and Political Rights, which recognizes the rights of ethnic, religious or linguistic minorities.

At the universal level, Article 27 of the International Covenant of Civil and Political Rights (ICCPR) provides:

“In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.” The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 1992, which is not legally binding, specifies the implications of this provision by enumerating the rights which persons belonging to minorities enjoy.

At the European level, the Concluding Document of the second Meeting on the Human Dimension of the Conference on Security and Co-operation in Europe (the CSCE, later the OSCE) held in Copenhagen in June 1990, lists in its section IV the rights of persons belonging to national minorities. This document inspired the drafting of the Council of Europe Framework Convention for the Protection of National Minorities (FCNM), which was opened for signature on 1 February 1995 and entered into force on 1 February 1998. This is the first legally binding multilateral instrument, devoted entirely to the protection of minorities. Furthermore, the European Charter for Regional or Minority Languages of the Council of Europe was opened for signature in November 1992 and entered into force on 1 March 1998.

On the basis of these considerations, the proposal put forward by the expert is that

“at the present stage of the development of the Union the institutions of the Union should send a clear message that they will take into account the rights of minorities in the exercise of their competences, that they will seek inspiration in this regard from the Copenhagen Document adopted on 29 June 1990 in the framework of the Conference on Security and Cooperation in Europe, and that they will comply with the Council of Europe Framework Convention for the Protection of National Minorities of 1st February 1995”.

Such a **clarification could take the form of an inter-institutional declaration**, or even of a communication by the Commission, affirming a willingness to respect, protect and promote the rights of minorities and the understanding the institution intends to give to this term as it appears in Union law. Such an initiative would not only send a powerful message to the general public, that the rights of minorities shall be taken into consideration in the development of the law of the Union.

The recognition of special rights in order to reach substantive equality

Because of the legal uncertainties as regards the protection provided at the present stage to minority rights by Union law, a special attention has been devoted by legal experts to the issue whether the equal treatment of individuals and groups belonging to minorities would require the recognition of special rights in order to reach substantive equality. The debate is about the relationship between minority protection and the recognition of non discrimination principle.

As it has already been noted, certain interpretations of the non discrimination principle can imply, or even impose, a duty to grant special rights. This opinion has been spelled out by European Court of Human Rights in *Thlimmenos v. Greece*, where the Court held that “the right not to be discriminated against (...) is also violated when States without an objective and reasonable justification fail to treat differently persons whose situations are significantly different”.

The issue has been raised also in cases involving Roma in the context of the interpretation of Article 8 of European Court of Human Rights in Strasbourg.

In *Chapman v UK*, for environmental reasons, the claimants had been denied planning permission to locate their caravans on their own property. The United Kingdom was permitted a wide margin of appreciation in its planning decisions since the Court was ‘not persuaded that the consensus [amongst European states] is sufficiently concrete for it to derive any guidance as to the conduct or standards which Contracting States consider desirable in any particular situation.’ The Court noted that Article 8 imposed a duty on the authorities to accord some “special consideration” to gypsies given their “vulnerable position”, and to “facilitate the gypsy way of life”. The Court further observed that there may be an “emerging international consensus” amongst the Council of Europe States “recognizing the special needs of minorities and an obligation to protect their security, identity and lifestyle, not only for the purpose of safeguarding the interests of the minorities themselves but to preserve a cultural diversity of value to the whole community”. But, this consensus was swiftly denounced as insufficiently concrete, and as offering no guidance to Contracting States.

The issue was revisited in *Connors v UK*. The applicant was a gypsy living in a caravan on a council provided plot for more than fifteen years. The Court articulated a general rule that “the vulnerable position of gypsies as a minority means that some special consideration should be given to their needs and their different lifestyle both in the relevant regulatory framework and in reaching decisions in particular cases ...

To this extent, there is thus a positive obligation imposed on the Contracting States by virtue of Article 8 to facilitate the gypsy way of life."

The potentially wide ranging effect of the decision, as we will see *infra*, has been in some way jeopardised by judicial conflicting interpretation of the effects of the Strasbourg Court's decisions on national systems.

2.6 Forced evictions

Evidence provided by NGO's reports and case law before national courts and international specialised bodies acting in the fields of human rights protection, show a growing trend of forced evictions of Roma people throughout the Member States⁷⁷.

Unfortunately so far the issue has not received the due attention. A recent report⁷⁸ remarks that "despite several regional documents that guaranteeing human rights and the right to housing to all European citizens⁷⁹, evictions continue to be a problem in almost every European country, Roma continue to be discriminated against in the field of housing, and governments continue to attempt to force the problem onto someone else. Even in the states that acknowledge the problem on paper, little is being done to address the problem of evictions among Roma in real life".

Legislation and existing laws against discrimination seem so far to be inadequate; indeed, in almost every case reported, relying on the existing framework, the evictions were legally justified.

The point is that, while not all evictions are illegal *per se*, various forms of discrimination are involved in the forced removal of Roma people from homes and land.

Forced eviction adversely affect Roma in the enjoyment of fundamental rights: Roma without permanent homes will not receive adequate health care, the difficulty of getting a job will increase, their children will be less likely to get an education, and they will generally be more likely to be homeless and impoverished.

This is the reason why the anti-discrimination clauses of the International Convention on Economic, Social and Cultural Rights (ICESCR) impose an obligation upon state parties to ensure that appropriate measures are taken to ensure that no forms of discrimination are involved when legal evictions occur.

The Committee on Economic, Social and Cultural Rights was the first UN institution to begin systematically condemning forced evictions as a human rights violation. The Committee has regularly scrutinised legislation and policy, the justifications for threatened evictions and whether compensation and alternative accommodation was provided to victims. This has principally been in the context of its review of implementation by States parties of the right to adequate housing in Article 11 of the ICESCR.

Since the first developments in the early 1990s, there have been a series of standards issued that provide a deeper analysis of the duties of states to prevent and remedy forced evictions.

⁷⁷ In international law forced evictions are the "permanent or temporary removal against their will of individuals, families, and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection."

⁷⁸ See Dzeno Association, *Forced out: The problem of Roma Eviction in Europe*.

⁷⁹ See European Convention on Human Rights and Fundamental Freedoms: Article 8(1), Article 1 of Protocol No. 1, Article 2(1) of Protocol No. 4; European Social Charter: Articles 31, 16, 19, 23, 30 and Article 4 of the Additional Protocol.

One of the most notable of these developments is General Comment No. 7 on Forced Evictions⁸⁰. The document was groundbreaking. It elaborated the various criterion that must be satisfied in order for an eviction to avoid falling foul of the right to housing in Article 11 of the ICESCR and continues to be regularly used in official and advocacy statements on forced evictions.

The stipulations of General Comment n. 7 essentially fall into a five-fold typology:

1. Affirms that the practice of forced evictions constitutes a gross violation of human rights, in particular the right to adequate housing;
2. Urges Governments to undertake immediate measures, at all levels, aimed at eliminating the practice of forced evictions;
3. Also urges Governments to confer legal security of tenure to all persons currently threatened with forced eviction and to adopt all necessary measures giving full protection against forced evictions, based upon effective participation, consultation and negotiation with affected persons or groups;
4. Recommends that all Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land, consistent with their wishes or needs, to persons and communities who have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups.
5. Also recommends that all Governments ensure that any eviction that is otherwise deemed lawful is carried out in a manner that does not violate any of the human rights of those evicted.

General Comment n.7 explains that even when evictions are legal, governments still have a responsibility to ensure the human rights, particularly housing rights, of the evicted persons.

It states that “evictions should not result in rendering individuals homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement to or access to productive land, as the case may be, is available.”

Appropriate procedural protection and due process are especially pertinent in relation to a matter such as forced evictions which directly invokes a large number of the rights recognised in both International Human Rights Covenants. The Committee considers that the procedural protections which should be applied in relation to forced evictions include:

- (a) an opportunity for genuine consultation with those affected;
- (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
- (c) information on the proposed evictions and where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
- (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction;

⁸⁰ See Committee on Economic, Social and Cultural Rights, *General Comment 7, Forced evictions, and the right to adequate housing*, 1997.

- (e) all persons carrying out the eviction to be properly identified;
- (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
- (g) provision of legal remedies;
- (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

Many European countries are not meeting even the minimum human rights standards spelled out **in the above cited international documents**; governments failed to protect Roma from being forcibly evicted from their homes, and in some cases, the government was the main perpetrator of the eviction.

2.6.1 Strengthening judicial protections against forced evictions through the enforcement of human rights

It is clear from recent judgments that there is a discernible trend towards strengthening judicial protections against forced evictions through the enforcement of the human rights⁸¹.

The European Court on Human Rights has developed a significant body of jurisprudence on forced evictions under the right to respect for the home, privacy and family life established in Article 8 of the European Convention on Human Rights and Fundamental Freedoms.

Most of the cases decided by the court concerned UK. The Official Caravan Sites Act 1994 removed the duty on certain local authorities to provide sites established by the Caravan Sites Act 1968 (whilst retaining the power to do so). Since the implementation of the 1994 Act, the shortage of suitable accommodation for Gypsies and Travellers has been exacerbated by the closure of many sites and the reduction in numbers of pitches on some of those sites that remain open by many local authorities. See in box 2.8 in the Annex to Chapter II.

The question has been discussed by the European Court of Human Rights in *Buckley v United Kingdom* and *Chapman v UK* in the light of the potentially wide ranging right to respect for private and family life in Article 8 of CEDU.

- In *Buckley*, the planning decision denying permission for caravan's to be placed on the applicant's land had been made after an investigation where written observations from the applicant had been considered. Further the applicant had the possibility to appeal the decision, and to take judicial review proceedings challenging it. By a vote of 6-3, the Court found no violation of Article 8. The Court explained: "Whenever discretion capable of interfering with the enjoyment of a Convention right such as the one in issue in the present case is conferred on national authorities, the procedural safeguards available to the individual will be especially material in determining whether the respondent State has, when fixing the regulatory framework, remained within its margin of appreciation".
- In *Chapman* the claimant had been denied planning permission to keep a mobile home or build a caravan on their land, due to environmental reasons. The Court sitting in a Grand Chamber of seventeen judges noted that it was not well equipped to review such planning decisions as it could hardly visit all sites to view the environmental impact.

⁸¹ See R. Sandland *Developing a Jurisprudence of Difference: The Protection of the Human Rights of Travelling Peoples by the European Court of Human Rights*, in *Human Rights Law Review*, 2008.

“In these circumstances, the procedural safeguards available to the individual applicant will be especially material in determining whether the respondent State has, when fixing the regulatory framework, remained within its margin of appreciation”.

- In *Connors v United Kingdom* the Court appeared to be moving towards a more substantive approach, although apparently still relaying on a procedural *rationale*, stating that “the eviction of the applicant and his family from the local authority site was not attended by the requisite procedural safeguards, namely the *requirement to establish proper justification for the serious interference with his rights* and consequently cannot be regarded as justified by a ‘pressing social need’ or proportionate to the legitimate aim being pursued”. The Court found that the legal framework governing when eviction from property was possible failed to take account the special needs and position of the travelling community, and therefore constituted a violation of the positive obligations imposed under Article 8 of the ECHR.

In the United Kingdom, Travellers have been successful in recent and similar cases under the Human Rights Act, which incorporates the rights enshrined by the European Convention. However, the Court’s judgments have not been consistent. The judicial conflict has been deferred to the House of Lords, without being really solved: the Court held that while Article 8 would not normally be available as a defence to eviction proceedings against members of the Traveller community illegally occupying land, there might be circumstances where a local government policy or regulation could be challenged under the ECHR before the administrative courts for failing to accommodate the special needs of particular groups.

The legal uncertainty produced by these judicial conflicts calls for political and legislative action

A European consensus is beginning to emerge on Roma and Traveller rights as demonstrated by recent recommendations from the Council of Europe.

In 2004 and 2005, the Committee of Ministers of the Council of Europe issued two Recommendations on Roma and Travellers. It is useful to quote a provision from the latter document in full:

- Member states should establish a legal framework that conforms with international human rights standards, to ensure effective protection against unlawful forced and collective evictions and to control strictly the circumstances in which legal evictions may be carried out. In the case of lawful evictions, Roma must be provided with appropriate alternative accommodation, if needed, except in cases of *force majeure*. Legislation should also strictly define the procedures for legal eviction, and such legislation should comply with international human rights standards and principles, including those articulated in General Comment No. 7 on forced evictions of the United Nations Committee on Economic, Social and Cultural rights. Such measures shall include consultation with the community or individual concerned, reasonable notice, provision of information, a guarantee that the eviction will be carried out in a reasonable manner, effective legal remedies and free or low cost legal assistance for the persons concerned. The alternative housing should not result in further segregation.

The scale of the evictions problem and the weight of international human rights standards, which both the Member States and the European Union are bound to respect, demand an urgent response at the European level national level, including the passing of laws, formulation of policies and implementation of programmes to ensure that discriminations against Roma produced by forced eviction are eliminated.

Annex to chapter II

Box 2.1: The case of Hungary

A case reported in the Hungarian country report on the implementation of RED illustrates the limits that the prohibition of discrimination encounters when applied in courts. In April 2004 the local council of Miskolc (Northern Hungary) integrated seven schools without simultaneously re-drawing the catchment areas, and therefore maintaining the segregation of Roma children. In June 2005 the Chance for Children Foundation (CFCF) brought an *actio popularis* claim against the local council, alleging that the council was indirectly responsible for segregation of Roma children in primary education. In November 2005, the Borsod-Abaúj-Zemplén County Court acknowledged the fact that Roma children were over-represented in some of the merged schools, but rejected the claim. On appeal the Debrecen Appeals Court partially modified the first instance judgment. It found that as a result of the decision to integrate the schools without simultaneously re-drawing the catchment areas Miskolc maintained the segregation of Roma children, violating their right to equal treatment based on ethnic origin. The court ordered Miskolc to publicise its finding through the Hungarian Press Agency. However, the court stated that it could not grant the order requested by CFCF to integrate Roma children into mainstream classes along the relevant provisions and ministerial guidance, as this would be beyond the civil court's scope of authority to instruct a public authority in detail on how such integration should be achieved. The Miskolc case also highlighted **how difficult it is for judges to handle the concept of the shifted burden of proof**. The court of first instance accepted the fact that Roma children were overrepresented in some of the schools integrated from an economic and administrative point of view and also that the level of education was lower in these schools than the ones they have been integrated into, however, it rejected the claim that by not integrating the catchments areas of the schools and thus maintaining the segregation of Roma pupils, the local council of Miskolc acted in a discriminatory manner. According to the judges, despite the clear provisions of the equality law, the court expressed its opinion that the reversed burden of proof does not exempt the claimant from proving that there is a causal link between the protected ground (Roma origin) and the disadvantage the group with that particular protected characteristic suffers⁸².

Box 2.2: The case of Netherlands

The concept of indirect discrimination is far from being established, as shows an opinion given by the Dutch Equal Treatment Commission that found not breach of the prohibition of discrimination in a case brought by a family of travellers (28 individuals consisting of three generations), which complained that a local government discriminated on the ground of race (ethnic identity) by not considering their special interests in housing policy. The local government had decided not to continue a special waiting list for persons who want to live in a caravan because there were hardly any applications for this type of housing. The ETC found that there was an objective justification in this particular case because the local government had proven that the measure (to abolish the special waiting list) was legitimate and that the means chosen (the general waiting list) were proportionate and effective. Nevertheless, the ETC recommended the local government to prevent indirect discrimination in the future by giving more attention to the special needs of people who prefer housing in caravans⁸³.

⁸² See *Report on measures to combat discrimination. Directives 2000/43/EC and 2000/78/EC. Country Report. Hungary, 2007*

⁸³ See *Report on measures to combat discrimination. Directives 2000/43/EC and 2000/78/EC. Country Report. Netherlands, 2007.*

Box 2.3: The legal recognition of minorities across Europe

Countries like France, instead of recognising Roma as an ethnic minority, has created administrative categories, such as “travelling population”, which may ultimately fail to address the social attributes of all Roma, who are sedentary and travelling alike. Similarly the Greek and Cypriot legal construction of Roma as members of the Muslim religious community may deny equal treatment to Christian and non-Turkish speaking Roma.

In countries like Slovenia and Italy Roma are not accorded the same rights as other minorities.

In Hungary the Minorities Act claims that "it is the individual's inalienable right to choose and publicly claim affiliation with a national or ethnic minority". If it is the individual's right to choose affiliation, the establishment of one's minority identity by any other person is the violation of that particular individual's right of choice. This however should not, in the author's country report, prevent courts from making an assessment about assumed ethnic affiliation: a court ought to be able to claim that the alleged discriminator was likely to have assumed that the complainant was of, for instance Roma origin.

More open is the definition provided for by the Irish law. The Membership of the Traveller Community is defined in Section 2(1) of the Employment Equality Act, 1998 as amended by the Equal Status Act “‘Traveller community’ means the community of people commonly known and identified (both by themselves and others) as people with a shared history, culture and traditions including, historically a nomadic way of life on the island of Ireland. The Equality Tribunal have accepted a person’s self- identification as a Member of the Traveller Community as evidence of such membership.”

In United Kingdom the lead case on Gypsy status before the Human Rights Act 1998 (HRA) was passed was that of *R v South Hams DC ex parte Gibb et al*,⁷¹ a case which considered whether the Travellers involved could be accepted as Gypsies for the purposes of the former site provision duty found in the (now partly repealed) Caravan Sites Act 1968. Gypsies are defined in law as ‘persons of a nomadic habit of life, whatever their race or origin.’ In assessing Gypsy status, the Court of Appeal found the following matters to be relevant: 1. a tradition of travelling; 2. travelling in a group; 3. travelling with an economic purpose. The Court of Appeal held that: ‘...the definition of ‘Gypsies’...imports the requirement that there should be some recognisable connection between the wandering or travelling and the means thereby the persons concerned make or seek their livelihood. Persons, or individuals, who move from place to place merely as the fancy may take them and without any connection between the movement and their means of livelihood fall outside these statutory definitions...’ The Gibb judgment has often lead to local planning authorities [‘LPAs’] going out of their way to try to ‘prove’ that the Gypsies or Travellers who live in their area are not statutory ‘Gypsies’, seemingly as a means of frustrating the purpose of circular 1/94, which seeks to meet the land use requirements of Gypsies. The Welsh Assembly’s Equality of Opportunity Committee has noted the: ‘...apparent obsession with finding ways to prove that an individual is not a ‘Gypsy’ for the purposes of the planning system. This approach is extremely unhelpful...and there can be no doubt that actual mobility at any given time is a poor indicator as to whether someone should be considered a Gypsy or a Traveller (about further judicial developments see infra).

Box 2.4: Positive policies in the field of housing across Europe

The national report for Finland of the research on migrants, minorities and housing in Europe refers to various policy-making and legislative attempts to improve the Roma population’s poor housing conditions from 1976 onwards. Methods included low interest loans, for purchase, construction or repair of housing for Roma households. It is reported, however, that funding is no longer ‘ear-marked’ for Roma communities, and that the effectiveness of special policies and measures aimed at assisting the Roma in housing has continued to decline since they were first put in place.

Other examples come from Spain, Portugal, Sweden and Ireland. The national report from Spain mentions a local scheme apparently responding positively to Roma households, while specific schemes are also cited for Portugal. In one municipality, a project targets Roma inhabitants of a rehousing neighbourhood (especially young people), promoting inter-cultural exchange, while in another municipality Roma living in shanty towns have been targeted through a project that addresses various needs and also involves non- Roma people.

At a more general level, Sweden and Ireland appear to have taken significant steps towards revised practice. In Sweden, in 2001, the Ombudsman against Ethnic Discrimination was commissioned by the government to work actively against discrimination affecting the Roma population. Amongst other things, the project was expected to illuminate the extent of discrimination against the Roma population, develop methods and strategies to prevent discrimination, and increase the knowledge on the law against ethnic discrimination amongst the Roma population. The Ombudsman established a referee group consisting of Roma representatives. In 2003, a Council for Roma issues was established (a majority of members being of Roma origin), as an advisory body for government.

In Ireland, the introduction of the Housing (Traveller Accommodation) Act 1998 was widely welcomed. This Act incorporated all the main elements of the National Strategy for Traveller Accommodation and required local authorities to develop five year accommodation programmes and carry out consultation with Traveller representatives at both national and local level.

Box 2.5: Positive policies in the field of education across Europe

In Ireland, the policy of the Department of Education and Science is to fully integrate children into mainstream classes whenever possible. However there are in some areas Education Centres which admit only members of the Traveller Community. The Government has expressed its desire in the near future to integrate such centres into the general system of education, and a number of measures have been adopted to that effect. In order to ensure that Traveller children will be able to be integrated into mainstream education, funding is made available by the Department of Education and Science for early childhood care and education for Traveller children aged 3-5. Visiting teachers for Travellers are charged with the task of encouraging enrolment of children of Travellers into both primary and post-primary education. So far, the aim of ensuring that all Traveller children receive a full primary and secondary education has had mixed results. Virtually all children complete primary school, but at secondary level the rate of participation by Traveller children in education decreases significantly so that very few complete this level and even fewer go on to third-level education. Moreover, the current system for encouraging Traveller children to participate in the education system does not cater adequately to the needs of Traveller children who are members of itinerant or semi-itinerant communities. Other States offer examples of good practices in the field.

In Greece, in order to facilitate access to educational establishments for pupils who travel with their families, the authorities introduced the “school transit pass”, which facilitates enrolment of the pupils at any time of the year, as well as the follow-up of the notes and files concerning them.

In France, the situation varies from one region to another: Certain school inspectorates have taken measures in conjunction with the associations, the CNED (Centre National d’Education à Distance) and the prefectures to promote access to education for children leading a nomadic or seminomadic lifestyle. This is primarily the case in regions that accommodate these population groups during the winter period, though not only so. In those regions, the schools teach those children during their semi-sedentary period, after which the CNED takes over. The schools often have a special teacher who oversees the proper functioning of that partnership. At certain schools, a special school report for educational guidance and supervision is distributed to those children. On the other hand, the associations have also instituted, in partnership with the school inspectorates, “school buses” that enable them to follow the nomads and semi-nomads and thus to monitor their children’s education.

In the United Kingdom, some local initiatives have been taken to favour the access of these children to education. These initiatives are primarily conducted by local authorities and prompted by guidance and/or financial support from central government. In particular, the Gypsy/Traveller Achievement Project has provided funding for efforts to engage parents, to interview pupils and to modify curricula or produce alternative curriculum materials. Most local authorities now have a Traveller Education Service as the focus for their efforts.

Box 2.6: Positive policies in the field of employment across Europe

ACCEDER was initiated by the Fundación Secretariado General Gitano (FSGG) in the framework of the Multi-regional Operative Programme 'Fight Against Discrimination'. Thirteen Spanish autonomous regions and more than forty city councils collaborate in the programme. Its main objectives are to provide access to employment for disadvantaged groups (mostly Roma) through a network of specialised employment offices that offer training, mediation and advisory services. The Programs strategy was designed to achieve two major objectives:

- The development and improvement of access to employment for Roma
- The promotion and development of new jobs in service (s) industries.

Since December 2003 16,961 people have been assisted (67% were Roma) and 9,741 people have entered employment. The service sector stands out with 66% of all contracts, followed by the industrial sector (17%), construction (15%) and agriculture (3%). As far as the length of employment contracts is concerned, 45% last over 3 months and 10% over 1 year.

Box 2.7: Collecting ethnic data in Netherlands and Italy

A case reported in the Dutch country report on the implementation of EU non discrimination directives highlights the importance of the provisions that personal data collected and processed for statistical purposes, **shall serve only those purposes**. A 'trend' that becomes more and more popular, also with the government, is the so-called 'ethno selection' for marketing and policy-development purposes. By 'ethno selection' is meant: the construction and analysis of huge databases in which the behaviour of people is matched with (*inter alia*) their ethnic or social background. The Dutch government itself uses this instrument quite often, *e.g.* in the framework of its (migrant) integration policies. Researches on this practice have found that this mechanism is increasingly used for exclusionary purposes instead for positive action purposes. A similar concern was expressed by the European Parliament in its *Resolution on Census of Roma on the basis of ethnicity in Italy*, following the adoption by the Italian government of the above mentioned decree declaring the state of emergency in relation to the settlements of nomad communities. Notwithstanding the Italian Minister of Interior declared several times that the collection of fingerprints aims at a census of the Roma population in Italy and at planning integration measures, the European Parliament affirmed that such acts would constitute a violation of the prohibition of direct and indirect discrimination foreseen in the EU directive on race and ethnicity and enshrined in articles 12 and 13 of the EC Treaty.

Box 2.8: The ECRI third Report on the United Kingdom describes the current situation of Roma housing

There is general agreement that the housing situation of Roma/Gypsies and Travellers is one of the areas that need to be addressed as a matter of priority, notably in view of the role that the current poor and precarious housing situation plays in the disadvantage experienced by Roma/Gypsies and Travellers in all other areas of life, including education, health and societal prejudice. In its second report, ECRI recommended that the authorities of the United Kingdom ensure that local authorities make adequate provision of public sites for Roma/Gypsies and Travellers throughout the country.

Although some local authorities have taken remarkable steps in this direction, ECRI notes that there is no obligation for local authorities to provide such sites – an obligation in this sense was removed in 1994 – and no national quality standards. In this connection, ECRI notes that Roma/Gypsies and Travellers who prefer to live in mobile homes are still faced with a serious shortage of suitable sites. Furthermore, ECRI notes that security of tenure for Roma/Gypsies and Travellers on public sites also represents a problem, since inhabitants of these sites are licensees and not tenants and therefore live under constant threat of eviction. Although the number of Roma/Gypsies and Travellers who live on private sites has increased in the last years, reports indicate that Roma/Gypsies and Travellers who acquire sites of their own find it very difficult to obtain planning permission. As a result of the difficulties encountered in accessing housing that meets their needs, today a considerable part of the non-settled Roma/Gypsy and Traveller population lives on unauthorised camps, often situated in unsuitable locations, where there is no access to basic services and facilities, and becomes as a result particularly vulnerable to hostility from the local population. Either because of these difficulties or for other reasons, today the majority of the Roma/Gypsy and Traveller population of the United Kingdom live in settled housing. However, there are reports that their specific needs are generally not taken into account in the allocation of social housing. There are also widespread reports of harassment and intimidation of Roma/Gypsies and Travellers by other social housing tenants⁸⁴.

⁸⁴ See ECRI, *Third Report on the United Kingdom*, 2005.

Chapter III - Roma Community integration policies throughout Europe: a general overview and specific cases of best practices

The European Union set ambitious goals in the Lisbon Strategy relating to the creation of more jobs, social cohesion and sustainable development. That a large number of European citizens are socially excluded as a result of belonging to Roma communities jeopardizes achievement of these goals. Combating the social exclusion of the Roma in the name of fundamental rights and their common European environment is a key aspect to turn social cohesion and local development into a common resource, applying even to the more vulnerable and marginal sectors of national citizenries.

In this perspective, employment – a relatively uncommon condition, within most Roma communities – is critical both in eradicating poverty and in fostering social inclusion. By itself, however, it is not *the* solution to the problem of the exclusion of Roma minorities.

Given this premise, the present comparative study examines – in terms of a general overview and of specific best practices across Europe – the Roma social situation and the specific policies adopted with respect to the following key areas:

- Access to the labour market
- Access to the education system
- Access to social and health care
- Access to decent housing
- Access to financial services.

Policies and projects aiming at inclusion of Roma in the field of employment, social inclusion and (vocational) training are analysed as well as the role and access of Roma to social benefits. In each of these domains national policies are analysed focusing on the more recent efforts and achievements, as described in existing studies and the literature.

The countries are also grouped in order to account for the different perspectives and approaches underlying Roma inclusion policies. Specific attention is paid to the impact of the “active welfare approach” with Roma recipients, considering the manifold difficulties the Roma have to face in entering the labour market: legal status, poor education (hence a high rate of illiteracy), dependence on social welfare benefits, prejudice and discrimination in the labour market.

Policies addressing Roma women are given particular consideration as they suffer from additional disadvantages in the labour market due to their traditional domestic role in the family, their frequent pregnancies, but also lack of qualifications and levels of education even lower than those of the men.

A section of the chapter deals with Roma involvement in policies and interventions concerning them, and in particular with their own self-promoted initiatives. In other words, the study sets out to assess both specific initiatives of involvement of Roma and initiatives launched by Roma communities aiming at their integration, first of all in the labour market.

Moreover, as difficult or impossible access to credit – together with unemployment – drives these communities towards usury (representing one of the main problems Roma people have to face), micro-credit, as a promising approach, will be given specific attention.

The study also analyses the extent of micro-credit schemes as possible answers to Roma marginality vis-à-vis the labour and credit market and their actual and potential contribution in helping the Roma to start up small businesses.

Five national cases are paid special attention, throughout the chapter, in terms of significant inclusion practices (whether “good” or not) on a local policy level, namely the cases of Spain, Italy, Romania, Finland and Latvia. The case studies analyzed in the final report will present good practices, taking different approaches, or discuss the obstacles found in the relevant policies’ design, negotiation and implementation, along with the prospects for further developments. General remarks will thus be made with the support, wherever possible, of specific reference to national or local experience.

3.1. Roma access to welfare provision in Europe: an overall picture

It is generally agreed, both in the scientific literature and in the reports of international institutions or NGOs, that Roma minorities continue to face living conditions marked by social exclusion, discrimination by majority societies, poor access to social welfare and public services, and substantive deprivation (UNDP, 2002; World Bank, 2005; European Commission, 2004).

A picture of prevailing “discrimination, marginalization and segregation”⁸⁵ applies across all the continent: whether in Eastern Europe, where the greater proportions of Roma populations live, and where the 1989 breakdown marked a significant deterioration in their living conditions and aggravation of the anti-gypsy attitudes and behaviours of majority societies; or in Western Europe, where long-standing hostility against Roma minorities has been somewhat fuelled by recent migration from Eastern countries – which has often paved the way for even stricter, sometimes discriminatory measures in public policies (Open Society Institute, 2006).

That, generally speaking, the life opportunities of “Europe’s biggest stateless minority” are everywhere definitely worse than those of the rest – whatever the factors to be blamed for this – has recently been recognized even in the mainstream international press.⁸⁶ To put it in a nutshell,

In all countries where statistics are available or surveys have been carried out, they show that Roma have substantially lower levels of education, much higher rates of unemployment, significantly lower levels of income and poorer health than the rest of the population. (European Commission, 2005)

The data on Roma minorities’ access to social welfare provision are, in most EU countries, poor or lacking. While gathering disaggregate ethnic data may be problematic in its own right, in the case of Roma it is made even more difficult by a systematic under-recording trend (EUMC, 2006). When their community affiliation is established with self-identification, whether in linguistic or in ethnic terms, Romani individuals may opt not to disclose their identity, given the social stigma it typically bears.

⁸⁵ According to a Council of Europe Parliamentary Assembly Recommendation of 2002: “Today Roma are still subjected to discrimination, marginalisation and segregation. Discrimination is widespread in every field of public and personal life, including access to public places, education, employment, health services and housing, as well as crossing borders and access to asylum procedures. Marginalisation and the economic and social segregation of Roma are turning into ethnic discrimination, which usually affects the weakest social groups.” Council of Europe Parliamentary Assembly. *Recommendation 1557 (2002) The Legal Situation of Roma in Europe*. April 25, 2002, Paragraph 3.

⁸⁶ See *Briefing: Europe’s Roma. Bottom of the heap: The dismal lives and unhappy prospects of Europe’s biggest stateless minority*, “The Economist”, June 21st 2008, pp. 35-38.

Notwithstanding, it is indisputable that, in general terms, Roma individuals and communities “are poorer than other groups, more likely to fall into poverty, and more likely to remain poor” (World Bank, 2005).

To understand the peculiar conditions of Roma disadvantage, however, a multidimensional approach needs to be developed. Both exogenous and endogenous variables should be considered, as well as the cumulative weight of a long-term marginality that tends to transmit itself from one generation to the next. On the complexity of this vicious circle, and on the need to avoid one-sided accounts, a few notes are worth quoting from a recent ERRC Report:

“The mass unemployment is most frequently considered to be a consequence of supply-side factors and deficiencies in unemployed Roma such as the low or absence of educational qualifications; because many have work-based skills that are no longer relevant in a modern labour market, and also because many Roma live in detached settlements with limited access to jobs. Undoubtedly, these factors... constitute very real barriers that reduce employability and exclude many Roma from work, but there is another dimension that is often overlooked...; that is the various forms of direct and indirect discrimination that impair access to employment. [...] Securing gainful employment is significantly hampered by prejudiced behaviour and popular beliefs that unemployment and worklessness is a situation that many Roma have chosen, either now or in the past. These stereotypical views fuel widespread negative attitudes that Roma do not deserve or do not want to work. [...] Unemployment, especially when it is long term and spatially concentrated, is a complex phenomenon that is difficult to overturn. The problem is multi-layered and inter-generational and it is impossible to separate the effects of current and past discriminatory behaviour from what are often seen as autonomous factors, such as educational attainment, birth rates, living conditions, health, and location”. (ERRC, 2007)

A twofold concern should, therefore, orient the implementation of any welfare policy addressing the Roma:

- on the “supply” side, facilitating their access to ordinary welfare provision, which may involve also contrasting barriers related to prejudices and discrimination;
- on the “demand” side, supporting Roma individuals and families, if necessary, for their access to be appropriate so that they have the appropriate access.

Having said this, some further observations are to be made concerning the position of distinct Roma minorities, in different EU countries, in a few key welfare domains: first of all the four priority areas selected in the Decade of Roma Inclusion Initiative – the labour market, the education system, social and health care, housing – and then a further one, i.e. access to credit and the financial system.

3.1.1 Access to the labour market

A key facet of Roma social exclusion – though by no means the only one – has to do with their massive unemployment. Reliable figures on the extent of the phenomenon, in comparative terms, are scant. Nevertheless, the overexposure to joblessness of the Romani population in working age is hardly disputable. The UNDP and ILO conducted a wide survey in Eastern Europe, a decade after the collapse of Communism, which, moreover, entailed a process of economic restructuring that had a disproportionate impact on Roma participation to the labour market. According to this empirical study, people in the working age belonging to a Romani minority are eight times more likely to be long-term unemployed than the majority population – a figure which applies all across Eastern Europe (UNDP, 2002).

Even in a Western European country with a substantial Roma minority, such as Spain, the Roma labour market status is characterized by disproportionate rates of casual and informal jobs. As a World Bank report (2005) states, quoting official statistics,

“The employment standing of Roma in Spain is characterized by jobs that are low paid and largely in the informal sector. It was estimated that 50 to 80 percent of Roma work in «traditional professions» of peddling, collecting solid urban waste, and performing seasonal work. Another 5 to 15 percent work as antique dealers, shop owners, and in the arts, while 10 to 15 percent work in the «new professions» of construction, public works, and as civil servants”.

In a recent survey on Roma employment conditions in Eastern Europe, ERRC (2007) describes their overall participation to the labour market – supposing they do find a job – with the metaphor of a “glass box”. This relates to the segregation and segmentation inherent in “Roma jobs”, resulting in some marginal and unprofitable, often informal labour niches, where the delivery of (basic) services to the very Roma communities, along with a few traditional subsistence jobs, play a prominent role:

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)

According to the survey mentioned above (ERRC, 2007), Roma interviewees in employment amounted to 40% of the sample, which included – spanning across Bulgaria, Czech Republic, Hungary, Romania and Slovakia – only working age individuals self-declaring as Roma. At least one in three of them was long-term unemployed. It is also worth remarking that, of those reportedly employed, one in three was actually involved in some public work scheme, funded by public authorities, rather than in the ordinary labour market.

As far as sectoral public policies are concerned, three key issues are worth emphasizing:

- In a comparative perspective, a commonality among most European countries lies in the *option to address unemployed* (or disadvantaged) individuals in general terms, without a special focus on the Roma as a vulnerable group in its own right.
- In terms of public policies it is worth investigating – against the scenario of Roma massive unemployment – *the scope and the potential of active labour market policies* (Bedard, 2007; ERRC and NUMENA Research Centre on Human and Social Sciences, 2007). Such programmes reflect a widespread transition from merely social aid schemes to more ambitious initiatives, integrating social assistance with (and sometimes conditioning it upon) the recipients’ involvement in training, education, work placement, etc. They may be promoted by national governments or even by international donors, or – increasingly – they may be the result of the cooperation between both national and international actors. A key role has also been played, in this perspective, by EU programmes and funding (see the next chapter). Still, when it comes to public schemes aimed at promoting Roma individuals’ employability, sometimes building on “workfare” incentives, statistical information is almost non-existent. Only to some extent can it be replaced by a few qualitative evaluations on specific national contexts (e.g. ERRC and NUMENA Research Centre on Human and Social Sciences, 2007). A case can be made, however, about a generally limited impact – in actual placement terms – of social activation schemes on Roma recipients, due to their persisting marginality vis-à-vis the formal labour market (Bedard, 2007).

- Increasingly widespread also, in more general terms, are the attempts *to involve unemployed Roma in “public works” schemes*, that is, in temporary, low-paid subsidized jobs, related to some activity of public spaces maintenance or in other “community benefit” initiatives. The impact of such programmes, whether addressed to Roma or other vulnerable subjects, is however contentious (European Commission, 2006). The public authorities may depict them as a first step in bringing people from assistance back to the labour market, somewhat recovering work habits and motivations. Many scholars argue, however, that public work initiatives are mostly unconnected to the ordinary labour market, so that the transition from subsidized to formal employment is far from obvious. At the same time, these programmes may be blamed for their poor contribution to the development of new skills, as well as the stigma they generate for those involved (ERRC, 2007; ILO, 2000).

Whilst few (if any) data exist on Roma participation to activation programmes, and much less so on their outcomes, more evidence is available about the specific discrimination Roma minorities are subject to (e.g. ERRC, 2007; Open Society Institute, 2006; EU Fundamental Rights Agency, 2008). When it comes to Roma participation in the labour market, the notion of *ethnic discrimination* may apply in many different respects:

- First of all in *access to the labour market*, that is, in the job search stage, and in company recruitment practices. In this crucial juncture, the very identity label of “Roma” is often perceived as a major obstacle for an effective placement, or even for a job application. As ERRC (2007) puts it, in the most common case Roma are rejected from employment purely because they can visibly be identified as Roma. In a multi-application search for work, there is a very high probability that Romani job-seekers will be told directly by at least one prospective employer, or someone in the company, that they are unsuitable for the vacant position because they are Romani.
- To a considerable, but hardly quantifiable extent, in the *workplace*, i.e. in everyday work conditions, in remunerations, or in the opportunities to work overtime, with respect to non-Roma colleagues;
- In the extremely poor *prospects for professional mobility*, or at least for a relative improvement in work conditions.

While discriminations in the labour market do exist along with a broader issue of “adverse selection” by employers (who, under similar conditions, may prefer to choose non-Roma candidates), a **more radical problem of training** – or, rather, of lack of viable skills – should also be taken into account. Ordinary vocational training programmes are addressed to individuals already in possess of reasonable literacy skills – i.e. people who completed compulsory schooling. This prerequisite is often unsatisfied, as far as Roma youth (and especially girls) are concerned. Generally speaking, therefore, schooling is the terrain where greater investments would be necessary, in order to fill the gap in life opportunities between the Roma and mainstream societies.

3.1.2 Access to the education system

The European Agency for Fundamental Rights (EUFRA, 2008) has recently acknowledged that Roma children, in spite of the increasing number of dedicated programmes, still suffer peculiarly high levels of discrimination with respect to the education system. In a similar perspective, a recent European Commission document on the contribution of Structural Funds to Roma inclusion states that

*Persistent disadvantages in education, including low school attendance and overrepresentation in “special schools”... make it highly probable that without strong policy interventions supported by large programmes of capacity building and investments, the next generation of Roma will remain in deep poverty and... increasingly marginalized and excluded.*⁸⁷

This overall conclusion has been corroborated by a comparative EUMC (2006) Report, showing that Roma access to, and completion of, public education is often problematic. Despite the paucity of “ethnically differentiated” official data, and the variations across countries and Roma communities, this basically holds true in every EU Member State.

The key findings of EUMC’s cross-country analysis, concerning Roma pupils’ attendance and achievement both in primary and in secondary education, can be summarized as follows:

- In primary education, Roma pupils’ enrolment and attendance are disproportionately low, with significant absenteeism rates, all over Europe. This crucial fact may be interpreted considering both the Roma families’ attitudes (or even “habits”), and the practical barriers that inhibit pupils’ access to public schools, or incentivise their concentration in special needs schools: discriminations in enrolment procedures, lack of pre-school facilities, costs, fear of disclosing legal status (if undocumented), residential segregation or geographical isolation, and so forth;
- No less crucial is the Roma pupils’ uneven and only partial transition to secondary education, with drop-out rates increasing in proportion to their age: *“The available evidence... indicates that they perform worse than average and thus have a lower chance of attaining an educational qualification leading to worthwhile employment opportunities”*;
- Roma pupils’ segregation, although formally banned from education policies, persists in many respects, mostly in informal and indirect ways. Their placement in separate classrooms, or even in special schools for children with mental disability, may be justified on the grounds of their (perceived) “different needs”, or of their patterns of behaviour, or as a reaction to their learning difficulties. Their separation from other pupils may also be a result of their residential segregation or isolation;
- Factors influencing inadequate access of the Roma to and low attainment in education, include also lack of training, support and resources for school personnel to deal with ethnically mixed classes; low educational levels and past discrimination experience suffered by the parents, resulting in poor motivation in investing in children’s education; lack of informal education facilities, helpful to support and stimulate – whether in pre-school years, or in parallel with formal schooling – the Roma children’s socialization, as well as their learning of linguistic skills;
- A further obstacle to greater public policy investment is represented – as is often the case, when it comes to welfare for the Roma – by the majority society’s attitudes and expectations. Greater public investments, or even educational measures somewhat targeted to Roma pupils – possibly building on Roma active involvement – are likely to face tough resistance from local authorities and public opinion, along with negative reactions of non-Roma parents.

⁸⁷ European Commission, *Aide-Mémoire for desk-officers: Roma and structural funds programming 2007-2013*.

While the situation of Roma in education is critical across all European countries, a distinction can be made – in general terms – between perceived problems and priorities of action in new and “older” Member States. As a recent EC report puts it,⁸⁸

“While the segregation discourse is strong and generally accepted in new Member States – including Romania and Bulgaria – old ones seem to focus more on absenteeism and drop out... or on the unintended effects residential segregation has on the situation of Roma in the schools. Beyond the abolition of physically segregated education, problems remain in relation to the accommodation of Roma needs in mainstream education... thus, while blatant forms of segregation in new Member States may be characteristic of exclusionary policies, issues of early drop out and underachievements are telling of structural, institutional discrimination in old ones.”

While the latter problems are unquestionably serious, some more remarks can be made on Roma children segregation – as an issue still critical in its own right, in most new member countries. Such is the case, for instance, in Latvia, where the practice of separated classes, although not officially acknowledged by the public authorities, is still widespread. As the case study states:

Apart from school access, Roma children’s attendance seems to be a further relevant problem. A highly controversial issue, in this perspective, is represented by the organization of separate classes, explicitly addressed to them. This is especially the case in towns with a greater Roma minority. This practice, although never developed through official policies, has raised in fact both support and harsh criticism. On the one hand, classes for Roma alone have been justified as an opportunity for them to cultivate their native language, within a more protected environment which may even pave the way for a more successful educational career. On the other hand many opponents – Roma NGOs especially – argue that the isolation of Roma children from majority education is an act of discrimination in itself, and even a source for greater social exclusion. The latter may be right, as the segregation of Roma school is mostly regarded – and has also been condemned, in other European countries⁸⁹ - as undue discrimination. Even in Latvia, in fact, “Roma classes” are mostly instituted as pedagogical correction classes, rather than as a result of targeted minority education programmes. At the same time, the simple option of closing separate classes is unlikely to produce benefits – in terms of Roma children’s school attendance and educational attainment – unless it is supported by further inclusion policies.

Summing up: The critical issue of education, as far as the Roma are concerned, should be approached not only in terms of *access*, but also of *quality* of the education available to them. Another fundamental point has, as the European Monitoring and Advocacy Program (EUMAP) (2007) puts it,⁹⁰ to do with the “low expectations” generally applying to the Roma (and even shared by them), tacitly qualifying their failure as an obvious, even natural fact:

⁸⁸ European Commission, *Segregation of Roma children in education. Addressing structural discrimination through the Race equality directive*, Brussels, Research Report, 2007.

⁸⁹ Especially significant is the so-called “Ostrava case”: in November 2007 the European Court of Human Rights ruled that segregation of Roma students into special classes, or even special schools, is a form of undue discrimination, as such to be condemned (see www.errc.org for an analysis in depth). While the ground-breaking sentence has prompted further lawsuits in other European countries, processes of de-segregation – in any case in danger of being superficial rather than substantive – often have to cope with long-established educational arrangements and mindsets.

⁹⁰ See EUMAP, *Equal access to quality education for Roma*, Research Report, 2007.

“The EUMAP reports uncovered a widespread problem among teachers, communities, and Roma themselves, whereby the lack of education and school success among Roma is accepted as the norm. Low expectations in the classroom and in society undermine Roma children’s own confidence, and limit their horizons. [...] Curricula rarely include Roma as contributing members of national society; textbooks seldom mention Roma, or may even portray Roma culture negatively...”

The fact remains that, as all the available evidence suggests, education acts as a channel of intergenerational reproduction of Roma social inequalities – let alone the peculiar stigma they have to cope with, whatever the national context at stake. Poor or no education is very likely to result in fewer future life opportunities, and thus in transmission from one generation to the next of the scant chance of the Roma enjoying opportunities for conditions equal to those of the majority societies. Quoting a Member of the European Parliament,

“Education is a critical issue... the situation as regards education is very similar in all [EU] countries irrespective of the size of the Roma population [...]. In my view, this is a mental holocaust for those graduating from these schools: they receive a low standard of schooling which effectively denies them the opportunity to receive further education. In turn, they will find it difficult or impossible to find a job and will end up living on social benefits. The fact that so many Roma are unemployed is due partly to the social situation and discrimination but to an important extent it is due to a lack of education⁹¹”

3.1.3 Access to social and health care

In a comparative study – one of the few – on Roma access to social welfare, ERRC and NUMENA Research Centre on Human and Social Sciences (2007) analyzed the impact of social policies on Roma communities (drawing also on the national action plans for social inclusion) in France, Czech Republic and Portugal. A balance was thus drawn up on the scope for “social inclusion through social services”, in each of these countries, as far as the Roma are concerned.

The overall scenario is very bleak: in the three countries analyzed, most eligible Roma users reportedly struggle in achieving equal access, in comparison with the majority populations. A similar picture of “welfare marginality” can be reasonably expected to apply to most EU Member States (European Commission, 2004; World Bank, 2005).

In the authors’ opinions, the communal factors accounting for this are four at least:

- i.) *discrimination* by social service practitioners, including improper application of eligibility criteria to social assistance programmes and policies;
- ii.) *territorial segregation* of Roma minorities, making their access to welfare services even more difficult;
- iii.) *communication barriers* between social workers (and welfare agencies), on the one hand, and Roma communities and individuals on the other – hence a need for effective mediation strategies;
- iv.) *poor information* and great distrust with respect to the social services, within Roma communities.

⁹¹ Viktória Mohácsi, Member of the European Parliament. Quoted in European Commission, DG Employment, Social Affairs and Equal Opportunities, *Annual report 2005: Equality and non-discrimination* (2005).

However, the core issue lies not so much in Roma access to the social services, as in their striking over-representation among the potential welfare recipients, due to their relative deprivation in nearly every respect. Further distinctions should then be introduced, within the overall category of “Roma” (which already conflates several distinct ethnic belongings – see for instance Liegeois, 1994), to account for specific disadvantages related to gender, age, area and settlement pattern, long-term unemployment, disability, and lack of official or regular residence status.

At the same time, as the EU Fundamental Rights Agency (2008) suggests, the Roma risk of exclusion from mainstream social and health care provision – while applying across all Europe – is also related to country-specific factors:

“Roma risk being excluded from public health insurance if they are long term unemployed, like in Bulgaria and Romania, or, if they lack the necessary identity papers, as in Romania and Slovenia. In many cases Roma also have problems accessing health care when they live in isolated rural areas, as is the case in Greece, Spain and Hungary or in encampments on the outskirts of cities with limited or non-existent public transport facilities, as in Greece, Spain, Italy and Hungary. [...] The over-representation of Roma among the unemployed, the poor and the poorly-educated is among the factors that influence their access to health care”. (European Union Agency for Fundamental Rights, 2008)

A few years ago, a EUMC Report (2003) provided a groundbreaking overview of the Roma communities’ access to health care across Europe, with specific focus on women’s conditions. The assumption was that *“Romani women play a central role in health related matters of their families and communities, and so ensuring their free and equal access to public healthcare becomes a key aspect to the broader advancement of Romani individuals and communities”*.

The key results of EUMC’s research can be summed up in four points:

- “Increased familiarity” is needed between health care professionals and services, on the one hand, and Romani users, as far as their health-related perceptions, cultures and practices are concerned;
- The “interrelated effects of discrimination and poverty” become a barrier to effective health care access. Due to their ethnicity (let alone gender), Roma women may be refused assistance by health care workers or institutions; they may be treated in discriminatory terms, or even segregated within the health services; and they may be denied access to emergency care.
- On the other hand, poor information is available on *“reproductive and sexual health among Romani women and men, especially adolescents, despite marriage and childbearing at a young age in many communities”*. The Roma women’s access to preventive care and family-planning services is low everywhere, whilst their fertility and abortion rates are systematically high. The Roma users’ lack of information on and distrust of health institutions, along with barriers in health provision and the lack of culturally sensitive services, are all factors that may account for such differences;
- “The institution of Romani mediators” – especially when it comes to women – “may have a significant impact on promoting integration with mainstream services”. This seems to have been the case, for instance, in Romania (see the good practice described at 3.3). At the same time, many more structural factors impact on Roma inadequate access to health services: problems with documentation, information and financial barriers, residential segregation, over-exposure to poverty and unemployment, and so forth.

Building on this research, as well as on further ERRC fieldwork (ERRC, 2006), a recent comparative report by ERRC/NUMENA Research Centre on Human and Social Sciences (2007) places especial emphasis on four lines of intervention, to be developed for a greater “health inclusion” in Roma minorities:

1. *mediation in health care*: an active involvement of mediators, especially in hospital structures, is likely to enhance reciprocal trust, paving the way for easier communication between health staff and Roma patients;
2. *training for health practitioners*: training programmes for medical professions, in the field of anti-discrimination and cultural awareness, may also prove helpful;
3. *proactive health initiatives*, in an outreach perspective: visits to the Romani communities by professional health workers – when it comes to administering a vaccination programme, for instance – may be helpful on many grounds: in facilitating Roma access to ordinary health facilities, via direct contact with them; in improving health practitioners’ understanding of Roma lifestyles and conditions, with their impact in health terms; possibly even in reinforcing the Roma users’ confidence towards health professionals;
4. at the same time, however – as a core aim building on the previous ones – *mainstreaming health care* to every Roma user, i.e. promoting their equal fruition of ordinary health provision, whatever the obstacles lying either in health structures access, or in practitioners’ resistances, or in the Roma patients’ attitudes.

A significant contribution to Roma inclusion in the health system has also derived, in Eastern Europe countries, from the Strategic Plans of the Decade of Roma Integration. In Hungary, for instance, the 2007 Plan provided for Roma-dedicated measures “such as posting health care practitioners in regions where the Roma population is concentrated; promoting health screening examinations; increasing the number of nurses, district nurses, doctors, social workers of Roma origin; and elaborating local health promotion plans, focusing on needs of Roma” (EU Fundamental Rights Agency, 2008, p. 92).

3.1.4 Access to decent housing

According to the latest EU Fundamental Rights Agency Report (2008), the Roma communities’ marginality, in terms of housing conditions, is a “Europe-wide problem”, despite significant variations on a national basis. The Roma’s peculiar vulnerability, even on these grounds, can be summed up with three commonalities across the EU Member States: “overt discrimination, substandard housing and forced eviction”.

Further commonalities arguably lie, on the one hand, in the reluctance of the public authorities to facilitate Roma settlements and, on the other hand, in a widespread inheritance of segregated settlements, or even dedicated neighbourhoods – often overcrowded and deprived, lacking basic facilities, marked by bad health conditions and poorly connected to the public services and institutions. This applies irrespective of the prevailing Roma housing arrangements in any given country: whether disadvantaged peripheries (and even urban ghettos) or shantytowns, isolated rural areas or caravan sites.

In terms of welfare policies, public housing is likely to be the sector where the perceived competition with the majority population is higher; providing settled housing may be an effective response to their accommodation needs. Whatever the case, there is the fairly widespread fear, in local districts, that the Roma – even more than other ethnic minorities – may be given access to public facilities, to a far greater extent than they are seen to “deserve”.

A significant example is provided, in this perspective, by **Spain**. As our case study reports,

Public authorities in the country attempted, during the 70s, a widespread relocation policy, involving Roma families to move from shantytowns to ordinary housing. Against Roma communities' resistance, which would result in further proliferation of shantytowns, a new approach has been developed in the following decade – hence a significant investment in Roma-dedicated housing settlement or even micro-towns, in fact enhancing their territorial segregation. On a local basis, de-segregation attempts have sometimes proven successful, such as in the “good practice” of Aviles, described below. Most of these efforts have however been hampered by widespread anti-Roma sentiments and hostilities, let alone Roma's own resistance. Since the early nineties, indeed, a more flexible and inclusive approach has been developed in local policies – the aim being to establish, “on a case-by-case basis”, the more suitable housing arrangements, with due regard both to Roma families' (and associations') expectations, and to the need of avoiding over-concentrations, while favouring the accessibility of mainstream welfare services (first of all in education). This has arguably lessened the relevance of segregated “Roma-only” neighbourhoods, although, generally speaking, Roma housing standards are still significantly inferior to the majority population's ones.

3.1.5 Access to financial services

The “poverty trap” in which the Roma are particularly likely to fall is related not only to disadvantages in education, labour market marginality or poor cultural capital, but also to a widespread “lack of access to credit” (World Bank, 2005). Insofar as access to financial services is contingent on economic resources and employment conditions – not to mention possible suspicion or discrimination on the part of the loaning institutions – Roma conditions and opportunities are peculiarly low, even in this respect.

Not much literature is available, however, on Roma access to banking and other credit opportunities, let alone the informal market of usury, which may develop, on a local level, even from within the Roma communities. Some introductory remarks can, however, be made on micro-credit, as a potential channel – though, for now, only in pilot projects terms – in fostering Roma access to credit opportunities (see 3.4).

3.2 National models and integration strategies

Each of the welfare domains mentioned above is, in practice, interdependent with the others. Roma poverty has many distinct roots, each interconnected with the others, resulting in a multidimensional, intergenerational process of cumulative causation. Hence, in terms of social inclusion strategies, there is need for a comprehensive and multifaceted approach.

The problems experienced by Roma are multidimensional and interlinked: Poor housing has an impact on health and on educational performance and access to public services. Low attendance rates at school and unequal treatment within the educational system affect employment opportunities, access to services, health, and access to justice. This... requires a multisectoral, or integrated, approach to providing solutions... [and thus] close cooperation and coordination between government departments and between national, regional, and local levels of government. It also requires meaningful and ongoing consultation with the breadth of the Roma community. (Open Society Institute, 2006).

This section will be devoted to the extent to which, and limits within which, such an approach applies to social policy orientations in the EU Member States.

European national policies for the Roma – whether targeted on them, or involving them within a wider framework – can be basically classified, according to a World Bank (2005) study, along a twofold continuum:

- on the one hand, coercive vs. rights-based policies;
- on the other hand, individual-based vs. group-based ones.

Four ideal typical policy models – which in practice may intermingle, sometimes clashing, with one another – can thus be described (see table 3.1).

Table 3.1 – A typology of Roma policy approaches in Europe

	<i>Coercive</i>	<i>Rights-based</i>
Roma treated as a separate group	Exclusion	Minority Rights
Roma treated as individual members of broader society	Assimilation	Integration

Source: World Bank, 2005

1. The first model – *Exclusion policies* – reflects a long historical legacy of policies oriented to maintain, or even reinforce, Roma marginality vis-à-vis the majority society, often on the grounds of their radical strangeness, of their perceived dangerousness, or even of their supposed “inferiority”. In different guises, such orientation is far from eradicated even nowadays. Its after-effects apply, for instance, in the frequent cases of Roma geographic marginalization, or in their segregation from mainstream society institutions.
2. A second ideal type, (*Forced*) *Assimilation policies*, shares with the former a fundamental concern “to reduce the visibility of Roma communities” (ibid.). Assimilative policies aim to make Roma adopt the majority society’s values, lifestyles and behaviours. Belonging to the mainstream society is supposed to be the way both to facilitate interaction between Roma and non-Roma, and to provide the former with many more benefits and opportunities than the traditional identities they may be losing, while assimilating. A typically assimilative approach towards Roma minorities, for instance, underlay socialist policies in Eastern Europe during the Cold War.
3. Throughout the last decades, however, quite different minority policy models have gained prominence – at least in terms of public discourse – in liberal democratic states, also under the impulse of international organizations. The two ideal types involved here share a public recognition of minority civil and political rights, but differ as to the privileged focus of such rights: whether an individual, or a group. The *Integration policies* approach involves, in principle at least, the recognition of Roma as individually full members of society, irrespective of their peculiar cultures. The latter can even be maintained, provided they do not prevent the adoption of the majority society’s lifestyles – supposed to be a vehicle for their achievement of equal opportunities with non-Roma individuals. Conventionally progressive approaches to Roma inclusion in the labour market, in the education system, etc., on equal footing with any other individuals, fall within this policy model.

4. A more recent version of the liberal-democratic approach, placing greater emphasis on group rights, has to do with *Minority rights policies*. In this perspective, improving Roma (or any minority) living conditions and opportunities entails greater respect for their “cultural self-determination” (ibid.), along with their attainment of full individual rights. Indeed, a significant development in the last few decades has been the recognition of minority rights, as a result first of OSCE and Council of Europe initiatives, and then in a common EU framework (ibid.). On a national level, the increasing importance of minority rights protection – including, in some cases at least, the Roma – should be understood in this perspective. Yet, altogether, “the status of the Roma as an ethnic minority group has been only officially acknowledged in some countries in recent years, and even in those countries... there is little if any systematic monitoring on the socioeconomic situation of the Roma or social inclusion impact assessment” (European Commission, 2006).

Apart from policy-making orientations, the models described above reflect distinct visions that may coexist in national public opinions and even in Roma self-representations and expectations – whether inclined to integration with majority societies, or rather to the maintenance of their own peculiar identities. Far from being abstract assumptions, distinct orientations impinge on real policy options regarding the Roma in the field of schooling, social and health care education, housing, etc.

In practice, however, such ideal policy types may **overestimate the overall consistence of national policies**. The latter, as far as Roma minorities are concerned, are likely to result in fragmented and piecemeal actions, under many different pressures (generally unfavourable to greater Roma inclusion), rather than in far-reaching strategies. Above all, while national policy-making may set a general framework for Roma inclusion, it is on the local level, in relation to local specificities, that social policies are actually implemented. When it comes to evaluating the impact of public policies, special attention should be paid at a local scale of analysis. It is on the local level that formal entitlements take real shape, and abstract law provisions are put into action – whatever the result – in real terms. It is on the local level that effective inclusion measures, if any, can be developed.

In the perspective of Roma community advocacy and self-mobilization, therefore, the **local authorities may prove to be key stakeholders**. The “Final Recommendations” of a Roma civil society forum, recently hosted by OSCE/ODIHR, show a particular concern with the local authorities as potential partners in facilitating Roma community development; as a crucial focus for Roma political representation and participation; and as a channel for awareness raising and sensitizing with respect to the majority societies. As their final declaration reads:

We urge local authorities to work together with local Romani councils and civil society with the aim of involving Roma and Sinti in the governance of their communities at both the level of city districts and villages. This process should be sufficiently funded by national budgets;

We call upon local authorities to assist in building the capacity of Roma and Sinti to be actively engaged in the public administration of their countries;

*Initiatives should be undertaken that sensitize local authorities and raise awareness of mainstream society to the challenges Roma and Sinti confront. This can be done through joint events and projects between local authorities and Roma groups and will serve as reliable confidence-building tools to shape social models for Roma integration and promote positive interethnic relations.*⁹²

When, however, it comes to providing services for highly stigmatized groups such as the Roma – and thus to making unpopular choices, even costly in electoral terms – the national and local authorities may engage in a process of reciprocal “blame shifting”. While the national governments blame the local authorities for failing to implement interventions consistent with (supposedly effective) national policies, the latter blame the former for the increasing constraints on local budgets, supposedly inhibiting them from investing more in social care. As reported in an ERRC/NUMENA Research Centre on Human and Social Sciences (2007) report:

“Paradoxically, local government officials stressed that the funds necessary for full and proper implementation of the provisions are not provided and they therefore have to make choices... within the strict budgetary conditions they face. This, they feel, is the fault of the national government... [on the other hand], national governments point to good policies at the national level and the failure to implement at the local level of government. Local government actors point to vague national policies without localised targets and an ever-existing shortfall of funds to implement programmes. The result of this political finger-pointing is that vulnerable groups such as Roma and Travellers continually suffer from a lack of real improvement in their situation”. (ERRC/NUMENA Research Centre on Human and Social Sciences, 2007)

3.2.1 National policies for Roma minorities: examples from case studies

As for the institutional arrangements developed by national governments in planning and subsequently implementing Roma policies, three exemplary cases in as many different areas of Europe warrant further attention.

In **Romania**, a country with a significant Roma minority, the process of EU accession has contributed to a growing attention to Roma issues in institution-building and policy-making. A targeted legislative framework – i.e. the National Strategy for Improving the Situation of Roma – was adopted in the country a few years ago. A dedicated body, the National Roma Agency, is in charge of co-ordinating relevant national policies. This institution– as documented by our case study – plays a twofold function:

- *developing, monitoring and evaluating public policies that target the Roma population in Romania;*
- *implementing, coordinating, monitoring and evaluating the measures included in the Government’s strategy to improve the situation of Roma.*

Roma-addressed policies are then implemented on a local basis by an extensive network of regional offices supported by experts in Roma and welfare issues. A national council against discrimination has also been recently established.

On the international level, Romania is one of the countries involved since its very inception in the Decade of Roma Inclusion, which will be dealt with in chapter 4.

⁹² OSCE/ODHIR, *Sustainable policies for Roma and Sinti integration – Side Event: Roundtable for civil society. Final recommendations*, art. 37-38-39. Vienna, July 2008.

In **Spain**, too, a National Plan for Roma Development has been applied by the national government, on a yearly basis since the late eighties. This administrative unit deals specifically with Roma inclusion policies, drawing on a dedicated budget. It pursues a three-fold mission: to develop compensatory initiatives including positive actions to favour Roma social inclusion; to coordinate the different administrative actors in charge of Roma policies, as well as co-operation between the former and civil society organizations (whether Roma or not); to make general measures and policies apt to satisfy specifically Roma recipients' needs. Quoting the case study,

More in detail, the Roma-addressed national programme has developed along three significant lines:

- *Direct funding from the public authorities to projects fostering Roma social inclusion, with a comprehensive approach – including initiatives in employment, education, housing and health;*
- *Support, both in financial and in technical terms, to NGOs aiming at improving their living conditions – which results in labour market inclusion, training and social promotion initiatives;*
- *The training of practitioners working in the field with Roma communities.*

In terms of policy implementation, a **significant role is played by NGOs and Roma civil society organizations**. By far the main partner of the local authorities across the country, when it comes to realizing Roma-addressed policies, is the *Fundación Secretariado Gitano*. This private organization has signed agreements on a national scale with ministries and key public agencies in such fields as housing, health care, youth and education policies, etc.

In **Finland** an Advisory Board on Romani Affairs has been in operation for several decades, with the function of liaising between the public authorities and Roma minorities. The presence of this body within the Ministry of Health and Social Affairs, and its potential for Roma representation (though only for consultation aims), are the hallmarks of the Finnish experience. As the case study puts it,

The Board advises on both the development and implementation of government policy. It also monitors and advises on the implementation of the rights of Roma under international agreements and conventions (...) (It) is appointed every three years by the central government. (...) half of (its) members represent the main Romani associations while the other half consists of representatives of different ministries (...). The Board has a Secretary-General, who is member of the Finnish Romani community.

The duties of the Advisory Board on Romani Affairs include:

- *monitoring and reporting to the authorities on the development of Romani people's living conditions and opportunities for participation in society;*
- *promoting initiatives aimed at improving economic, employment educational, social and cultural conditions of Romani people;*
- *contrasting all forms of ethnic or racial discrimination;*
- *preserving Romani language and culture;*
- *participating in international activities in order to improve the conditions of Roma.*

Having described these three cases, some more remarks are worth making on a typical dilemma inherent in public policies, between dedicated actions (or even positive ones) and mainstream welfare provision.

In the field of education, for instance, some EU Member States have promoted policies with a specific target on Roma pupils, whereas in other national contexts the option has been taken to address Roma issues within a broader framework - possibly related to anti-discrimination or intercultural education policies (EUMC, 2006).

While targeted policies may prove more effective, the risk exists that they generate unintended consequences, such as further segregation of recipients, or hostile reactions from the majority populations. The latter may perceive any overtly Roma-dedicated initiative as an undue privilege granted to them. Even when targeted actions are implemented, therefore, the tendency to “mainstream” them in general policy-making initiatives should be maintained (Open Society Institute, 2006).

Whatever their approach, effective social inclusion policies should strike a balance among three distinct objectives (World Bank, 2005);

- i.) “increasing [Roma] economic opportunities”, by enhancing and qualifying their participation to the labour market;
- ii.) “building human capital”, with the levers of education and health;
- iii.) “strengthening social capital and community development”, by facilitating Roma participation in the public sphere and civil society initiatives.

Altogether, nevertheless, the information available regarding the measurable impact and sustainability of policies addressing the Roma – whatever their orientation and degree of “targeting” – is still very scant and fragmented (EUMC, 2006).

3.3 A few good practices in Roma social inclusion

Finding good practices and combing through the evidence provided by the literature and with the practitioners’ opinions has been no easy task. Most of the effective interventions ascertained are quite local, i.e. related to specific local areas, in scope and impact. Despite the need for mainstreaming, they would not necessarily be transferable to different, less favourable contexts. It is thus important to emphasize, in each of them, the more promising features with a view to transferability.

A key area of concern involves, first of all, ***access to training and employment***. Despite the general marginalization and discrimination of the Roma in the labour market, a few targeted local initiatives in this respect are likely to be found – whether in vocational training, labour market inclusion or even in enterprise creation – across most European countries. Even when proving effective, however, seldom do they get beyond the “pilot project” stage – on a far smaller scale, in other words, than a proper solution to the problem would require.

One of them is especially worth mentioning here, insofar as it attempts to build on Roma customary activities taking a gender approach. The Proyecto Clavel, in **Spain**, has to do with the regularization of some peddling activities of Roma women. Although developed in a specific local context, it could probably be reproduced in different metropolitan areas. As the national report on Spain puts it,

“Proyecto Clavel” (is) a regularization process of underground economy activities, developed in Southern Spain (Seville City), in the framework of an EQUAL project. A “typical” activity for Roma women – street flower selling – has been selected for a regularization plan, which has involved training, technical support and then better earnings for some twenty Roma women, targeted as beneficiaries.

More in detail, the project has developed through the following steps: a feasibility plan for activity regularization; the selection and training of recipients; the design of sales spots; technical assistance to beneficiaries; information campaign addressed at the local population.

Another example is the social secretariat for access to labour market in Rome, **Italy**.

The project aims to assist Roma and Sinti populations in access to the labour market. Started in February 2005, the project is financed by the Municipality of Rome. The social secretariat is managed by Opera Nomadi through three specialised operators and two Roma cultural mediators. The involvement of Opera Nomadi and, especially, of Roma cultural mediators, is a guarantee of the involvement and active participation of the Roma and Sinti population in the project. The secretariat is mainly a help desk within the Municipality offices, dealing with all the day-by day requests and needs of assistance that may arise in access to the labour market. The project innovative elements are mainly based on the fact that a specific help desk for the Roma and Sinti population has been created and is also run by Roma operators. The multilevel approach at the basis of the project is also an element of innovation: the activities that should facilitate the access to the labour market are considered together with all the activities aimed to support Roma and Sinti populations to full recognition of citizenship rights and social and cultural integration.

In the field of **education**, the interventions with greater impact are generally those able to combine attention to literacy and school attendance with investment in the social background – in family and even in community terms – of Roma children. Educational initiatives should thus be intertwined with support actions outside the school realm, involving both health and psychological action. Such is the case, for instance, of an integrated social support initiative for Roma children launched in **Romania** by a private Foundation. As the case study on the country states,

The Phillip Home Foundation runs integrated programmes (educational, socio-medical assistance, psychological counselling and after school programmes) to address the complex needs of Roma children and their families (...). The service centre... addresses the whole community. The project adjusts its services to answer the identified needs of the Roma children and families by creating a network of local stakeholders both in formal and informal capacity. The project was initiated in Bucharest and based on its proven efficiency and sustainability was further replicated in the central Eastern part of Romania (Buzau County). The project has several complementary components including a day centre for Roma children, health centre, resource centre for parents and also a methodology centre for teachers working with disadvantaged children. The day centre provides support for children to enhance their school performance and socio-medical assistance. The children benefit of a free meal (many Roma parents state they are willing to send their children to school if free meals - even snacks - are provided, and also request school supplies and clothing) and free time activities focused on child development. The staff maintains permanent contacts with the Roma families in order to improve the child-parent relation thus expanding the day centre activities within the local community. The children assisted by the project made visible progress in terms of improved school attendance for those showing school dropout risk, improved school performance, social integration and development of social skills. In order to enhance the programme's efficiency the Phillip Home Foundation developed partnership agreements with various community members, with the local schools and kindergartens and with local authorities.

An interesting example comes from **Italy**:

The project 'Educational city' takes into account the interactions between Sinti children and young people and the Gadge population (Italians) in the Municipality of Reggio Emilia, as well as the integration processes to be promoted and supported. Three female educators have been involved in the project. These educators have worked within schools and in an extra-curricular framework with educational activities, free expression and cognitive laboratories, in small workgroups. The projects were based on socialisation, integration between Sinti and Gadge children and additional education actions. An awareness-raising campaign has been launched within the community to stimulate and foster the participation of children aged between 6 and 14, especially in education additional activities such as support in doing school homework, in laboratories and recreational initiatives organised by various local associations. As far as co-operation with schools is concerned, one of the interventions also aims to collect handbooks for Sinti pupils through a second-hand and new book monitoring/collection/re-distribution and purchasing system. This initiative allows all Sinti students to take part in school activities equipped with the necessary basic material, thus eliminating one of the first discrimination causes. During summer time special efforts have been made to integrate Sinti children in playgrounds: in this way it has been possible to facilitate the building of relationship and mutual knowledge. The project has contributed to build and strengthen relations with other community social and educational workers, with Sinti families and Sinti representation organisations.

When it comes to **housing**, an issue which often reflects and compounds Roma marginalization with respect to the majority societies, a significant example can be mentioned in Spain. Here, in a local municipality, the long-term involvement of local authorities for Roma inclusion has paved the way, with the active support of civil society, for an “inter-ethnic” climate far less hostile than is often the case. This has resulted in an ambitious Roma housing inclusion project, gradually superseding accommodation in shantytowns, or at any rate in separate villages. As the case study on **Spain** suggests,

Another significant initiative (...), in the crucial field of housing, has been developed in the Northern Spanish town of Avilés. This outstanding “Municipal programme of shanty town eradication” has been implemented in the last decade, relying – however – on long pre-existent favourable conditions in terms of policy programming, as well as of co-operation between local authorities, NGOs and Roma communities. The latter, previously residing in a distinct and isolated settlement (which, though regarded as a “model village”, was still a source of segregation), have been gradually and voluntarily relocated into the town’s “ordinary” neighbourhoods, in standard housing accommodation.

According to an EC’ profile on this good practice, the key factors for the project’s success lie, on the one hand, in the “committed involvement of the different administrative governments level (local, regional, national) and departments (housing, education, health, employment)”; on the other, in “the high level of participation, commitment and involvement of Roma organizations and beneficiaries”.

In **Italy** an important project has been implemented:

Within a general programme framework of the Municipality of Pisa called “Le città sottili”, in May 2004 a specific set of initiatives started in order to close all the camp sites around Pisa and substitute them with the possibility for Roma and Sinti population to live in real houses. Different approaches and procedures were implemented:

a) supporting Roma and Sinti populations to access to public housing that the Municipality run and rent at special prices to specific disadvantaged groups; b) simplify the access of Roma to rented houses owned by private individuals or families: a social cooperative signs the rent contract on behalf of the Roma families. c) building a specific village in which Roma families can live together.

In the field of **health care** – involving issues of both access and use, with respect to service provision - further reference to a good practice developed in **Romania** is worth making. A project of health mediation has been developed and mainstreamed here, with good potential in terms both of Roma active involvement and of transferability to different national contexts. From the case study:

The health mediator programme proved successful throughout Romania helping to improve access to health services for Roma people. The Roma Centre for Social Intervention and Research (Romani Criss) is recognised by the Ministry of Health as the main programme promoter and organizer. The programme started in 1996 when Romani Criss launched in partnership with the Catholic Committee for Fighting Starvation and Discrimination – CCFD (France) a project to provide professional training to Roma women and facilitate communication between Roma communities and medical services. (...) In 2001 the positive results of the project led to the national recognition of the health mediator profession (...). On the occasion of the OSCE conference “Equal Opportunities for Roma and Sinti – Translating words into facts” (...) Romania became the first country with a functioning health mediator network integrated in the public health system. The health mediator works within a community of 500-750 persons and has the role to liaise between the Roma and the medical professionals, to facilitate access to medical services and to provide information on the rights and responsibilities of the Roma in the society. Usually the health mediators are Roma women: belonging to the respective community they enjoy the respect of the community members and the support of the local Roma leader. The activity of the Health mediators is conducted in close cooperation with and under the supervision of the local health authority representative. The Roma community representatives are involved in the selection of the health mediator. (...) According to Romani Criss over 600 health mediators are working in Romania as paid workers (...) or as volunteers. The innovative character of the project promoted by Romani Criss contributed towards changing the position of the Roma women within the small community and the larger society. The mediator status belonged to men within the Roma community and a Roma woman only had difficult access to equal status to that of men in areas such as the health or official employment, the condition of the Roma women being generally reduced to domestic activities with no professional or even social recognition. The National training programme for health mediators answers to the wishes of the Roma people in Romania to be involved in a programme to stop discrimination in terms of access to health combining the social and medical spheres. The number of Roma persons with improved access to health services has increased as result of the health mediator programme. (...) The health mediator programme was replicated at national scale and was expanded to include the education and social mediator programmes.

Quite interesting appears an example from **Spain** concerning an integrated plan for Roma people.

A remarkable good practice, as far as the action of local authorities is concerned, is the “integrated plan for the Roma people” promoted by the autonomous community of Catalonia.⁹³ The peculiarities of this local inclusion programme lie in the integrated action across distinct areas of concern and its overall intercultural approach, as well as the active involvement of Roma minorities. As for the latter point, a “Roma people’s advisory council” has been established, which operates through distinct work groups: among them, culture and identity, education, work, health, gender policies, justice and social participation, and urbanism. Over twenty Roma organizations, operating on a local basis, were then involved in the process. The plan, approved in 2005, has developed through an array of key stages – that is, to mention but a few of them:

- mediation in socio-cultural terms and in the civic-communitarian realm;*
- school attendance and educational success promotion;*
- mediation and support for Roma users in social and health services;*
- training in Romani language and training of trainers, for community development initiatives;*
- promotion and dissemination of Roma culture, traditions, art expressions;*
- subsidies for the development of pro-Roma civic organizations;*
- investments in EU projects supported by structural funds.*

3.4 Access to (and impact of) micro-credit as an alternative to the access to bank credit

Given the difficulties inherent in the ordinary access of Roma minorities to bank services, micro-credit initiatives could be regarded as a promising alternative – much more so when it comes to developing self-employment, or to starting small businesses. Few (if any) scientific studies have been found, in our literature review, specifically related to Roma involvement in micro-credit⁹⁴. This reflects the poor diffusion of microlending to the Roma, as well as the problems it is likely to face both in starting up and in proving sustainable. Pilot projects have however been developed, in the last few years, in some national contexts, and especially in Eastern Europe – in such countries as Bulgaria and Macedonia, Hungary and Slovakia.⁹⁵ This allows for some general remarks on the potentialities and limitations of micro-finance, as far as the Roma recipients are concerned.

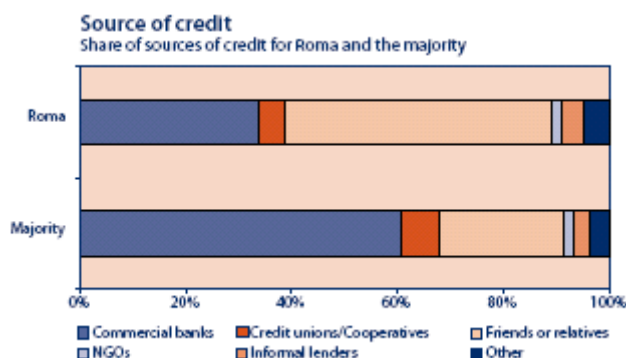
⁹³ “Integrated Plan for the Roma in Catalonia”, Barcelona, Generalitat de Catalunya, 2005.

⁹⁴ The most prominent exception is a review article building on a UNDP survey across Eastern Europe: A. Ivanov, S. Tursaliev, *Microlending to the Roma in central and southeastern Europe: Mixed results, new approaches*, “Comparative Economic Studies”, 48, 2006, pp. 36-49. A relevant case study is also provided – in the same UNDP framework – by V. Tounytsky et al., *Risk assessment and mitigation analysis: Micro-credits for Roma communities in Hungary*, Research draft, 2005.

⁹⁵ In Bulgaria, for instance, a UNDP programme for local development “in regions with a predominantly minority population” has resulted – among other initiatives – in “micro-credits for minority groups”, the Roma being a key target. No evidence is, however, available as to the impact: Roma Education Fund, *Advancing education of the Roma in Bulgaria*, Decade Initiative’s Country Assessment. International NGOs such as USAID have invested in the sector too. See also, along with the key article mentioned above, *Decade watch: Roma activists assess the progress of the decade of Roma inclusion*, 2007 Update. For a broader overview on Roma employment conditions in Eastern Europe, reference should be made to UNDP, *At risk: Roma and the displaced in South-East Europe*, Research Report.

In the first place, findings from empirical research in Eastern Europe show that, even when it comes to microlending – that is, initiatives facilitating borrowing for vulnerable groups – the Roma are, on average, in a somewhat disadvantaged position:

*“Although over-represented among the unemployed, the Roma are usually under-represented as borrowers, even in projects explicitly designed to provide them access to microcredit... the question arises as to what extent small business-oriented projects can tackle issues such as unemployment among the Roma”.*⁹⁶



As the figure above suggests (source: Ivanov and Tursaliev, 2006), Roma are much more likely than the majority population to rely on informal borrowing – whether from “friends and relatives” or, to a lesser extent, from informal lenders. They have also a more limited access to ordinary banks, as well as to credit cooperatives or credit unions – which further constrains their potential involvement in microfinance.

Some more facts, drawing on UNDP’s pioneering research on the topic, are also worth emphasizing:

- while Roma activities – even in self-employment – are seldom “marketable” enough to repay even small loans (let alone to make profits), a more structural issue is at stake: most Roma borrowing takes places on strictly livelihood grounds, rather than on entrepreneurial ones. In other words, the primary reason for them to borrow has to do with basic consumption – either for individual (e.g. emergency health care) or family needs – rather than with business-oriented initiatives;
- the lack of assets (and even of reputation) employable as guarantees, which is one of the factors marginalizing Roma communities from ordinary banking, is only one side of the coin. Hardly less relevant, as an issue to be addressed, is their customary resort to “peer borrowing” – that is to informal networks, inside their own communities, which may prove at best costly, or even downright exploitative;
- in policy terms, a key distinction should always be made between grants and loans: while Roma may be recipients of social welfare provisions that do not need to be paid back (e.g. benefits, training or business assistance, etc.), loans – addressed at starting, or enhancing, some market activity – should be dealt with on quite different terms. Any initiative aiming at Roma social inclusion should be able to make the distinction between the latter and the former, even though – in an ideal model at least – grants should pave the way for more autonomous living conditions, thereby exhausting their function: “the gradual maturation from grants to loans is a common element of all successful projects targeting Roma communities” (ibid.);

⁹⁶ Ivanov and Tursaliev, cit., p. 39.

- overall, microfinance is by no means a “ready for use” solution for the Roma, as a target group in itself. It should, rather, be approached as a possible option – with respect to specific self-employment initiatives – within a wider continuum of social inclusion actions, ranging from unconditional aid to more ambitious, and promotional, activating policies.

Summing up, as Ivanov and Tursaliev (2006) concluded,

“Roma are borrowing. They do so at unaffordable interest rates from informal and potentially abusive moneylenders. However, they are rarely borrowing for productive purposes rather than to meet family emergencies. This is the major reason why existing networks are less a part of the... poverty reduction system and more a part of organized crime networks. [...] Microlending should not be seen as a ‘differently worded’ tool for social assistance and drastic poverty alleviation. It should be targeting only those whose agenda goes beyond day-to-day survival. All other efforts should focus on providing social assistance”.

In other words, microcredit for the Roma should be approached as an intermediate tool – one that can reasonably be employed provided some pre-conditions are satisfied, in terms of living standards and viable prospects for self-employment. This is, after all, the primary reason accounting for its still marginal diffusion and impact.

3.5 The role of the Roma in their own social inclusion

Everybody would probably agree, in principle, that Roma participation in public decision-making processes, on equal terms with other citizens, is a pre-condition to achieving their equal treatment, as well as effectiveness in any field of intervention addressing them. Both their representation in elected bodies and their consultation in policy-making processes are, however, very weak across all European countries (World Bank, 2005).

One may also agree that “this virtual absence of Roma voices has been paralleled by a marginalisation of Roma concerns on the political agenda” (Open Society Institute, 2006). Yet, experience suggests that appropriate processes of Roma representation and consultation in public policies – unless they are treated as a simple matter of tokenism⁹⁷ - are arduous, complex and delicate. A special investment in capacity building may be necessary - that is positive measures such as promoting “the ability of Roma individuals, groups, and organisations to articulate their needs and interests within the various decision-making fora” (ibid.), as well as in providing technical and financial resources to this purpose. Appropriate Roma involvement should also reflect the inherent differentiation in Roma communities, along with their diversity in gender and age terms. A former OSCE High Commissioner on National Minorities, Max Van Der Stoel, aptly describes the issues at stake here:⁹⁸

“[Despite] the basic democratic principle that individuals should have a say in how they are governed... countless programs for Roma have been destined to fail because they were developed without Roma participation, and, correspondingly with scant awareness of the specific culture and needs of the intended beneficiaries. [...]

⁹⁷ Tokenism refers to a policy or practice of limited inclusion of members of a minority group, usually creating a false appearance of inclusive practices, intentional or not. Among typical examples in real life and fiction is deliberate inclusion of a member of a minority race (such as a black character in a mainly white cast, or vice versa) in a group. (Wikipedia)

⁹⁸ Quoted in Open Society Institute (2008).

In view of the frequency with which government officials cite the fractious nature of Roma communities as a factor impeding their effective participation in policy-making processes... [one should consider that] Roma are, like any other group, entitled to political pluralism. To demand that Roma communities speak with a single voice is to expect more of them than other political groupings have been able or expected to achieve. In practice, moreover, some governments' insistence on finding what they consider a legitimate representative of "the" Roma community risks privileging one segment of Roma while excluding others from the political process... The challenge is to find effective means of ensuring Roma the opportunity to participate in public life while respecting the diversity among Roma communities".

As a pilot study on three EU countries (France, Portugal and the Czech Republic) suggests (ERRC/NUMENA Research Centre on Human and Social Sciences, 2007), the **involvement of Roma organizations in designing and implementing policies** tailored for them is generally weak and fragmented. Supposing that effective and representative Roma NGOs do exist – which is less than common –, their active participation in policy-making is rare, even on the local level. While the management of social services may be delegated to civil society organizations, Romani organizations often struggle to achieve their own expertise, legitimation and funding to compete with mainstream society's pre-existing NGOS. Ironically, this may even apply to social welfare interventions addressing the Roma minorities themselves.

More appropriate terrain for cultivating and enhancing Roma participation probably lies in civic activism and civil society initiatives – “the entry point for Roma participation to public life”, quoting again the Open Society Institute (2006). In this respect, as for the orientation and agendas of Roma associations, a rough distinction can be made, resulting in four main categories:

- the *mutuality* type, with the aim to provide reciprocally, from within the Roma communities, informal help and support;
- the *advocacy* type, their mission being to lobby for the recognition of Roma rights, as well as to fight against discrimination and anti-gypsyism, whether on a local, a national or a transnational scale;
- the *representation* type, aiming to represent in public fora, and in relevant decision making processes, Roma collective needs and interests;
- the *service provision* type, that is, organizations relatively more structured, able to promote development projects and partnership relationships, systematically addressed to the Roma communities themselves.

While these categories are not necessarily alternative to one another, a prevailing emphasis on one dimension is generally to be found in any collective initiative of theirs. Within the case studies analyzed for this Report, the role of Roma organizations is basically one of advocacy, with marginal impact in countries such as Italy and Latvia; one of mutuality and representation, as far as Spain and Finland are concerned; a more comprehensive one, with an emphasis also on service provision, in the case of **Romania**. In the latter country Roma organizations, though often lacking funds and not always effective in coalition-building, are key actors both in mediating between Roma communities and the local authorities, and in project implementation. Notwithstanding, problems related to participation, representation and dependency on public funds are hotly debated within Roma civil society. As the case study puts it,

*Roma non-governmental organizations play an important role in identifying specific problems of the community: they are a resource of solutions for intervention and they help in mobilizing the community as they have people's trust. Like other non-governmental organizations they depend on the continuation of funding and have to cope with the competition for resources (...) and the limited capacity to raise funds (...). Beyond the general importance that they have in the functioning of a democratic society, the role of Roma NGOs is vital in the implementation of projects for the Roma, because they act as an interface in relations with the community and most central and local authorities in various areas of intervention (labour, justice, education, health, police) have formal partnership agreements with Roma non-governmental organizations. Consultation of Roma representatives became common practice, most public institutions employ Roma experts and their active involvement in all stages of policy making (need identification, policy design, implementation, monitoring and evaluation) proved to have a positive influence on increasing programme effectiveness. (...) It is estimated that there are around 180 Roma non-governmental organisations throughout Romania. Some Roma opinion leaders consider **that too many people are focused on winning assistance projects** rather than on understanding the role that civil society has to play in resolving Roma issues. The leader of the main Roma political organization, the Roma pro Europe party stated that 180 organisations are involved in Roma welfare and politics, but not in the real problems of the Roma. He was annoyed by some Roma NGOs introducing themselves as civil society organisations when in fact they represent their own group interests. In his opinion these organisations should promote full citizen rights for Roma, Roma cultural values, social equity, freedom of expression, adequate social background, good living together both for the majority and minorities, eradicate extreme nationalism, encourage democracy in Romania and Europe, combat racism. He said that the NGOs receive funds and administer them, whilst the Roma also need to have political representation in order to influence policy, because that is where the decisions are made. However, non-governmental organisations, including Roma organisations are concentrated in urban areas which results in uneven coverage with services and many isolated / remote Roma communities most in need of assistance do not benefit from this type of support.*

In terms of the building of transnational networks of associations, however, the advocacy type is by far the better developed. This is much more the case, when it comes to coalitions combining Roma spontaneous initiatives *and* international NGOs with a significant record in promoting their human rights, equal opportunities and social inclusion. A significant example has recently been offered by the EU Roma Policy Coalition, gathering together NGOs concerned with Roma protection (European Roma Rights Centre, European Roma Information Office), anti-racism (European Network against Racism, Minority Rights Group International), human rights (Amnesty International), Roma social inclusion (Open Society Institute, Roma Education Fund, Fundación Secretariado Gitano) and Roma own initiatives from below (European Roma Grassroots Organizations).

At the end of a recent, first-ever EU summit on Roma inclusion,⁹⁹ the ERPC fully displayed its advocacy function, calling for “an EU-led proactive engagement that translates discussions into concrete steps for action”. EU institutions and Member States – according to the ERPC – should “ensure the fight against Roma discrimination is based on social inclusion policies, not on repression and security measures”.¹⁰⁰ The role of civil society transnational coalition, with respect to Roma access to equal rights and opportunities, will also be analyzed in section 4.3.

⁹⁹ EU “Roma summit”, Bruxelles, September 16th, 2008. Information available at www.gitanos.org.

¹⁰⁰ “EU-Roma Summit: words and action are needed”, ERPC’s press release, September, 2008.

Chapter IV - Implementation and functioning of financial and legal instruments: examples from case studies

4.1. EU programmes and initiatives for Roma communities: the state of the art

The strategy developed by the European Commission with respect to Roma inclusion over the last decade has focused on three key areas (World Bank, 2005):

- “the legal framework, including protection against discrimination”;
- “financial support through structural fund resources”, including those made available to candidate countries, in the process of EU enlargement;
- “policy coordination and cooperation”, in the framework of the Open method of coordination.

A number of EU programmes provide support for projects addressing Roma anti-discrimination and social inclusion. These range from more general forms of funding aiming at improving the situation of disadvantaged groups – including Roma – or regions, to a number of activities specifically targeted at Roma communities¹⁰¹. Generally speaking, such programmes cover various fields of action¹⁰²:

- *Anti-discrimination* (through an EC Action Programme to combat discrimination on manifold grounds, including of racial or ethnic origin – which may apply also to Roma individuals);
- *Employment and social inclusion* (e.g. projects supported by the European Social Fund – ESF, or through the EQUAL initiative, as well as in the framework of the Community Action Programme to combat social exclusion);
- *Regional policy*, resulting in funds (e.g. the European Regional Development Fund and the European Agricultural Guidance and Guarantee Fund) for manifold social and economic needs emerging in local areas, including initiatives contrasting structural decline, or promoting urban regeneration or the revitalization of rural areas;
- *Education, training, youth and research* (e.g. COMENIUS on school education; GRUNDTVIG on adult education; YOUTH on mobility and non-formal education; LEONARDO DA VINCI on vocational training);
- *Enlargement and external relations*: Many projects have been funded to assist countries in central and Eastern Europe prepare for EU entry, such as PHARE.

The latter programme deserves especial attention, given **the substantial PHARE funding** (well over EUR 100 million since 1998) invested in improving the situation of the Roma minority in countries where they represent a relevant share of the population – including the Czech Republic, Hungary and Slovakia, prior to 2004 EU enlargement, as well as Bulgaria and Romania, up to the 2007 enlargement.

In fact, the actual priority given to unemployed Roma as a recipient group, in PHARE programme implementation, has been dependent on the policy options of national governments, and thus on the specific needs, interests and demands of every local context (ECCR, 2007).

¹⁰¹ Source: http://ec.europa.eu/employment_social/fundamental_rights/roma/rfund/rfund_en.htm

¹⁰² Source: http://ec.europa.eu/employment_social/fundamental_rights/roma/index_en.htm

The Roma have *not* been identified as a target group in its own right for social inclusion actions, despite “their very low employment rate and educational attainment” (European Commission, 2006). The same has applied, since 2004, to social inclusion policies resulting in National Action Plans, where “there is no obligation... to treat the Roma as a distinct target group” (ibid.).

In fact, an interim evaluation report on PHARE support for Roma minorities (EMS, 2004)¹⁰³ argues that such programmes have been developed across Eastern Europe in “the absence... of a clear policy framework for social inclusion”. The lack of long-term strategies (and even of appropriate capacities and expertise), the poor integration with wider social inclusion policies, along with the weaknesses of partnerships between the relevant stakeholders, have mostly resulted in short-term, one-off initiatives. Substantial resources have been invested in education (albeit with insufficient emphasis on lifelong learning) and infrastructure development – though mostly with a top-down approach, with feeble impact on local participation and community planning. Relatively less investment has been made, however, in either labour market (re)integration or health protection. Given the premises, PHARE’s ultimate added value lies arguably, as far as Roma integration is concerned, “in terms of the capacity building and learning of the job” it has guaranteed the actors involved (whether public authorities or NGOs). Even on that level, however, the challenge of Roma inclusion by far exceeds what has been generally attained in terms of professional capacitation, Roma involvement and partnership development. The key points of the EMS (2004) general evaluation can be summed up in the following table.

Table 4.1: A review of EU PHARE assistance to Roma minorities: recommendations and key lessons learned in the fields of education, unemployment, infrastructure development (source: EMS, 2004, vii)

	Recommendations	Key lessons learned
Education	Governments must lead in ensuring that social inclusion policies for Roma are translated into practice. Social inclusion must be underpinned by serious commitment to bring about systemic change, particularly in the education sector.	Education projects cannot, on their own, integrate Roma into the mainstream education system unless they are underpinned by a strong and long-term Government commitment to systemic change and education reform.
Unemployment	More should be spent on tackling 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.	Not enough is being done to tackle long-term unemployment, which is endemic in many Roma communities.
Infrastructure Development	Interventions that relate to infrastructure upgrading should be closely scrutinised to ensure that they are extensions of previous community planning and development activities, before PHARE or other funds are committed.	Top-down interventions, related to upgrading of infrastructure, do not bring the goal of social inclusion of Roma any closer unless they are part of a comprehensive regeneration strategy.

Overall, PHARE programmes have been successful in giving greater visibility and political priority to Roma issue, on the agendas of new EU Member States. Still, “the scope and scale of initiatives are too small in relation to the scale of the problem” (European Commission, 2006).

¹⁰³ EMS - European Management Solutions (2004), *From pre-accession to accession. Review of the European Union PHARE assistance to Roma minorities – Interim evaluation*, Research Report.

In just slightly different terms, in a critical review of the progress towards greater Roma equality in Europe, over the last few years, the key contention is that “the outcomes” of international funding, in the fight against Roma deprivation, “have not been proportional to the financial investments” (Open Society Institute, 2006). While the conclusion may read too much like a generalization, at least a few of the variables blamed for this state of affairs are worth mentioning: “... low levels of Roma participation in public life; ... high levels of anti-gypsyism; challenges to the preservation of Roma identity and culture; lack of political will” (Open Society Institute, 2006).

The first variable reflects a more radical point than the simple difficulty of actively involving Roma recipients in any welfare scheme. Indeed, the issue at stake is that “the scarcity of Roma in public life, whether in the NGO community or as elected representatives has been a factor in limiting efforts to bring about the integration of the Roma community” (ibid). Two key obstacles, in this perspective, are the prevailing marginality of Roma communities – as an unfavourable terrain for the development of consultation processes, hence of competent and representative leaderships; and, on the other hand, the great diversity and even fragmentation inherent in Roma populations, in terms of language, national belonging, self-identification, culture and religion.

Substantial funding for Roma social inclusion has also been provided by the **European Social Fund**. This has amounted – in the programming period 2000-2006 – to some 275 million Euros dedicated to Roma-targeted programmes, with a still greater investment (nearly 1 billion Euros) in programmes addressed at vulnerable groups, including Roma.¹⁰⁴

However, no specific evaluation report has been found, with respect to the social and community impact of ESF-supported initiatives in the field – whether on a local or on a transnational scale. Even so, a striking fact is the increasing number of projects, and amount of resources addressed to Roma, although mostly in a more comprehensive “vulnerable groups” framework. This has resulted in a range of initiatives concerned with anti-discrimination, education, health, vocational training and labour market inclusion, even in a gender equality perspective. Especial attention is warranted to the former Community initiative **EQUAL**, considering its focus on fighting against discrimination in the workplace – even on ethnic grounds, which often applies to the Roma.

Funding availability, of course, is not a guarantee of success in its own right. Factors such as the political strategies and expertise of national governments, as well as organizational and managerial capabilities of civil society (much more so if Roma-representative), should also be taken into account. As a fresh EC Review paper puts it,

Experience... shows that the key to success is the political will and capacity of Member State Governments to allocate budgets and support projects which are multidimensional (taking the whole reality of Roma life into consideration) and clearly targeted on the Roma (though not ethnically exclusive, *i.e.*, allowing for participation of other persons in similar situations regardless of their ethnicity). On the other hand potential beneficiaries —in particular at regional and local level or NGOs —need to have the capacity to apply successfully for financial support and implement their projects effectively.

¹⁰⁴ Figures provided in the memorandum “EU Instruments and policies for Roma inclusion”, Brussels, MEMO 08/462, 2 July 2008.

NGO capacity building in the case of Roma needs to take into account that these organisations usually have very limited resources; therefore a long term investment in this direction is needed.¹⁰⁵

A quick browsing through the archive of EQUAL projects in both rounds shows that almost 100 Development partnerships (i.e. 2.9% of the overall amount of DPs) have overtly included Roma minorities among their main targets.¹⁰⁶ The following table indicates the distribution of these initiatives by thematic field, as well as by country.

Table 4.2: EQUAL development partnerships addressing Roma among main beneficiaries, by country and thematic field, first and second round (source: own elaboration on data extracted from the EQUAL Common Database)¹⁰⁷

	Country																		
	AT	CZ	DE	DK	ES	FI	FR	GR	HU	IE	IT	NL	PL	PT	SE	SI	SK	UK	Total
1A: Employability – (Re-)integration to the labour market	2	1	1		5	1		5	17		1		4		1	2	2		42
1B: Employability - Combating racism	2	2	1		1	1	1	2									12	1	23
2C: Entrepreneurship - Business creation					1							1		1					3
2D: Entrepreneurship - Social economy											1		1				1		3
3E: Adaptability - Life long learning									6										6
3F: Adaptability - Adaptation to change and NIT					1												2		3
4G: Equal opportunities - Reconciling family and professional life					1								1	1					3
4H: Equal opportunities - Reducing gender gaps and desegregation	1			1	1			1									3		7
5: Asylum seekers			1					1		1									3
Total	5	3	3	1	10	2	1	9	23	1	2	1	6	2	1	2	20	1	93

As the table shows, the impact of EQUAL projects for Roma inclusion, as well as their priority areas of concern, significantly differ from one Member State to another. In terms of territorial distribution, two-thirds of the relevant projects have been developed in four countries only – i.e. Hungary, Slovakia, Spain and Greece – all of them with relevant Roma minorities.

¹⁰⁵ Commission Staff Working Document, *Community instruments and policies for Roma inclusion*, Brussels, COM(2008)420.

¹⁰⁶ Significantly higher is, for sure, the share of EQUAL initiatives *potentially* involving also Roma minorities, insofar as they are addressed *also* to “ethnic minorities”. The stricter standard adopted here, however, is helpful in shedding light both on the differential salience of Roma issues in national employment strategies, and on the prevailing approaches in Roma-addressed EQUAL projects.

¹⁰⁷ Available at <https://webgate.ec.europa.eu/equal/jsp/index.jsp?lang=en>.

The cases of Hungary and Slovakia are especially significant ones, also in the face of their being EU Members only since 2004's enlargement. In Hungary, Roma-targeted EQUAL projects account for more than half the overall number of EQUAL development partnerships. In Western Europe countries such as France, Germany or Italy, instead, the relative weight of Roma-dedicated EQUAL initiatives is even lesser than 1%.

As to the priority thematic fields, 70% of EQUAL projects to the Roma involve employability – whether in terms of labour market inclusion or, less often, of anti-racist actions. A similar share of projects (10% each) is basically concerned with adaptability and with equal opportunities. Far less widespread, in a comparative perspective, are EQUAL initiatives addressing Roma entrepreneurship.

4.2 Implementation and impact of key instruments, on a local basis: evidence from selected good practices

On a European scale, Roma-addressed projects have multiplied over the last two decades – much more so in Eastern Europe. It is however difficult to draw an overall balance owing to the dearth of reliable information, already emphasized in this report. Even apart from that, not always have the monitoring and evaluation processes proved adequate (World Bank, 2005). Analysis of a few exemplary local initiatives, in different fields of intervention, may thus be a far preferable option.

Especially relevant to the EU contribution to Roma social inclusion is the role of the European Social Fund – whether in directly financing Roma-targeted initiatives or, more often, through programmes addressed at improving the overall job prospects of weaker social groups.

A significant, nation-wide initiative in the field of vocational training and employment services – implemented with the fundamental support of the European Social Fund – is the already cited **ACCEDER Project in Spain** (in chapter II). As the case study reads,

The ACCEDER Programme [is] related to Roma labour market inclusion. This project is basically made of vocational training and labour market orientation activities. It has developed since the late nineties, first in Madrid and then in over a dozen Spanish regions (“Autonomous Communities”), funded both by EU’s structural funds and, to a lesser degree, by local authorities. ACCEDER, led by the Roma Secretariat Foundation, has resulted in the creation of several thousands of new jobs, as well as in a widespread involvement of Roma beneficiaries in training processes. The programme has been pursuing three key objectives:

- enhance, through targeted training initiatives, Roma’s resources in terms of human and social capital;*
- improve the accessibility of training and employment support agencies, for potential Roma recipients;*
- pave the way for a better public image of Roma minorities, focusing also – inter alia – on the discrimination they are over-exposed to.*

Roma mediators play an important role as an interface between job seekers and employers, as well as in supporting the former – first in training, then in job seeking. Indeed, adaptability to distinct local areas, employment of multicultural staff and a fruitful co-operation between public and private actors are all features qualifying this programme as an innovative one. However, no figures are available as to the participants’ job retention rate.

Apart from that, the programme's actual impact may be constrained, in the middle term, both by structural factors – i.e. the low educational background of recipients and the labour market discrimination – and by the lack of proper incentives – insofar as a poorly paid job may be perceived an option jeopardizing access to social benefits (World Bank, 2005).

The experience developed in ACCEDER's implementation is likely to be relevant also to different national contexts with significant Roma minorities, and it is not surprising that the NGO running it has been asked for consultation in Slovakia and in Hungary (World Bank, 2005).

Another significant programme aiming at greater Roma employability, with ESF support, is **Suomen Romako**, in **Finland**. The programme's target is the Roma adult population, being highly over-represented – even in that Northern Europe country – among those unemployed. Quoting the case study:

The project was jointly funded by the Ministry of Labour (60%) and by the ESF (40%). This project is targeted at Romanies aged 25–55 who are either long-term unemployed or have been displaced from the job market. The aim of Suomen Romako is, on the one hand, to raise the level of education among the Roma and, on the other hand, to erase the prejudices that still exist towards this minority. In order to do so, Suomen Romako aimed at improving the 'employability' of Roma not only by promoting their participation in the general education system but also providing subsidized work-placement programmes in sectors such as textile, clothing and car industry, practical nursing, hairdressing, massage therapy, music therapy and musical drama studies. The programme has been praised for its success by many supranational organizations, such as the United Nations.

Among the initiatives for Roma inclusion supported by **ESF – EQUAL** funding, in the last few years, a promising one – especially in a gender equality perspective – has been developed in the Czech Republic. The project – namely “Supporting the Roma in Prague, in education and employment”¹⁰⁸ – aims at enhancing Roma employment potentials, investing in their lifelong learning. Although developed only in the Czech capital, it could also be reasonably reproduced in different contexts – at least as far as urban areas are concerned.

The project's main focus is on training, which results in special support for Roma students in secondary school and at university. A part of the training activity is specifically dedicated to Roma women, with particular regard to those unemployed or on maternity leave. Training, in the project perspective, involves not only learning technical skills, but also sounder resources in terms of personal motivations, self-awareness and self-esteem. Roma-addressed training courses have thus been arranged in three key sections, respectively focusing on self-confidence and communication skills enhancement; job search processes and skills; and practical details such as the opportunities to apply for a job, the ways of coping with job interviews, etc.

4.3 The role of other international organizations and the future prospects of Roma inclusion policies

Despite the lack of improvement in Roma living conditions, over the last decade relatively greater visibility evidence of their peculiar disadvantage is to be seen in the international agenda – partly as a result of EU enlargement (Open Society Institute, 2006).

¹⁰⁸ See, for information, <http://www.slovo21.cz/index.php?id=equal>

On the one hand, NGOs and international bodies concerned with human rights laws have paved the way for Roma populations to be regarded as a transnational issue – and, indeed, a transnational minority. On the other hand, international organizations have begun to play a more pro-active role with respect to Roma prospects for social inclusion, and thus their access to financial and legal instruments – whether mainstream or dedicated. This applies not only to the EU, but also to the Council of Europe and the other international actors promoting the **“Decade for Roma inclusion”** in Eastern Europe: World Bank, United Nations Development Programme, Organization for Security and Cooperation in Europe, Open Society Institute.

In a perspective of multi-lateral and multi-level cooperation, in fact, the start of this initiative has marked a significant development: joint commitment has been promoted between governments, intergovernmental and nongovernmental organizations, along with Roma civil society organizations and representatives¹⁰⁹. Each country participating has committed itself to promote, with the support of the international bodies mentioned above, significant progress in the fight against Roma deprivation, exclusion and discrimination, over a ten-year period (2005-2015). Four priority areas of intervention have been established: employment, education, health and housing. Further relevant issues to be addressed by every national government are discrimination, poverty and gender mainstreaming. Progress made in each national context is to be monitored, evaluated and supported in a transnational framework, in a mutual learning perspective.

Summing up, the aims of the initiative are basically two:

“i) to accelerate progress toward improving the welfare of Roma by including Roma in the decision-making process, and

ii) to review such progress in a transparent and quantifiable way” (Open Society Institute, 2006).

As groundbreaking experience in international co-operation and consultation about Roma inclusion, the Decade may even be paving the way for an overall, EU framework Roma equality strategy, to be adopted on a Community level (Open Society Institute, 2006). According to the OSI “Roadmap for Action” (2006), the priority “areas where the EU can significantly contribute to national action to promote Roma equality” are the following:

- *promoting Roma participation and consultation* in decision-making processes related to them – and to public life in general – with the aim also to reinforce Roma civil society;
- *encouraging data collection*, allowing – with due respect to privacy issues – for better monitoring of Roma living conditions, along with the discrimination they may be enduring, even in comparative terms;
- *combating anti-Gypsyism*, investing both in awareness-raising campaigns and in targeted trainings to key actors (teachers, social workers, public servants, etc.), thus combining an overall anti-racist framework with specific, Roma-addressed action;
- *encouraging national strategies on Roma Equality*, also through support for Roma civil society organizations.

¹⁰⁹ See, for more details, the official website: www.romadecade.org. The participating countries number nine, namely Bulgaria, Croatia, the Czech Republic, Hungary, FYR Macedonia, Montenegro, Romania, Serbia and Slovakia. Three more countries applied for membership in 2007: Albania, Bosnia-Herzegovina and, as the first Western Europe State, Spain.

Going more into greater detail, an earlier EU-wide report promoted by the European Commission (2004) – *The situation of Roma in an enlarged European Union* – provided some specific recommendations, on three levels of action:

- *concerning the role of the EU*: awareness-raising about the Roma situation, monitoring the effects of the Racial Equality Directive, enhancing co-ordination between different EU programmes (and between distinct international organizations), guaranteeing Roma involvement in policy-making, monitoring and evaluating Roma-addressed initiatives;
- *concerning the role of Member States*: recognizing Roma population as an ethnic group in its own right, collecting appropriate and comparable data on ethnic origins, developing national and local bodies in charge of Roma inclusion;
- *concerning the role of Roma civil society organizations*: actively contrasting Roma stereotyping, supporting closer monitoring of ethnic minority issues, participating in European networks in anti-discrimination and basic rights protection.

While the Decade Initiative has marked a turning point in transnational co-operation between Eastern European countries, a further interstate coalition has recently been developing – in the wake of the former – within EU boundaries: the **EURoma network**, conceived in 2007 in the framework of EU 2007-2013 Structural Funds. Twelve countries have joined the new initiative – namely Bulgaria, Czech Republic, Finland, Greece, Hungary, Italy, Poland, Portugal, Romania, the Slovak Republic, Spain and Sweden. Representatives of each of them, with the support of the European Commission and the technical assistance of the Spanish Fundación Secretariado Gitano, take part in a Management Committee – acting as a decision-making body – and Working Groups dealing with three key issues: social inclusion, employment and education.

Building on common acknowledgement of the Roma as “the largest ethnic minority in the enlarged European Union”, in a peculiar condition of social disadvantage and discrimination, the Network aims at

*developing a common work approach, sharing strategies, initiatives, lessons learned and best practices, as well as systematizing all knowledge available on these topics. Essentially two working lines will be undertaken in this way: transmission and exchange of information, and mutual learning.*¹¹⁰

In policy terms, the network is expected to strengthen the coherence between the Structural Funds initiatives addressed at Roma population, through more systematic co-operation between the relevant stakeholders. Best practices exchange and reproduction are, in fact, expected to be the key methodology to be employed.

Apart from the European Union, at least two international organizations must be mentioned here:

- the **Council of Europe**, which has long been concerned with the protection of minorities and anti-racism programmes, as well as the fight against social exclusion;¹¹¹

¹¹⁰ Quoted from the Network’s web site, at www.euromanet.eu.

¹¹¹ See for instance the Report by the Commissioner for Human Rights *On the Human Rights Situation of Roma, Sinti and Travellers in Europe*, Strasbourg, 2006.

- the OSCE, with special respect to its **Office for Democratic Institutions and Human Rights (ODIHR)**. The latter plays both a role of consultancy to Member States, with respect to Roma-addressed policies, and a function of network- and capacity-building for Roma communities, with a view to enhancing their potential for political representation. A specific “Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area” was adopted by this intergovernmental organization in 2003. The document also emphasizes the crucial relevance of the local authorities in implementing national integration strategies in co-operation with Roma civil society.

As for the future prospects for European policies, a position paper recently issued by the **European Commission**¹¹² focuses on a few key criteria that should inform programmes aiming at Roma integration, with the support of EU Structural Funds:

- Roma active involvement in every programme stage, with special emphasis on programming, mainly through the mediation of Roma civil society organizations;
- Broad partnership building, including public authorities, private stakeholders (whether business- or non-profit oriented) and the Roma communities themselves. This may require investments both in promoting cooperative working methods and in the weaker partners' capacity building;
- A comprehensive, multidimensional approach, combining interventions in more than one of the following interdependent fields: education, employment, social and health care, housing, anti-discrimination;
- Systematic framing of short-time actions in longer term development plans, along with a careful "mix" of "tailoring measures" and mainstreaming into general service provision;
- The opportunity to invest more in innovative personal financing, e.g. in micro-credit supporting new individual or collective enterprises;
- The need to support any Roma-targeted intervention with anti-discrimination campaigns addressing the general population;
- The relevance of Roma representation in monitoring and evaluation, as well as the crucial significance of follow-up.

With respect to the emerging EU orientation to Roma inclusion, however, overt criticism has been made by a European NGO concerned with Roma advocacy.¹¹³ While EU documents on the topic¹¹⁴ emphasize the primary responsibility of Member States – the EU role being a subsidiary one, in terms of policy coordination and support to their implementation – **ERIO** "urges the creation of a European Roma framework strategy". A **more pro-active EU orientation**, in this perspective, would be justified given three recurrent shortcomings:

- the lack of complementarity in programmes and policies aiming at Roma inclusion, as far as the role of distinct stakeholder and levels of governance is concerned;
- the lack of systematic information as to the effectiveness and impact of EU Roma-addressed programmes;

¹¹² European Commission, *Aide-Memoire for desk-officers: Roma and structural funds programming 2007-2013*. For an in-depth analysis, see also the EC Staff working document *Community instruments and policies for Roma inclusion*, Brussels, July 2008.

¹¹³ ERIO, *Fact sheet - The renewed European social agenda*, 2008.

¹¹⁴ See *Community instruments and policies for Roma inclusion*, cit.

- the need for greater policy coordination between the relevant EU agencies, and between the formal and national governments (and civil societies).

While the principles of subsidiarity and proportionality may indeed account for a limited EU direct involvement in Roma local inclusion policies, the ERIO (2008) position paper suggests two key areas for potential further developments: empowerment of Roma organization and stricter accountability of Member States to EU institutions, in the terrain of Roma inclusion.

"ERIO believes that the EC should develop capacity building programmes for Roma organizations which would allow for them to apply for Structural Funds directly. Furthermore, a compulsory provision should be introduced for Member States to report on Roma issues in all sectors of relevance as a way to promote Roma inclusion".

An equally critical stance has recently been taken by a broader coalition of NGOs, namely **"EU Roma Policy Coalition" (ERPC)**, mentioned above in Chapter 3. According to this coalition, still **lacking is "a sound, comprehensive and long-term EU Roma strategy and commitment"**. The ERPC calls instead for a more significant role of the Commission in "launching, coordinating and supporting" a strategy which should orient national policies. The Decade of Roma Inclusion Initiative is emphasized, in this perspective, as a positive benchmark for more effective cooperation between supranational institutions, national governments and civil society for Roma inclusion. An **"EU Framework strategy on Roma inclusion"** should thus be developed – the European Commission being expected to play much more than a simple "observer role" – building on three crucial principles:

"Equal access to education, health services, housing and employment; accountability of the authorities in their actions to protect the rights of the Roma community (i.e. legislation, policies); and empowerment of Roma communities – through ensuring full participation and responsibility for the effective implementation of measures taken by the European Union and the Member States".

On the **future scope and potential for a common EU policy on Roma inclusion**, under the aegis of the European Commission, the public debate is still marked by controversy. Very significant, in this perspective, was a recent exchange of views "on the Europeanization of Roma policy" between a leading UK think-tank – namely Oxford Analytica (OA) – and a Roma advocacy NGO, the European Roma Grassroots Organization.¹¹⁵

On the one hand, Oxford Analytica contends that, as Roma living conditions are becoming "an increasingly prominent political issue throughout Europe", the Commission is coping with growing political pressure, related to the expectation – from both the NGOs and the European Parliament – that it should develop an overall "EU Roma strategy". However, in the OA viewpoint, this would basically lie out of the EC's "very limited competencies" in the field of social inclusion, with the only exception of anti-discrimination policies. Given the premise, a comprehensive EC-led Roma strategy – which would range well beyond its significant investments in structural funding – would be bound to result in a substantially symbolic action: "Demands for an EU Roma strategy reflect frustration with the ineffectiveness of more than a decade of national and international Roma inclusion initiatives. However, the proposal is fundamentally flawed". In the OA's opinion, the drive to Europeanization might even reveal a significant downside: "Rather than motivating states to adopt more effective Roma inclusion policies, [it] would have the opposite effect, encouraging them to seek to pass ever greater political responsibility on to the EU".

¹¹⁵ Oxford Analytica's article (dating July 16, 2008) and ERGO's rejoinder are both available at the portal site www.romadecade.org.

This would result in a further undermining of Roma's rights and opportunities, which are conditional on national policies and practices, on a local basis, whatever the level of governance involved. A process of Europeanization of Roma policies, besides encountering the Commission's reluctance, would thus represent a "high risk" endeavour for the Roma themselves.

On the other hand, the European Roma Grassroots Organisation (ERGO) rejoins that the EC's "unjustifiable reluctance to address Roma issues" is conditional on anti-Roma policies and attitudes prevailing in Member States, rather than on strict respect of its own competencies. The real issue, in this critical perspective, lies in the lack of an overall strategy in structural funding investment for Roma inclusion, as well as in the poor evaluation of their outcomes and sustainability, along with the systematically weak involvement of the Roma representatives themselves, as experts: "Between 2000 and 2008, the European Commission spent over 300,000 million Euros on Roma-related projects. It is estimated that the EC will significantly increase this amount in the next years. Remarkably the EC had/has no strategy about how the money was spent and will be spent, and never employed Roma experts within its structures. The risk of wasting billions of EU money without any significant changes on the ground would thus be "a lot higher than the risk of 'Europeanization'", foreshadowed by Oxford Analytica. According to this outlook, arguably shared by most NGOs concerned with Roma advocacy and inclusion, an overall EC-led Roma strategy – provided Member States accepted it – would represent an opportunity for the very Commission in reasserting its strategic role in such a crucial field for an enlarged EU's social cohesion.

Chapter V - Conclusions: Issues at stake and possible policy options

5.1 *The social situation of the Roma in Europe*

The Roma Community across Europe has been estimated to consist of more than 10 million people: it is the biggest minority group in the EU. Throughout Europe no precise data exist on the dimension on the Roma Communities: in many countries ethnic registration is forbidden, while in others official statistics contain no information on ethnicity or self-identification.

Throughout Europe the Roma community is composed of several communities differentiated by settlement model, culture and religion, legal status, language, and period of migration.

- The settlement model: the Roma may be travellers, with a nomadic culture, or non-travellers, the latter being the majority.
- Culture and religion: Most of the Roma communities are Christian (Catholic or Orthodox) but a substantial proportion are Muslim.
- Language: Roma communities generally speak Romanes and the language of their countries of origin; the long-settled communities also speak the language of the country where they live. This has a significant impact on their level of integration.
- Area of origin: Most of the Roma communities migrated from Eastern European Countries, such as Romania, Bulgaria, the Czech Republic and Slovakia. Another large group comes from the former Yugoslavia, such as Serbia, Montenegro and Kosovo. Other groups come from Moldavia and Hungary.
- Period of migration: the first wave of migration of the Roma communities spread out in Europe around the 14th and the 15th centuries. After this first migration numerous others followed over the centuries until the most recent, linked to the socio-economic instability of the Balkan area during the 90's and European enlargement.

These differences impact strongly on their status, opportunities and quality of life, but in particular on their level of integration in the broader national community.

Most of these sub-communities suffer from the same structural discrimination; in particular, segregation in the fields of employment, education, training and housing.

5.1.1 *Who are the Roma in Europe?*

The denomination "Roma" is a term given by the non-Roma population or by the Roma themselves when distinguishing from the non-Roma population (which they call *gadje*). Some authorities (such as the Council of Europe, OCSE, etc.) recognize five main groups which may be further divided into two or more subgroups, distinguished by occupational specialization or territorial origin, or both.

In this study the term "Roma" is used bearing in mind its great internal heterogeneity. As the aim of the study is to give suggestions and policy options, we are aware that policies able to consider these differences have better chances of being accepted by the communities and so of being more effective, than 'generic' policies for 'the Roma'.

Settlement model

Although in many countries the name “Roma” implies nomadic or traveller habits, the overwhelming majority of Roma can be considered sedentary. Migration and the nomadic life have often been forced due to discrimination, eviction or deportation in different historical periods. Estimations of the total number of Roma living across Europe range from 10 to 12 million persons, only 5% of which are estimated to be of nomadic tradition.

Three types of settlements for the sedentary or semi-nomadic people can be distinguished

- integration in towns and villages, in particular where housing policies have been implemented
- separation or segregation in urban or rural areas, often with a low living standard, such as areas where the majority population is Roma;
- segregation in settlement areas or (authorized and unauthorized) Roma camps outside the towns or villages.

Religion

Religion is an extremely important topic within Roma culture: strict traditions regarding morality, cleaning taboos, supernatural beliefs, and celebration rules are integral parts of Roma culture.

The integration of the Roma into the broader population of the country is strongly influenced by religious and cultural factors: some of the Roma groups consider traditions highly important for Roma identity, in particular those concerning separation from the non-Roma (*‘gadje’*), which has been maintained for centuries.

Religion and patriarchal traditions have an important influence in particular on Roma women’s opportunities of integration. Within their own ethnic group strict role divisions continue to be present: marginalisation and traditional roles increase their risk of being in weaker positions in terms of social and economic inclusion.

- Within the overall Roma Community there are three main religious groups, often coinciding with the dominant religion of the host country. While the Catholic, Muslim and Orthodox Christian religions dominate, some groups have been evangelized or converted to other churches.
- In the Balkans the Roma are overwhelmingly Muslim, while other religions are also present, such as Catholic and Orthodox. In the EU-15 the autochthon groups belong mainly to the Christian religion (Catholic or Protestant), while the recently immigrated groups are mainly Muslims.

Language

The language plays a vital role in retaining cultural identity, but it also represents a significant barrier to integration. Knowledge and common use of the language of the host country determines the level of integration of the groups: it allows children to attend normal schools, mothers to communicate with doctors and social workers, etc.

Groups living for longer periods in the country tend more to speak the majority language than those recently immigrated, influencing integration into the majority society. Roma from isolated and segregated settlements may come less into contact with the majority language, or only when entering primary school.

Only in some countries have efforts been made to revitalize education in Romani languages. In other European countries few little has been done to recognize Romani as a language and provide bi-lingual education. Despite the existing legal framework for bilingual education including Romani in some European countries, the lack of trained teachers and teaching materials still makes bilingual education difficult.

Area of origin and period of migration

Many migration flows have occurred over centuries; these are the main ones:

- The first wave towards European countries can be dated around the 14th to the 16th century. Since then the Roma have been considered “problematic” in most of the European countries, where “edicts” prohibited the settlement or even the entering of the country.
- A second wave can be dated during the middle of the 19th century, with the end of slavery (1856) in the Balkan region, where the Roma had been forced into serfdom and slavery since the 15th century.
- The persecution of Roma by the Nazi-Regime of the Second World War drove them to a wave of new migration.
- In the aftermath of the Second World War Roma groups, often stateless due to shift of borders, came to the EU-15 countries as work migrants (1960-1970).
- A new flow came after the transition period and the fall of the socialist regimes in the Eastern European countries, as well as the opening up of borders subsequent to 1990.
- Also the Yugoslav and Kosovo conflict with ethnic persecution and violence against the Roma led to migration to the neighbouring or western European countries.

The most recent migration period is related to the EU accession of the new Member States: Roma from countries with the largest share of Roma population (Romania, Bulgaria, Slovak Republic and Hungary) have obtained freedom of movement within the EU countries (excluding labour market accession in some cases).

5.1.2 The legal status of the Roma throughout Europe

The legal status of the Roma minority differs across Europe from country to country and from group to group: it is related, on the one hand, to the period of migration of the groups, and on the other hand, recognition in each country as an ethnic or national minority.

- Some groups of long-established migration are *citizens* of the country where they live, where they are considered national minorities or ethnic minorities and have full citizenship.
- In the same countries some other groups are considered *refugees* or *asylum-seekers* and have no residence permit.
- In other countries they are considered *asylum-seekers/refugees*, but not in the condition to obtain it the status.
- Quite a large number of Roma are *nationals of countries now members of the European Union* such as Romania, Bulgaria, Czech Republic and Slovakia: they are entitled to free circulation as European citizens, but in some Member States they lack full rights as workers.

- In most of the countries many of the Roma have no birth certificates or identity documents and are therefore considered *illegal immigrants*.

A considerable part of the Roma population in the European Member States has no authorized legal status. This is a fundamental issue, as it strongly influences rights to the social security and health system and to education, as well as the standard of living and possibilities to participate in public and political life.

5.1.3 Demographic features

Most of the Roma groups are characterised by peculiar demographic features:

- High fertility and mortality rates
- Life expectancy lower than that of the majority of the population in all EU Member States
- Large child population and small senior population
- All the social phases in life occur much earlier for the Roma than for the majority population. The average age at marriage is around 15-16 years for the girls (or lower in some communities) and around 18 years for boys, with birth of the first child soon after and the other children in rapid succession.

5.1.4 Socio-economic conditions

In all countries where statistics are available or surveys have been carried out, they show that Roma have substantially lower levels of education, much higher rates of unemployment, significantly lower levels of income and poorer health than the rest of the population. (European Commission, 2005)

Across Europe the Roma experience *greater social exclusion* than the majority community, especially in accessing employment, education, health and social services:

- *Low educational levels:* The Roma present high rates of illiteracy and poor school attendance of children: Roma girls normally leave school earlier than the boys, due to their family responsibilities and Roma culture, which considers the women as the custodians of traditional values.
- *Housing conditions:* The prejudices of the ethnic majority population and the weaker economic position of the Roma make it hard for them to find accommodation on the private housing market. The Roma usually live in segregated, isolated districts where the living conditions are frequently poor, with problems of extreme overcrowding and lack of basic facilities. This contributes to aggravating their health conditions.
- Greater *health risks* because of bad living conditions, poor housing, early and multiple pregnancies, and malnutrition. The Roma show very scant use of health care services because medical treatment may conflict with the Roma rules of hygiene and modesty, and because of the negative attitudes/racism/ discrimination of some health care professionals and hospitals. For cultural reasons they also show limited use of family planning services.
- *Access to social benefits:* the Roma show high levels of dependency on social assistance benefits; informal and occasional employment prevents the Roma from accessing unemployment benefits or other contribution-based benefits.

5.1.5 *Prejudices, discrimination and racism*

Many European and national surveys show that an appreciable proportion of European citizens take a negative view of the Roma population, based mainly on stereotypes and prejudice. Throughout Europe Roma discrimination is frequent.

The latest Eurobarometer evidenced that 24% of the non-Roma population experience uneasiness having a Roma neighbour (for other ethnic minorities it is 6%). The highest levels of prejudice are documented in the Czech Republic and Italy (47%), followed by Ireland (40%), Slovakia (38%) and Bulgaria (36%).

What is the role of media? This issue merits specific study at the EU level. Some local studies have revealed an important role of the media in the reproduction of Roma stereotypes.

It has been highlighted by researches that anti-Gypsyism is a specific form of racism which is based on de-legitimation and moral exclusion of groups perceived as separate and distinguished by their race or ethnic origin.

The EU has an advanced legal framework which provides for protection against discrimination.

The *Racial Equality Directive (Directive 2000/43/EC - RED)* has been adopted with the aim of combating discrimination on the grounds of race or ethnic origin and prohibits direct or indirect discrimination in employment, education, social protection, property matters and services. The Directive follows directly from Article 13 of the Treaty establishing the EC.

5.2 *Issues at stake*

5.2.1 *Exclusion of the Roma Communities from employment*

Combating the social exclusion of the Roma in the name of fundamental rights and of their shared European environment is a key aspect to make of social cohesion and local development a common resource. In this perspective, employment – a relatively uncommon condition within most Roma communities – is critical both in eradicating poverty and in fostering social inclusion. By itself, however, it is not the sole answer to address the exclusion of Roma minorities. Low or lacking educational qualifications, work-based skills no longer relevant in a modern labour market, and settlement in isolated areas with limited access to jobs constitute real barriers that reduce employability and exclude many Roma from work, but there is another important dimension to be considered, that is “*the various forms of direct and indirect discrimination that impair access to employment. [...] Securing gainful employment is significantly hampered by prejudiced behaviour and popular beliefs that unemployment and worklessness is a situation that many Roma have chosen, either now or in the past. These stereotypical views fuel widespread negative attitudes that Roma do not deserve or do not want to work*” (ERRC, 2007).

Roma unemployment is a complex phenomenon, difficult to remedy since it is a multi-layered and inter-generational problem.

Taking this into account, specific attention has been given in the study to the **impact of the “active welfare approach”** with Roma recipients, considering the manifold difficulties the Roma have to face to enter the labour market: legal status, poor education and a high rate of illiteracy, dependence on social welfare benefits, prejudice and discrimination in the labour market.

Reliable figures on the extent of the phenomenon of massive unemployment, in comparative terms, are scant. Nevertheless, the overexposure to joblessness of the working-age Romani population is indisputable. Whilst few data exist on Roma participation in activation programmes, and far less on their outcomes, more evidence is available on the specific discrimination Roma minorities are subject to. *“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). Such programmes reflect a widespread transition from merely social aid schemes to more ambitious initiatives, integrating social assistance with (and sometimes conditioning it upon) the recipients’ involvement in training, education, work placement, etc. They are promoted by national governments or even by international donors, or – increasingly – they are the result of cooperation between both national and international actors.

Increasingly widespread are also, in more general terms, the attempts *to involve unemployed Roma in “public works” schemes*; that is, in temporary, low-paid subsidized jobs, related to some activity of public space maintenance or in other “community benefit” initiatives. The impact of such programmes, whether addressed to Roma or other vulnerable subjects, is however contentious (European Commission, 2006). The public authorities may depict them as a first step in bringing people from assistance back to the labour market, to some extent recovering work habits and motivations. Many scholars argue, however, that public work initiatives are mostly unconnected to the ordinary labour market, so that the transition from subsidized to formal employment is far from obvious. At the same time, these programmes may be blamed for their poor contribution to the development of new skills, as well as the stigma they generate for those involved (ERRC, 2007; ILO, 2000).

5.2.2 *The exclusion of the Roma Communities from education*

The European Agency for Fundamental Rights (EUFRA, 2008) has recently recognised that Roma children, in spite of the increasing number of dedicated programmes, still suffer peculiarly high levels of discrimination with respect to the education system. This overall conclusion has been corroborated by a comparative EUMC (2006) Report, showing that Roma access to, and completion of, public education is often problematic. The key findings of the EUMC cross-country analysis of Roma pupils’ attendance and achievement both in primary and in secondary education can be summarized as follows:

- In primary education, the enrolment and attendance of Roma pupils are disproportionately low all over Europe. This crucial fact may be interpreted in the light of both the Roma families’ attitudes and the practical barriers that inhibit pupils’ access to public schools.
- No less crucial is the uneven and only partial transition of Roma pupils to secondary education, with drop-out rates increasing in proportion to their age.
- Segregation of Roma pupils, although formally banned from education policies, persists in many respects, mostly in informal and indirect ways. Their placement in separate classrooms or special schools is justified on the grounds of their (perceived) “different needs”, or of their patterns of behaviour, or as a reaction to their learning difficulties. Their separation from other pupils may also be a result of their residential segregation or isolation.

Factors influencing inadequate Roma access to education also include lack of training, support and resources for school personnel to deal with ethnically mixed classes; low educational levels and past discrimination experience on the part of the parents, resulting in poor motivation in investing in children's education; lack of informal education facilities, helpful to support the socialization of Roma children, as well as their acquisition of linguistic skills. The fact remains that education still acts as a channel of intergenerational reproduction of Roma social inequalities.

5.2.3 *The exclusion of the Roma Communities from social and health care*

The problem of access to social and health care services presents some common factors across Europe:

- *discrimination* by social service practitioners, including improper application of eligibility criteria to social assistance programmes and policies;
- *territorial segregation* of Roma minorities, making their access to welfare services even more difficult;
- *communication barriers* between social workers and welfare agencies, on the one hand, and Roma communities and individuals on the other;
- *poor information* and great distrust with respect to the social services within Roma communities.

5.2.4 *Roma community integration policies throughout Europe*

European national policies for the Roma – whether targeted on them or involving them within a wider framework – can be basically classified, according to a World Bank (2005) study, along a twofold continuum:

- on the one hand, coercive vs. rights-based policies;
- on the other hand, individual-based vs. group-based policies.

The first model – *Exclusion policies* – involves policies oriented to maintain, or even reinforce, Roma marginality with respect to the majority society, often on the grounds of their radical strangeness, of their perceived dangerousness, or even of their supposed “inferiority”.

A second ideal type, (*Forced*) *Assimilation policies*, shares with the former the fundamental concern “to reduce the visibility of Roma communities”. Assimilative policies aim to make them adopt the majority society's values, lifestyles and behaviours. A typically assimilative approach towards Roma minorities underlay socialist policies in Eastern Europe.

Over the last few decades, however, quite different policy models have gained salience in liberal democratic states, also under the impulse of international organizations:

- a) the *Integration policies* approach involves recognition of the Roma as individually full members of societies, irrespective of their peculiar cultures: Roma inclusion in the labour market, in the education system etc., on equal footing with any other individuals
- b) a more recent version of this approach, putting greater emphasis on groups' rights, is *Minority rights policies*. In this perspective, improving the Roma living conditions and opportunities entails greater respect for their “cultural self-determination”, along with their attainment of full individual rights: a significant development in the last decades has been the recognition of minority rights, as a result first of OSCE and the Council of Europe's initiatives, and then in a common EU framework

Whatever their approach, effective social inclusion policies should balance three distinct objectives (World Bank, 2005)

- “increasing Roma economic opportunities”, by enhancing and qualifying their participation in the labour market;
- “building human capital”, with the levers of education and health;
- “strengthening social capital and community development”, by facilitating Roma participation in the public sphere and civil society initiatives.

5.2.5 Collecting data on ethnicity

Data on Roma socio-economic conditions and on their access to social welfare provision are, in most EU countries, **poor or lacking**. While gathering disaggregated ethnic data may itself be problematic, in the case of the Roma it is made even more difficult by a systematic under-recording trend (EUMC, 2006). When their community affiliation is established through self-identification, whether in linguistic or in ethnic terms, Romani individuals may opt not to disclose their identity, given the social stigma it typically bears.

“Sound minority policy must be based upon accurate information related to minority populations. Without a clear picture of a minority community’s situation, governments cannot develop adequate policies and with the risk of adopting programmes that are irrelevant or even detrimental to both the minority for whom policies are adopted and for society as a whole.”¹¹⁶ Such data are often unavailable: some minority representatives, fearing a loss of privacy or even persecution, argue against the collection of such data. Governments, wary of charges of discrimination or abuse, often all too willingly defer to the wishes of minorities to remain unidentified, and do not collect or analyse data on the basis of national origin, ethnicity, mother tongue, or other minority markers.

On the other hand, Roma rights lawyers note that *“one of the most significant obstacles to effective anti-discrimination litigation is the absence of statistics showing disparate treatment of Roma and other minorities in most spheres of public life. Without statistics showing that, for example, a) 75% of the students in Czech special schools are Roma, or b) non-Roma applicants for employment at a government office are hired at a rate three times higher than equally qualified Roma applicants, discrimination is, simply, very hard to prove. Similarly, governments can hardly comply with international obligations to eradicate racial discrimination absent data showing the racial impact of policies in the fields of, inter alia, employment, housing, education, and criminal justice”.*¹¹⁷

Two obstacles generally stand in the way of **gathering data on ethnicity**:

- a) the widespread belief that international law and/or the domestic legislation prohibit the gathering and maintenance of ethnic statistics;
- b) the widespread fear, among the Roma and other ethnic minorities - regardless of their legal status – of misuse of ethnic statistics, dangerous for the Community, and the fear that those statistics may reinforce negative racial stereotypes.

¹¹⁶ Negrin K., *Collecting Ethnic Data: An Old Dilemma, The New Challenges*, 2003, EUMAP.ORG

¹¹⁷ Project rationale of Krizsán A., *Ethnic Monitoring and Data Protection: The European Context, 2001*, Published jointly with the Human Rights Information and Documentation Center (INDOK)

An objection has been made on the grounds that collection of ethnic data would breach the provisions of the **EU Directive 95/46/EC on personal data protection**: according to the opinion of the EU Network of independent experts on fundamental rights the European rules relating to the processing of personal data, including the protection of sensitive data relating to the ethnic origin of the individual, should not be seen as an obstacle to adequate monitoring of the impact on certain ethnic, religious or linguistic groups of either public policies or legislation or private practices. “On the contrary” – it has been argued - “they constitute a necessary and welcome safeguard against any risk of abuse in the process of such monitoring, a pre-condition for which therefore is that these rules protecting personal data are strictly adhered to”.

5.3 Elements for the decision making process

5.3.1 The need for an integrated approach

Roma social exclusions has many distinct roots, each interconnected with the others, which results in a multidimensional, intergenerational process of cumulative causation. Hence the need, in terms of social inclusion strategies, of a comprehensive and multifaceted approach: poor housing, for example, has an impact on health and educational performance as well as access to public services, while low attendance rates at school and unequal treatment within the educational system affect employment opportunities, access to services, health, and access to justice.

To improve the situation of the Roma in Europe it is therefore necessary to begin:

- a) by developing policies which identify and address all aspects of their deprivation through an integrated approach
- b) and providing for the *empowerment* of the communities through support for the Roma’s own self-organization capacities, whether in terms of mutuality, advocacy, self-representation or service provision.

Bearing in mind this key approach, every particular integration policy should present specific elements, which we will now consider.

5.3.2 Integration through employment policies

The concern exists that the distance of the Roma from the labour market may be too wide for employment policies to bridge, and the need for dedicated wider programmes is envisaged. Policies must be geared to identifying and overcoming the specific barriers to employment for the Roma.

A twofold concern should orient the implementation of any welfare policy addressing the Roma:

- facilitating their access to ordinary or targeted welfare provision, which may also involve contrasting barriers related to prejudices and discrimination;
- supporting Roma individuals and families, if necessary, to help their access to employment.

The aim of reducing the number of unemployables and increasing employment in the various groups of the Roma population are a clear and long-term objective of public employment policy.

This objective can only be **achieved together with increasing the level of education and reducing the attractiveness of social benefits**: more attention is needed in seeking out more efficient active employment policy measures, inter-connected not only with the social benefit system but also with education and housing policies. Getting a job should become much more motivational for unemployed people and for people living on social benefits.

The mobilisation of the private sector towards promoting the employment of the Roma through corporate social responsibility programmes can also be an effective method, but also through incentives for employers employing Roma and campaigns to create a discrimination-free social environment that promotes the employment of Roma people.

It could also be useful to support Roma entrepreneurship to help them to integrate their competences in the formal economy. The Roma could be supported in taking advantage of their native language and cultural skills, for example becoming mediators in the health sector or in translation, or by offering them incentives to produce cultural products, including food, arts and crafts, etc.

5.3.3 Policies of integration through education

It is advisable to reduce Roma pupil **segregation**, first of all avoiding their placement in separate classrooms: comprehensive schooling is recommended to postpone the date of school selection and thus give Roma pupils the opportunity to make up for their educational disadvantages.

To sustain Roma **access to school** and enhance attainment in education, it is essential to support, on the one hand, training, support and resources for school personnel to deal with ethnically mixed classes, and, on the other hand, informal education facilities helping to support Roma children in their socialisation as well as their acquisition of linguistic skills.

Several MS programmes aiming at helping children integrate into the school system already exist, but there are far fewer programmes for the education of **adult Roma**. This is to be considered an essential issue as a means intended to break intergenerational reproduction of Roma social inequalities and as part of an active employment policy.

5.3.4 Policies of integration through social and health care

A recent comparative report by ERRC/NUMENA Research Centre on Human and Social Sciences (2007) puts special emphasis on four lines of intervention, to be developed for greater “health inclusion” in Roma minorities:

- *mediation in health care*: active involvement of mediators, especially in hospital structures, is likely to enhance reciprocal trust, for easier communication between health staff and Roma patients;
- *training for health practitioners*: training programmes for medical professions, in the field of anti-discrimination and cultural awareness, may also prove helpful;
- *increasing knowledge* of the Roma among professionals in social and health care sectors, and stimulating the outreaching work of the institutions;
- *proactive health initiatives*: visits to the Romani communities by health workers may be helpful in facilitating Roma access to ordinary health facilities; in improving the health practitioners’ understanding of Roma lifestyles and conditions, with their impact in health terms; and even in reinforcing the Roma users’ confidence in health workers.

5.3.5 *Specific focus on the situation of Roma women*

In such a marginalized group as the Roma, Romani women confront multiple grounds of discrimination: they face discrimination as women, as members of the Roma community, and as women within their community with its own discriminatory patriarchy traditions and practices.

Their specific issues, problems, and needs are widely unaddressed by policies: the manifold discrimination faced by Roma women should be recognised and specifically addressed in policies. Policies addressing Roma women could have a twofold, long-term impact on them but also on other family members, and especially the children.

5.3.6 *Addressing discrimination passing from negative to positive duty*

The key action to address discrimination is to pass from negative to positive duty in legal provisions. The EU Race Equality Directive allows Member States to introduce limited positive measures to compensate for past discrimination. While there has been some debate as to the lawfulness of positive measures, the European Court of Justice, in a great part of the decisions (Marshall, Badek, Abrahamson), has made it clear that the use of positive measures does not violate the principle of equal treatment. The need for positive measures in the case of the Roma is irrefutable. Without such measures in a whole range of areas, particularly in housing, education, health care, and employment, it will be impossible to bring the Roma up to the level of access to these basic rights enjoyed by their fellow citizens.

Against the systemic discrimination to which the Roma are exposed, there are a few cases in which individuals are able to obtain effective judicial remedy. In this respect, countries where there is a longer history of antidiscrimination protection have already experienced the failures of a pure remedy-individual rights-based model and the need for a more proactive approach.

The case of the **United Kingdom** is illustrative.

New legislation, adopted in April 2001, placed a positive duty on the public authorities to eliminate discrimination and seek to promote equal opportunities and good relations between persons of different racial groups. The Commission for Racial Equality was given explicit powers to enforce compliance with these duties. A similar situation exists in **Northern Ireland**. Section 75 of the Northern Ireland Act of 1998 imposes "an equality duty on all public authorities in Northern Ireland to have 'due regard to the need to promote equality of opportunity' across all the equality grounds, including sex, race and ethnic origin, disability, age, sexual orientation and also political belief, in carrying out their public functions".

The European Commission against Racism and Intolerance (ECRI) recommendation to national legislature on the duty to promote equality are noteworthy:

- the law should place public authorities under the duty to promote equality and prevent discrimination in carrying out their functions;
- the law should place public authorities under the duty to ensure that those parties to whom they award contracts, loans, grants or other benefits respect and promote a policy of non-discrimination;
- organisations such as associations, trade unions and other legal entities with a legitimate interest should be entitled to bring a case of racial discrimination without reference to a specific victim;
- in terms of sanctions, the law should provide for the possibility of imposing a programme of positive measures on the discriminator.

5.3.7 *Addressing xenophobia and prejudice*

In some EU countries the majority population still show xenophobia and prejudice towards the Roma: specific policies should be developed to guide public opinion towards education and information in the broadest sense. In particular, specific attention should be paid to the **role of the media** in spreading negative Roma stereotypes. Member States are required to take appropriate action to eliminate any racial hatred and incitement to discrimination and violence against the Roma in the media and in any form of communication technology, and the mainstream media to establish best practices for hiring staff who reflect the composition of the population. Moreover it is advisable to develop *programmes and campaigns aimed at the majority population*, to enhance awareness and understanding of cultural differences and reduce prejudices and discrimination against the Roma.

5.3.8 *Integrating programmes addressing the Roma within a comprehensive policy framework*

An interim evaluation report of PHARE support to Roma minorities (EMS, 2004)¹¹⁸ argues that programmes targeted to the Roma have been developed across Eastern Europe in “the absence... of a clear policy framework for social inclusion”. The lack of long-term strategies (and even of appropriate capacities and expertises), the poor integration with wider social inclusion policies, along with the weaknesses of partnerships between the relevant stakeholders, have mostly resulted in short-term, one-off initiatives.

Substantial resources have been invested in education (albeit with insufficient emphasis on lifelong learning) and infrastructure development – although mostly with a top-down approach, with a feeble impact on local participation and community planning. Relatively less investment has been made, however, either in labour market (re)integration, or in health protection.

PHARE programmes have been successful in giving greater visibility and political priority to the Roma issue in the agendas of new EU Member States. Still, “the scope and scale of initiatives are too small in relation to the scale of the problem” (European Commission, 2006).

It is essential to support the *continuity of interventions* and policies and their internalisation within mainstream intervention fields: actually integration of the Roma relies mainly on action at the local level and on contingent factors. Especially in Southern and Eastern European countries, these programmes are often short-lived, pilot projects, funded by the European Social Fund. **Effective programmes must, instead, be internalised in ordinary policy making** and provided with sufficient financial and human resources.

5.3.9 *Evaluating the effectiveness of the policies implemented*

The European countries are increasingly adopting specific policies targeting ethnic minorities, immigrants and Roma in particular, even though scant attention is given to evaluation of their effectiveness. It is advisable to introduce constant evaluation of the effectiveness of the policies implemented to promote and refund anew those found effective, changing the ineffective ones, while disseminating policies and measures found particularly effective throughout Europe.

¹¹⁸ EMS – European Management Solutions (2004), *From pre-accession to accession. Review of the European Union PHARE assistance to Roma minorities – Interim evaluation*, Research Report.

5.3.10 *The recognition of the Roma as a minority*

The Roma population occupies a peculiar position: being widely dispersed throughout Europe and even beyond it, the Roma have no territory of their own. Being a minority everywhere, they share a similarly imposed identity characterized by political and social marginalization and stigmatization.

In many countries the Roma are recognised neither as a national minority nor as an ethnic minority.

- Since the Roma are first and foremost citizens of a given country, local legal settings and practices are decisive in determining their position and status. In contrast to other legitimate or historical national minorities, however, the Roma are at a disadvantage. Many of the rights and guarantees of protection existing for other minorities have been obtained through bilateral, legally binding treaties, which the Roma do not enjoy.
- Lacking a "mother country" within Europe, the Roma are not considered to fit the ad hoc definition of a national minority. Additionally, since they do not live in well-defined areas of settlement, they do not conform to the traditional profile of a territorially concentrated national minority.

Romani intellectuals, aware of the ambiguity and limitations of applying traditional concepts to their particular situation, have introduced such innovative concepts as "stateless nation" and "nonterritorial," "transnational" or "truly European" people (in the Brussels Declaration) to describe their position. The expression "European Minority" reflects both their nature as a truly transnational minority and their importance for the process of European integration. The 2005 European Parliament resolution P6_TA(2005)0151 (*European Parliament resolution on the situation of the Roma in the European Union*) at Article 2 calls on the Council, the Commission, the Member States and the candidate countries to consider recognising the Roma as a European minority.

Unlike other minorities in the European countries, the Roma have no kin state and are not politically mobilized. This not only makes them a truly "transnational" minority, but also, makes improvement of their status largely dependant on the policies of European Union.

5.3.11 *The involvement of Roma*

A former OSCE High Commissioner on National Minorities, Max Van Der Stoel, aptly describes the issues at stake here:¹¹⁹ "*[Despite] the basic democratic principle that individuals should have a say in how they are governed... countless programs for Roma have been destined to fail because they were developed without Roma participation, and, correspondingly with scant awareness of the specific culture and needs of the intended beneficiaries. [...] In view of the frequency with which government officials cite the fractious nature of Roma communities as a factor impeding their effective participation in policy-making processes... [one should consider that] Roma are, like any other group, entitled to political pluralism*". It is essential to improve the capacity to reach the Roma often secluded and isolated within their communities. The most successful programmes show that in order to reach and involve Roma it is necessary to rely on the mediating role of the NGOs of the same communities.

¹¹⁹ Quoted in Open Society Institute (2008).

The involvement of NGO and Roma community organisations/representatives in policy design and implementation can maximise the effectiveness of programme implementation thanks to their strong commitment and knowledge of the needs of the target groups. Moreover, through these organisations it is much easier to tackle the internal differences of the Roma sub-communities, an issue that we consider essential for the effectiveness of every integration policy to be implemented. In this respect another problem arises: *“To demand that Roma communities speak with a single voice is to expect more of them than other political groupings have been able or expected to achieve. In practice, moreover, some governments’ insistence on finding what they consider a legitimate representative of “the” Roma community risks privileging one segment of Roma while excluding others from the political process... The challenge is to find effective means of ensuring Roma the opportunity to participate in public life while respecting the diversity among Roma communities”*¹²⁰.

5.3.12 Concerning ethnicity data

A number of obstacles have been evidenced in many European countries concerning the feasibility of collecting ethnic data. Since there exists a need for ethnic statistics by governments and anti-discrimination advocates, convinced that the collection of ethnic data would effectively help anti-discrimination litigation, in early 2000 INDOK, the **Hungarian Human Rights Information and Documentation Centre** together with experts from the European Roma Rights Centre (ERRC), the Constitutional and Legal Policy Institute (COLPI) and the Central European University carried out a comparative study on the issue, which pointed out some common characteristics and major differences in the law and practice of the European countries examined, and formulating some recommendations regarding the issue discussed in the country reports – and in particular the following:

1. clarify the present availability - or lack thereof - of ethnic statistics in European countries
2. clarify the legal status of ethnic statistics in Europe under both international and domestic law to determine which, if any, legal prohibitions limit the collection and maintenance of ethnic statistics
3. to those jurisdictions where present legislation impedes reasonable efforts to gather ethnic statistics with privacy safeguards, recommend legal reforms
4. to all other jurisdictions where present legislation does not impede reasonable efforts to gather ethnic statistics, educate public and policy-makers that the law does not bar from gathering such information, and
5. in all places, address the legitimate non-legally-based concerns of those presently opposed to gathering ethnic statistics by (i) making clear the problems above caused by absence of statistics (i.e. lawyers cannot prove, and governments cannot monitor or combat, discrimination), and (ii) suggesting practical steps (including successful examples employed elsewhere) which might be taken to permit the gathering and collection of such statistics with safeguards which address the legitimate concerns raised.

According to the **EU Network of independent experts on fundamental rights**, the treatment of personal data on individuals’ affiliation with an ethnic minority needs to be coupled with adequate legal safeguards. In this respect, two principles have to be taken into account.

¹²⁰ Quoted in Open Society Institute (2008).

- *First*, the affiliation with an ethnic, cultural, religious and linguistic minority falls under the right to respect for private life. Therefore Articles 7 and 8 of the Charter of Fundamental Rights as well as Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) are applicable. In particular, Recommendation No. R (97) 18 of the Committee of Ministers of the Council of Europe prescribes that personal data collected and processed for statistical purposes shall be made anonymous as soon as they are no longer necessary in an identifiable form. It also prescribes that, where personal data are collected and processed for statistical purposes, they shall serve only those purposes. When, for statistical purposes linked to monitoring, personal data are collected from the person concerned, he/she must be informed of the compulsory or optional nature of the response and the legal basis. Where the consent of the data subject is required for the collection or processing of sensitive data, it shall be explicit, free and informed.
- *Second*, where the data collected from the person concerned relate directly or indirectly to the membership of the person of a minority, replying to such a question should always be optional. This follows both from Article 3 of the Framework Convention on the Protection of National Minorities, which provides that every person belonging to a national minority shall have the right freely to choose to be treated as such.

5.3.13 Proposals to develop the potential of antidiscrimination law as an instrument for the protection of Roma rights.

In order to overcome the inadequacy of RED and of transposing national legislations, and to develop the potential of antidiscrimination law as an instrument for the protection of the rights of Roma and other minorities, a **number of proposals** have been put forward by the EU Network of independent experts on fundamental rights and by other legal experts ¹²¹:

- Given the multifaceted nature of Roma identity, it is crucial that the definition of discrimination on grounds of racial or ethnic origin in the RED encompass a multifaceted view, which takes into account the whole range of social attributes constitutive of their identity, including culture, language, area of residence, social class and historical exclusion.
- The potential of RED implementing the principle of equal treatment between persons irrespective of racial or ethnic origin could be further explored in various directions:
 - At the national level the legal system could incorporate a clear ban on racial segregation and explicit recognition in the antidiscrimination framework that segregation is a form of discrimination.
 - Where the conditions for granting nationality themselves constitute direct or indirect discrimination on grounds of racial or ethnic origin, they may be prohibited from the viewpoint of Directive 2000/43/EC, insofar as access to nationality conditions or facilitates access to employment, education and housing, as well as to the other social goods to which this Directive applies in accordance with its Article 3.

¹²¹ See, in particular, E.U. Network Of Independent Experts On Fundamental Rights, Thematic Comment N° 3: The Protection Of Minorities In The European Union, q. at 4; L. Farkas, *Segregation of Roma Children in Education. Addressing structural discrimination through the Race Equality Directive*, q. at. 7; Open Society Institute, *Equality for Roma in Europe. A roadmap for action*, 2005.

- The use of language requirements should be carefully scrutinized, in order to ensure that they are not unreasonable or disproportionate, thus potentially leading to a form of indirect discrimination on the grounds of ethnic origin as prohibited under this Directive.
- The definition of discrimination under Directives 2000/43/EC and 2000/78/EC, especially in the context of any future revision of the latter directive, should include the refusal to provide reasonable accommodation in order to meet the specific situation of ethnic and religious minorities, in accordance with a growing recognition both in national laws and in the international law of human rights that a refusal to provide reasonable accommodation to meet the requirements of any particular religion or the traditions of any particular ethnic group could constitute a form of indirect discrimination .
- EU institutions should consider the perspective of *a directive based on art. 19.1 of TFEU¹²² and specifically aimed at improving the situation of the Roma/Gypsies population* (could be called *Integration Directive*). This directive could be based on the studies documenting the situation of the Roma/Gypsies population, and take into account the relevant rules of the Council of Europe Framework Convention on the Protection of National Minorities as well as the interpretation of this instrument given by the Advisory Committee established under its Article 26. It should provide that effective accommodations will be made to ensure the Roma/Gypsies will be able to maintain their traditional lifestyle, when they have chosen the nomadic or semi-nomadic mode of life, without being forced into sedentariness. It should take account the need to effectuate the desegregation of the Romani/Gypsy communities, where this is required, especially in employment, housing and education. It should address the question of the inaccessibility of certain social and economic rights due to the administrative situation of Roma/Gypsies to whom administrative documents are denied or who are considered stateless. The EU Network of Independent Experts on Fundamental Rights recalls in this respect that such an initiative may be called for by the European Parliament, relying on *art. 225 of TFEU*.
- A more open form of coordination of the measures could be adopted by the Member States in order to tackle the situation faced by the Roma/Gypsy minority. Article 19(2) of TFEU could be relied upon to ensure that the Member States will inform themselves mutually about the measures they are taking in order to ensure the desegregation of the Roma/Gypsies in the fields of employment, education and housing, to which health care and social security could be added, and about the reasons for their successes and failures in addressing this problem. This strategy would oblige the Member States to collect the requisite information about the situation of the Rome under their jurisdiction, in order to arrive at a better understanding of the problem to be addressed. Under this strategy, each Member State would submit at regular intervals a report on the measures which have been adopted in order to make progress towards the goal of ensuring the integration of the Roma/Gypsy minority, which should result in a process of mutual evaluation and contribute to collective learning.

¹²² Treaty on The Functioning of The European Union

- Member States are bound to respect the EU Charter of Fundamental Rights, as well as the other fundamental rights which belong to the general principles of Union law, as provides *art. 6 of TFEU*. The EU Charter of Fundamental Rights does not provide as such for rights of minorities. However, it prohibits any discrimination based on, *inter alia*, membership of a national minority (Article 21); it states that the Union shall respect cultural, religious and linguistic diversity (Article 22); and it protects the right to respect for private life (Article 7), freedom of religion (Article 10), freedom of expression (Article 11), and freedom of association (Article 12), all of which may serve to protect certain dimensions of the rights of persons belonging to minorities.
- At the present stage of development of the Union, its institutions should send a clear message that they will take into account the rights of minorities in the exercise of their competences. Such a declared commitment to upholding the rights of minorities should refer to the Copenhagen Document adopted on 29 June 1990 in the framework of the Conference on Security and Cooperation in Europe, as well as to the Council of Europe Framework Convention for the Protection of National Minorities of 1 February 1995. Such clarification could take the form of an inter-institutional declaration, or even of a communication by the Commission, affirming the willingness to respect, protect and promote the rights of minorities and the understanding the institution intends to attribute to this term as it appears in Union law.
- Considered that Roma are entrenched in a situation of structural disadvantage in all areas of social, economic and political life, the European institutions should consider if it is not necessary to impose on the Member States an obligation to adopt positive action schemes.
- Any measure seeking to promote the integration of the Roma/Gypsy minority should be devised with the active participation of representatives of this group.
- Evidence provided by NGO's reports, as well as by case law before national courts and specialised bodies acting in the fields of human rights protection, show a growing trend of forced evictions of Roma people throughout the Member States. The scale of the evictions problem and the weight of international human rights standards, which both the Member States and the European Union are bound to respect, demand an urgent response at the European level national level, including the passing of laws, formulation of policies and implementation of programmes to ensure that discriminations against Roma produced by forced eviction are eliminated.

5.3.14 *The role of the main actors in an integrated strategy*

"The fundamental rights upon which the European Union is founded include the principle of non-discrimination. The Roma must be given the chance to participate fully in economic, social and political life, and so we must work together to overcome the centuries of prejudice, discrimination and social exclusion they have suffered. This is an immense task, and it will require us to take coordinated action in a number of fields, in particular those of education, employment, housing and social services. The responsibility for finding a solution to these issues will mainly lie with national bodies and with regional and local authorities, as the latter are where the Roma are most likely to be represented.

Although both civil society and the Roma themselves have an important part to play, the situation of the Roma is a European issue that calls for an EU solution” (Vladimír Špidla¹²³-Commissioner responsible for Employment, Social Affairs and Equal Opportunities)

The **European Parliament, the Commission and Member States** can act according to their specific competencies.

The **European Parliament** in particular plays a key role in protecting the rights of minorities, including the Roma. The European Parliament in January 2008 voted on a European strategy¹²⁴ to try and improve the lives of the Roma community: highlighting the "lack of progress made in combating racial discrimination against the Roma" in Europe, the resolution points out that, in the negotiation and accession process, all candidate countries are committed to improving the inclusion of this community. It also urges the European Commission to support active programmes concerning the improvement of employment, housing, education and health conditions of the Roma in Europe and promoting their inclusion in the European Communities.

As for the **European Commission** “*The Commission is keen to ensure that the situation of the Roma is taken into account in all EU programmes and policies that could be significant in this context. To this end, a group has been set up comprising representatives of all the relevant Directorates-General, with the aim of exchanging best practices, coordinating policies and engaging in dialogue with participants from outside the institutions. The Commission also cooperates with other international organisations working to promote inclusion of the Roma, and is in regular contact with the Council of Europe, the OECD, the World Bank and other major players*”¹²⁵.

The **national and local level** have the strongest role in policies for inclusion of the Roma people, as social policy belongs to the exclusive competence of Member States, and also considering that, in accordance with the principle of non-discrimination on the basis of nationality, all Union citizens and the members of their families who reside freely and lawfully in a Member State should enjoy, in that State, equality of treatment with national citizens, and Member States must guarantee it.

According to the OSI “Roadmap for Action” (2006), the priority “areas where the EU can significantly contribute to national action to promote Roma equality” are the following:

- *promoting Roma participation and consultation* in decision-making processes related to them – and to public life in general –, with the aim also to reinforce Roma civil society;
- *encouraging data collection*, allowing – with due respect to privacy – for better monitoring of Roma living conditions, along with the discrimination they may be enduring, even in comparative terms;
- *combating anti-Gypsyism*, investing both in awareness-raising campaigns and in targeted trainings to key actors (teachers, social workers, public servants, etc.), thus combining an overall anti-racist framework with specific, Roma-addressed action;

¹²³ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20050427+ITEM-008+DOC+XML+V0//EN&query=INTERV&detail=3-052>

¹²⁴ European Parliament, A European strategy on the Roma, P6_TA(2008)0035

¹²⁵ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20050427+ITEM-008+DOC+XML+V0//EN&query=INTERV&detail=3-052>

- *encouraging national strategies on Roma Equality*, also through support for Roma civil society organizations.

An earlier EU-wide report promoted by the European Commission (2004) – *The situation of Roma in an enlarged European Union* – provided some specific recommendations, on three levels of action:

- *on the role of the EU*: awareness-raising about the Roma situation, monitoring the effects of the Racial Equality Directive, enhancing co-ordination between different EU programmes (and between distinct international organizations), guaranteeing Roma involvement in policy-making, monitoring and evaluating Roma-addressed initiatives;
- *on the role of Member States*: recognizing the Roma population as an ethnic group in its own right, collecting appropriate and comparable data on ethnic origins, developing national and local bodies in charge of Roma inclusion;
- *on the role of Roma civil society organizations*: actively contrasting Roma stereotyping, supporting closer monitoring of ethnic minority issues, participating in European networks in anti-discrimination and basic rights protection.

As for the **future prospects for European policies**, a position paper recently issued by the European Commission¹²⁶ focuses on a **few key criteria** that should inform programmes aiming at Roma integration, with the support of EU Structural Funds:

- Roma active involvement in every programme stage, with special emphasis on programming, mainly through the mediation of Roma civil society organizations;
- Broad partnership building, including public authorities, private stakeholders (whether business- or non-profit-oriented) and the Roma communities themselves. This may require investments both in promoting cooperative working methods, and in the weaker partners' capacity building;
- A comprehensive, multidimensional approach, combining interventions in more than one of the following interdependent fields: education, employment, social and health care, housing anti-discrimination;
- Systematic framing of short-time actions in longer-term development plans, along with a careful mix of "tailoring measures" and mainstreaming into general service provision;
- The expediency to invest more in innovative personal financing, e.g. in micro-credit supporting new individual or collective enterprises;
- The need to support any Roma-targeted intervention with anti-discrimination campaigns addressing the general population;
- The relevance of Roma representation in monitoring and evaluation, as well as the crucial significance of follow-up.

¹²⁶ European Commission, *Aide-Memoire for desk-officers: Roma and structural funds programming 2007-2013*. For in-depth analysis, see also the EC Staff working document *Community instruments and policies for Roma inclusion*, Brussels, July 2008.

ANNEXES

Case study: Finland

Case study: Romania

Case study: Spain

Case study: Latvia

Case study: Italy

Case study: Finland

The Roma Community in Finland

The Roma of Finland belong to the Kaalé (or *Kàlo* in Romani language, i.e. ‘black’) group and represent the second largest minority in the country, after the Swedish-Finnish minority. Finnish Roma have a ‘special’ legal status since they are identified as a *traditional national minority*. This means that they have a dual identity: on the one hand, they are Finnish citizens but, on the other hand, they also have the right to preserve the essential elements of their cultural heritage (language, traditions, etc.).

Currently, there are about 10,000 Roma in Finland (equivalent to about 0.2% of total population in the country).

Their exact number is not known because in Finland, as in other Nordic countries, it is not allowed to collect statistics on the ethnic background of the population. By and large, statistics based on ethnicity are not available in Finland. Even if, unlike other Nordic countries, statistics on the mother tongue of each registered individual residing in the country are available, this does not make it possible to identify old minorities such as the Roma (but also the Sami). In fact, like second-generation immigrants, most of the Roma in Finland nowadays have Finnish as their mother-tongue.

In the last few years, the number of Roma coming from Eastern European countries (mainly from Bulgaria) and applying for asylum in the country has increased considerably, totalling between 4,000 to 5,000 requests in the period between 1990-2004¹²⁷. However, the Roma from Eastern European countries have usually had their applications refused¹²⁸.

The Finnish Roma reside in different areas of the country, even if they tend to be especially concentrated in the largest urban centres located in the Southern part of Finland and, above all, in Helsinki Metropolitan Area (i.e. in the municipalities of Helsinki, Vantaa and Espoo).

The Finnish Roma originally moved from Sweden to Finland in the first half of the 16th century. At that time, Finland still belonged to the Swedish Kingdom. The Finnish Roma were originally part of the German Sinti community and they first moved to Sweden, where they were ordered to settle in Finland (which at that time was the Easternmost part of the realm). The Swedish authorities probably expected that the Roma would cross the borders with Russia and thus join the local (and much larger) Romani community. However, this did not happen and they remained in Finland even when, at the beginning of the 19th century, the country was conquered by Czarist Russia.

The ‘legacy’ of the Swedish period is nevertheless still clearly witnessed by many names of Romani families and by other Swedish loanwords still present in their dialect¹²⁹.

Finnish society has long been a rural one and, to some extent, the agricultural character of the economic structure of this country to some extent helped to ‘mitigate’ socioeconomic differences between the individuals belonging to the Romani community and other Finns.

¹²⁷ Tanner, A. 2004. ‘Finland's Prosperity Brings New Migrants’. Migration Policy Institute, Washington.

¹²⁸ Saarto, A. 2006. Cit., p. 21.

¹²⁹ Vuorela, K. and L. Borin, 1998. *Finnish Romani*. In: Ó Corráin, A. & S. Mac Mathúna (eds.), *Minority Languages in Scandinavia, Britain and Ireland*. Acta Universitatis Upsaliensis. *Studia Celtica Upsaliensia* 3. Uppsala.

However, the socioeconomic differences between the majority of Finns and the Romani minority increased, especially in the second half of the 20th century, as a consequence of industrialisation and the urbanization processes.

Until the early 1960s, the living conditions of the Finnish Roma remained relatively poor. At the end of that decade the policy of forced assimilation was finally abandoned.

This shift was also accompanied by a greater organization among the Roma themselves, through the foundation of the Finnish Romani Union (*Suomen Mustalaisyhdistys*), which had the explicit aim of influencing the decision-making processes in such a way as to put through policies favourable to the integration of the Roma into Finnish society.

Altogether, these changes meant that "[f]or the first time in Finnish history the rights of the Roma to participate in discussions regarding their own matters were stressed"¹³⁰.

Chronology of Roma in Finland (1540-2004)¹³¹

1540-1750	The Roma arrive in Finland and are persecuted.
1750-1850	An interlude of tolerance.
1850-1900	Discrimination increases through the introduction of a vagrancy law.
1900-1950	Vagrancy law abolished. Introduction of an assimilation policy. Romani children taken from their parents and forcibly placed in children's homes. Romani language cannot be spoken in public.
1960	Assimilation policy abandoned and replaced by social policy. Romani organisations become more active.
1970-1990	First law against discrimination. Social awakening among the Roma. New phase of social, educational and cultural reforms: housing and training programmes. Romani language taught in public schools.
1991	A clause is introduced in the Constitution in order to safeguard the right of the Roma to maintain and develop their own culture and language.
1995	A constitutional amendment is confirmed prohibiting discrimination on the grounds of ethnic origin. Romani language can be chosen as a mother tongue at school and used as a language of instruction. Weekly radio news broadcasts in Romani begin on the national radio network.
1998	Finland identifies Romani as a non-territorial minority language of Finland and the Roma community as a traditional national minority.
1999	Two hours a week of mother tongue instruction is to be provided if there are at least four children in the class. Resources permitting, comprehensive instruction can be arranged with Romani mother tongue as the language of instruction.
2004	Enactment of the Non-Discrimination Act.

At the beginning of the 1970s, the first law was passed prohibiting discrimination of the Roma and a wave of reforms in the field of social, educational and cultural policies positively favoured their integration into Finnish society.

Furthermore, housing conditions were considerably improved with enactment of a special housing programme specifically designed for this minority¹³².

¹³⁰ Nordberg, C. 2005. 'Integrating a Traditional Minority into a Nordic Society: Elite Discourse on the Finnish Roma'. *Social Work & Society*, Vol. 3, no. 2, p. 161.

¹³¹ Adapted from the Ministry of Social Affairs and Health, 2004, *Finland's Romani People*. Brochures of the Ministry of Social Affairs and Health 2004:2. Helsinki, p. 22.

¹³² Ministry of Social Affairs and Health, 2004. Cit., p. 9.

Since then, “practically all Gypsies live in their own apartments or houses, which has had a positive influence both on the schooling of Gypsy children, which earlier tended to be sporadic at best, and also to some degree on the employment patterns of the grown-ups”¹³³.

At the end of the 1990s, a report of the Ministry of Social Affairs and Health nevertheless confirmed that the Roma still faced different forms of discrimination on the part of Finnish society¹³⁴.

In particular, the report stressed how the poor educational attainments of the Roma constituted the main factor not only for their comparatively poor socio-economic position in the labour market but also for the prevailing prejudice against this minority.

In Finland, the **Roma are discriminated against in both the private housing market and the labour market**. The unemployment rate amongst the Finnish Roma is in fact considerably higher than the average rate in the country. It has been estimated that more than half (about 52-56%) of the Finnish Roma are unemployed. This value is much higher than the unemployment rate of immigrants, which was about 28% in 2005 and about 24-25% in the year 2006¹³⁵.

When, in recent years, Finnish society changed further in the direction of a knowledge-based society and the economic structure of the country came to be increasingly dependent upon the ICT-sector, the Roma’s traditional vocations were no longer able to provide them a living. According to many surveys, Finnish Roma women in particular face discrimination in the labour market, partly because of their traditional dress¹³⁶.

Further efforts have been made, in more recent years, in order to defend the Roma’s right to preserve their own culture and traditions.

With the **Basic Education Act** and the **Upper Secondary School Act**, both enacted in the year 1998, Roma children and students achieved the right to study their own language in primary and secondary schools. Furthermore, it was also made possible for students to take a matriculation exam in Romani as mother tongue. Nevertheless, few local authorities seem to have been able to make these opportunities available due to the lack of teachers and teaching materials. According to the aforesaid Report, at the end of the 1990s only 220 out of 1,500-1,700 Roma pupils were estimated to benefit from this teaching. A more serious but related problem addressed in the Report was that, in the same period of time, a large proportion of Roma children were still placed in specialised education units, due to the cultural and linguistic differences with the rest of the population.

Further efforts to reinforce the position of the Roma minority in Finnish society were made with the introduction of the so-called ‘**Non-Discrimination Act**’ in 1995. According to this Act no one may be discriminated against on the basis of age, ethnic or national origin, nationality, language, religion, conviction, opinion, health, disability, sexual orientation or any other reason relating to personal characteristics.

¹³³ Vuorela, K. and L. Borin, 1998. Cit., p. 55.

¹³⁴ When not otherwise stated, the following discussion draws from: Suonoja K. and V. Lindberg, 1999. *Strategies of the Policy on Roma in 2000* [Romanipolitiikan strategiat]. Publications of the Ministry of Social Affairs and Health 1999:9.

¹³⁵ Saarto, A. 2006. ‘Finland OECD SOPEMI. International Migration Outlook’. Ministry of Labour, Helsinki

¹³⁶ The Finnish League for Human Rights, 2002. *Legislation Report on Finland*. European Monitoring Centre on Racism and Xenophobia (EUMC), p. 32.

The Act obliges the public authorities to “seek purposefully and methodically to foster equality and consolidate administrative and operational practices that will ensure the fostering of equality in preparatory work and decision making. In particular, the authorities shall alter any circumstances that prevent the realization of equality”¹³⁷.

The new act also states that discriminatory behaviours of public officials and civil servants in particular may result in a fine or six months’ imprisonment.

Good practices in social inclusion

Labour market policy

The first vocational training programmes explicitly designed for Roma had already been introduced into Finland by the end of the 1970s¹³⁸. At that time, these programmes were still mainly oriented towards the improvement of participants’ skills in the traditional sectors of employment of the Roma community (i.e. house-keeping, trotting-race training, sewing and other handicraft, etc.). However, in the few last years, the organization of labour market policy programmes has been partly decentralized and the contents of these programmes have also changed, becoming more oriented towards the growing sectors of employment. Representatives of the Roma community and non-governmental organizations have been traditionally involved in the decision-making process and planning phases of vocational training programmes. This has been in particular the case of the **project Suomen Romako**, first run as a pilot training programme in the years 1996-1998 and then launched as a nationwide programme in the years 2000-2002. The project was jointly funded by the Ministry of Labour (60%) and the ESF (40%). This project is targeted at Romanies aged 25–55 who are either long-term unemployed or have been displaced from the job market¹³⁹. The aim of *Suomen Romako* is, on the one hand, to raise the level of education among the Roma and, on the other hand, to eradicate the prejudices that still exist towards this minority. In order to do so, *Suomen Romako* aimed at improving the ‘employability’ of the Roma not only by promoting their participation in the general education system but also providing subsidized work-placement programmes in sectors such as textile, clothing and car industry, practical nursing, hairdressing, massage therapy, music therapy and musical drama studies.

The programme has been praised for its success by many supranational organizations, such as the United Nations¹⁴⁰.

Between November 2004 and the end of the year 2007, the Municipality of Jyväskylä implemented a project called “**The Roma Into Working Life**”, which aimed at fighting employment prejudices against Roma in general and against Roma entrepreneurs in particular¹⁴¹.

¹³⁷ Section 4.1 of the Non-Discrimination Act, 21:2004 (English translation available on www.finlex.fi).

¹³⁸ When not otherwise stated, the following description draws from information obtained from the website of The Finnish National Board of Education (www.oph.fi).

¹³⁹ C. McDonald, J. Kovács and C. Fényes (eds.), 2001. *The Roma Education Source Book. Overviews and Policy Issues. Methods and Practice, Language and Culture*. Budapest, Open Society Institute, Institute for Educational Policy, p. 112.

¹⁴⁰ ‘Praise and criticism for Finland from UN racism committee’, *Helsingin Sanomat* (international edition), Tuesday 29.8.2000.

¹⁴¹ Anttonen, R. 2008. ‘Trust formation and experiences of prejudice and discrimination of Roma entrepreneurs in Finland’. *Journal of Enterprising Communities: People and Places in the Global Economy*, vol. 2, n.2.

The project was founded by the European Social Fund and by the Ministry of Labour of Finland and was targeted to the Roma minority living in the region of Jyväskylä (even though it was administered only by the Municipality of Jyväskylä) and, in particular, to the refugees recently arrived from Kosovo¹⁴². However, public sector authorities and private firms were also involved in the project.

An **innovative working method** was developed for the project “The Roma Into Working Life” in order to promote labour market integration for the participants, the so-called ‘TuRom’ method (“you Roma, human, person”, in Romani language)¹⁴³.

The TuRom-method consists of three steps:

- the ‘empowerment’ of the participant by means of the growth of her/his self esteem within her/his community and, in particular, within the group of participants in the project;
- the ‘integration’ of the participant in the group through the continuous interaction with the other participants (e.g. open discussions, meetings, etc.);
- creation of a ‘cooperative network’ through the participation in the different events (which also included clubs, camps and joint evenings in which both the Roma and the project workers participated).

Some members of the Roma community were trained as cultural mediators in order to work as a ‘Bridge Group’ between the Roma community and the non-Roma. The Bridge Group also supervised the TuRom process.

As from the year 2006, 83 Roma people (42 men, 41 women) were involved in various educational and training activities. When the project “The Roma Into Working Life” came to an end 20 entered the labour market, 23 continued to participate in educational and vocational training programmes, while 3 participants were guided to other solutions.

The education system

According to a Report drawn up over the years 2000-2002 by the Romani Education Unit of the National Board of Education, only a very small percentage of Romani children (2%) attend pre-school compared with the rest of the population. This difference with the rest of the population would explain why Romani children often difficulties at the beginning of their school career.

In fact, their knowledge of the Finnish vocabulary is often limited compared to other children of the same age since the Finnish spoken in the Roma’s homes is often a mix of Finnish and their language: “Romani children have also been observed to suffer from what is termed ‘semilingualism’”, which means that they lack strong skills in their mother tongue when they start school. Their motor and mechanical skills are often poorer than those of other children. For these reasons, the children’s schooling is hampered from the very outset”¹⁴⁴.

¹⁴² Information about the project “The Roma into Working Life” is drawn from the brochure *Roma in Action – Symposium, 19.–20.6.2006* (Municipality of Jyväskylä).

¹⁴³ Information about TuRom is drawn from: Florin, K. 2007. *TuRom. Successful Mutual Integration Guidebook*. Municipality of Jyväskylä.

¹⁴⁴ C. McDonald, J. Kovács and C. Fényes (eds.), 2001. Cit., p. 109.

In order to make public childcare facilities more familiar to Romani children, the public authorities have included members of the Romani community in the personnel: “The inclusion of Romani members of staff in child daycare has been shown to increase an atmosphere of tolerance and make Romani children feel more at home”¹⁴⁵.

Among the other projects aiming at supporting the education of Romani children, a project launched by the NGO *Romano Missio* of Helsinki and called ‘**Right through a job**’ (*Aina ammattiin asti*) was designed in order to help young individuals belonging to this minority to complete comprehensive school and take up further education. On the other hand, the project also aimed at determining the difficulties encountered by Romani children at school. In fact, a study conducted during the project indicated that, almost one out of five (17-20%) Romani students discontinued school¹⁴⁶.

The social and health care sector

In Finland the Roma use medical services less than the other Finns even if their health and living conditions are worse than those of the rest of the population. This is particularly true of the elderly members of the community, whose health conditions are relatively poor as a consequence of the effects of their difficult housing conditions in the 1960s and 1970s¹⁴⁷. Within the Roma community, family and kinship networks are expected to play an important role in taking care of the sick and disabled. For this reason, the use of residential care services is extremely limited. In particular, research has shown how Roma women seldom approach the health care system, and when they do so they are never alone but together with relatives or friends¹⁴⁸. In order to provide enough information to the Roma on how to take care of their own and their relatives’ health, over the past year the National Board of Education’s Romani Education Unit has arranged national health education days which are very popular.

At the local level, NGOs have also addressed this issue, trying to provide information especially to young women. For example, the NGO *Romano Missio* in Helsinki has developed health education programmes for adolescent girls that offer them the opportunity to ask Roma or non-Roma Finnish women questions which, for various reasons, they cannot ask their mothers¹⁴⁹.

Decent housing

As mentioned before, in the 1970s the Finnish government enacted a special housing programme for Roma people. At that time housing was one of the Roma’s biggest problems. The central government tried to solve it through the acquisition and allocation of houses, and with low-interest loan programmes specifically targeted to the individuals belonging to this minority. This housing programme was funded by a separate allocation of the state budget. Therefore, the **Roma are no longer homeless in Finland**, and their housing conditions are not dissimilar from those of the rest of the population. However, in practice, the Roma are housed mainly in state-subsidized dwellings owned by the local authorities.

¹⁴⁵ Ministry of Social Affairs and Health, 2004. Cit., p. 11.

¹⁴⁶ C. McDonald, J. Kovács and C. Fényes (eds.), 2001. Cit., p. 110.

¹⁴⁷ Grönfors, J. 2004. ‘Roma in Finland’. Roma Rights Quarterly, n. 3-4.

¹⁴⁸ Lehti, A. and B. Mattson, 2001. ‘Health, attitude to care and pattern of attendance among gypsy women – a general practice guide’. *Family Practice*, Vol. 18, no. 4.

¹⁴⁹ European Monitoring Centre on Racism and Xenophobia (EUMC), 2003. *Breaking the Barriers – Romani Women and Access to Public Health Care*. Luxembourg, Office for Official Publications of the European Communities.

Only a minority of wealthiest Roma are owner-occupiers. Furthermore, the Roma are still subjected to discrimination in the private rental housing market. There is no housing programme specifically designed for the Roma in Finland.

Financial services

Since the year 1996, Finnvera, a publicly-owned financing company, has been running a loan scheme targeted on micro-enterprises and start-ups together with another special loan scheme for women entrepreneurs (i.e. targeted at enterprises owned and managed by women). Since the early 1990s, Finnvera has offered various kinds of financing services aiming at promoting the domestic and international operations of Finnish enterprises, operating in close cooperation with banks. In the second half of the 1990s this institution also set out to promote self-employment as part of a strategy aimed at fighting the high unemployment rate after the financial crisis that hit Finland at the beginning 1990s.

Finnish banks do not usually offer microfinance facilities, but public microfinance facilities have a long tradition going back to the 1970s, when lending was provided to enterprises in the less developed and rural areas.

In the years 1999-2001 a new instrument called “**Social Credit**” was developed as a pilot project¹⁵⁰. On the basis of the results of the pilot project, a new law was enacted in the year 2002. The Social Credit Act defined uniform regulation for the functioning of the social credit system throughout the country and gave local authorities the possibility to arrange social lending to the extent they deem fit, although they remain responsible for the credit capital and losses. The local authorities may charge the borrower interest on the loan but this interest may not be higher than the basic rate of interest. On the other hand, when the law entered into force state funding for the social welfare and health care services of the local authorities was increased for the operating expenses incurred with social credit arrangements.

However, the Social Credit programme is seen as a measure to tackle poverty and social exclusion but has no special focus on the Roma.

Initiatives of active involvement of Roma

In Finland, the Roma issue was introduced in the political agenda in the 1950s through the creation of a first Committee on Romani Affairs. At that time, the prevailing approaches were still based on assimilation policy and the main target of the Committee was the so-called ‘developable’ Roma, i.e. Romani children.

During this phase, the key actor was *Mustalaislähetys*, a Christian philanthropic organization¹⁵¹.

Between the end of the 1950s and the beginning of the 1960s, the importance of the fact that the Roma had to be involved in discussions regarding their own matters began to be stressed. At the same time, the Roma began to get more actively organized in order to defend their rights.

¹⁵⁰ The following description of the “Social Credit” draws from: Ministry of Social Affairs and Health, 2004. *National Reports on Strategies for Social Protection and Social inclusion - Finland*. Brochures of the Ministry of Social Affairs and Health 2006:24. Helsinki, p. 51.

¹⁵¹ Norberg, C. 2005. ‘Integrating a Traditional Minority into a Nordic Society: Elite Discourse on the Finnish Roma’, *Social Work & Society*, vol. 3, n. 2.

For this reason, a new organism was created in 1956, the Advisory Board on Romani Affairs, in order to function as a cooperative link between the Romani people and the public authorities and, more generally, as a national advisory structure for issues concerning the social situation of the Roma in Finland¹⁵².

This institution was reformed in 1968 and, at this point, the Roma community achieved the right to elect their own representatives to the Board¹⁵³.

At the end of the 1980s, the Advisory Board on Romani Affairs was again reformed in order “to promote equal opportunities for the participation of Roma in Finnish society, and to improve their social, cultural, economic and educational circumstances. The Board advises on both the development and implementation of government policy. It also monitors and advises on the implementation of the rights of Roma under international agreements and conventions”¹⁵⁴.

In 1989, the Advisory Board on Romani Affairs also gained permanent status at the Ministry of Social Affairs and Health, which still has overall responsibility for Romani Affairs within the governmental structure¹⁵⁵.

Nowadays, the Advisory Board is appointed every three years by the central government. The Board consists of 18 members: half of these members represent the main Romani associations while the other half consists of representatives of different ministries (including Social Affairs and Health, Education, Labour, Environment, Interior, and Foreign Affairs). The Board has a Secretary-General, who is member of the Finnish Romani community¹⁵⁶.

The duties of the Advisory Board on Romani Affairs include:

- monitoring and reporting to the authorities on the development of the Romani people’s living conditions and opportunities for participation in society;
- promoting initiatives aimed at improving economic, employment educational, social and cultural conditions of Romani people;
- contrasting all forms of ethnic or racial discrimination;
- preserving the Romani language and culture;
- participating in international activities in order to improve the conditions of the Roma.

Within the Ministry of Education, since the year 1994 there has also been a Romani Education Unit (which is part of the National Board of Education). The role of this Unit is to promote nationwide strategies for the promotion of the education of Roma, and it also aims to preserve Romani language and traditions. The Unit is led by an executive group which includes representatives of Romani associations. The Unit also organises seminars and courses for both Roma and other Finns and provides expert and advisory services¹⁵⁷.

¹⁵² European Commission Against Racism and Intolerance (ECRI), 2001. *Practical examples in combating racism and intolerance against Roma/Gypsies*. CRI 2001:28. Directorate General of Human Rights – DG II, Council of Europe

¹⁵³ Norberg, C. 2005.

¹⁵⁴ European Commission Against Racism and Intolerance (ECRI), 2001, p. 15.

¹⁵⁵ Norberg, C. 2005.

¹⁵⁶ When not otherwise stated, the description of the Advisory Board on Romani Affairs draws on: Ministry of Social Affairs and Health, 2004. Cit., p. 17.

¹⁵⁷ Ministry of Social Affairs and Health, 2004. Cit., p. 19.

The impact of EU programmes and initiatives addressed to the Roma at national level

Finland ratified both the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities in 1998. Accordingly, the Finnish Government declared that it will apply the general principles of the Convention to the Romani language and to the other non-territorial languages used in Finland. The Romani language in Finland thus has the status of a non-territorial minority language¹⁵⁸.

EU programmes such as those related to the structural funds have also played an important role in the experimentation and implementation of transnational projects targeted at the Roma. For instance, this has been the case of the **ROM-EQUAL project**, which had international partners in Slovakia and Slovenia. The ROM-EQUAL project developed a model for the support of Romani adults who are training to become assistants to students with special needs. In this way, students can receive support from mentors familiar with Roma culture. The model has proved successful and can be used to support the planning and implementation of adult education in other fields and for other ethnic groups¹⁵⁹.

The role of local policies

In Finland, the local governments have generally played the role of implementation agencies for centrally defined policies and programmes. In fact, this pattern of central-local relationships has proved reasonably efficient¹⁶⁰.

Such is the case, for example, of the Four Provincial Advisory Boards established on an experimental basis in the year 1996 in an attempt to promote Roma participation in decision-making processes at the local levels. The Provincial Advisory Boards were established at the State Provincial Offices of Southern Finland, Western Finland, Eastern Finland and Oulu and, in practice, reproduced at the local level the functioning of the national Advisory Board on Romani Affairs described above.

The Provincial Advisory Boards aim at stimulating new initiatives and projects at the local level in the field of education, housing, employment, health and welfare. The Boards bring together representatives from Romani associations and local governments in order to combat prejudice and racism and mediate between the public authorities and the Roma communities¹⁶¹.

Prevailing attitudes of public opinion with respect to the Roma

The social situation of the Finnish Roma has improved markedly over the last few decades. They now live in their own apartments or houses and this has had a fairly positive influence on their degree of social and cultural integration into Finnish society, as indeed on the majority society's attitudes towards this minority, compared to many other European countries.

¹⁵⁸ Latomaa, S. and P. Nuolijävi. 2005. *The Language Situation in Finland*. In *Language Planning and Policy in Europe*, Vol. 1, edited by Robert B. Kaplan and Richar B. Baldauf. USA, Multilingual Matters Ltd.

¹⁵⁹ See the website of the project: www.rom-equal.net

¹⁶⁰ Kautto, M. and M. Heikkilä. 2001. 'Partnerships Against Exclusion in a Nordic Welfare State: a Difficult Mix?'. In *Local Partnerships and Social Exclusion in the European Union. New Forms of Local Social Governance?*, edited by M. Geddes and J. Benington. London and New York, Routledge.

¹⁶¹ Ministry of Social Affairs and Health, 2004. Cit., p. 18.

However, for decades the Finnish Roma have continued to be defined with the ethnonym *mustalainen*, which means ‘black-skinned’ in Finnish. The Roma also continue to suffer more discrimination than any other minority group in Finland. Discrimination usually occurs when members of this minority are not allowed to enter restaurants or shops. This type of discrimination is more common towards Romani women who wear their traditional dress¹⁶².

Unlike Swedish, the Romani language is not used in public life. However, since 1999 the Finnish Broadcasting Company (*Yleisradio Oy* or YLE, the national public service broadcaster) has been obliged by law to provide programming in the Romani language. News in Roma has been broadcast once a week since 1995 and the nation-wide radio channel (*Radio Suomi*) nowadays also broadcasts a weekly twelve-minute programme in Romani called *Romanihelmiä-romano mirits* (‘Romani Pearls’)¹⁶³.

¹⁶² See, for example: ‘Numerous Pori restaurants denied entry to Finland's Roma minority’, 6th June 2006, Helsingin Sanomat - International Edition (www.hs.fi/english).

¹⁶³ Council of Europe: Secretariat of the Framework Convention for the Protection of National Minorities, *Advisory Committee on the Framework Convention for the Protection of National Minorities: Second Opinion on Finland adopted on 2 March 2006*, 20 April 2006. ACFC/OP/II(2006)003. Online. UNHCR Refworld, available at: <http://www.unhcr.org/refworld/docid/47823d092.html>.

Case study: Romania

The Roma Community in Romania

In Romania, the Roma account for approximately 2.5% of the population. They are the third most populous group after Romanians (89.5%) and Hungarians (6.6%). The 2002 census of Romania (most recent) recorded an official Roma population figure of 535,140 (of which more than 325,000, or around 60%, lived in rural areas). The official figures are considered to underestimate the true number, at least partly due to the reluctance of some people to declare their ethnic identity. Some estimates consider that there may be between 1.4 and 2.5 million Roma living in Romania (which would make them the country's largest minority group), while a recent study for the World Bank estimates the 2005 Roma population based on a minimum (730,174), medium (851,048) and maximum (968,275) variant.

The Roma in Romania are recognized as national minority and like other ethnic minorities in the country are mainly defined by self-identification, as groups having different national or cultural traditions from the majority population (according to the citizen's rights guaranteed by the Constitution of Romania each person's ethnic origin is that declared by the person). Therefore, the Roma enjoy the same citizen rights as the majority population and have the right to preserve and promote their culture, language and traditions.

Roma populations can be found in all regions of the country. As for their religious orientation, they are Orthodox 83.5%, Catholics 4.7% and Protestants 4.3%, depending on their geographical area of residence and the dominant religion of that zone.

The belief that the Roma population is historically connected to the Roman Empire, the city of Rome, the country Romania or the language Romanian is a common misconception. The ethnic name of "Roma" – very controversial because of its unintentional similarity with other ethnic terms such as 'Romanians' - is the result of asserting the new identity by the Roma elite, an identity rooted within the ethnic group in its culture and experiences and not in the definitions imposed along history by the gadji (non-Roma) people.

Historically, the Roma are considered to have originated on the Indian subcontinent, to have migrated to Europe and North Africa via the Iranian plateau and, as a result of the Ottoman expansion westwards, to have entered south-eastern Europe in the 13th Century. The traditional language of the Roma is Romani (an Indo-Aryan language), although most Roma speak the indigenous language of their residence, sometimes creating a dialect between that language and Romani.

In Romania the Roma were kept slaves until the abolition of slavery in 1864. During the Second World War, many Roma were sent to Nazi death camps as part of the racial purity programmes of the time. But some of the greatest changes to the lifestyles of Roma came about during the communist regime. Under communism, ethnic minorities were not recognized and underwent forced assimilation, which tended to encourage the Roma population to isolate themselves and cling to their traditions. All children were forced to attend school, but only a small fraction of Roma children successfully completed secondary schools. The private labourers disappeared. Everyone was given waged employment, ensuring access to free healthcare, a holiday and a pension. Many of the Roma population worked as unqualified workers in big state enterprises, or in the state agricultural cooperatives (until the communist regime collapsed, 48-50% of Roma able to work were employed in agriculture). Socialism destroyed many of their traditional occupations and specific features of their lifestyle. Nevertheless, many families benefited from the measures of forced settlement and labour as they had an income to support their families, a house and a job.

The Roma population were particularly valued for trades such as those of the blacksmith or carpenter, and were also appreciated for their entertainment skills; this was one way of differentiating between different groups by classifying Roma according to their various traditional occupations (i.e. by this criterion there are 40 Roma clans including bear-leaders, spoon makers, cauldron makers etc).

Since 1989, a significant majority of Romania's Roma population have **suffered from rising unemployment, rising poverty levels**, lack of social assistance and limited access to housing, education and health care. The effect on the Roma population has been disproportionately harsh due to widespread discrimination and prejudice, leading to social marginalisation, economic exclusion and widespread poverty transmission through the generations combined with lack of education, and large families with no employed members. Exclusion among the Roma population has been associated with a broad range of contributing factors, including: widespread social inequality and discrimination, poor living standards, lack of identity documents, reduced access to services, poor health, lack of education and reduced access to employment, as well as some unique aspects of the social organisation of Roma society. However, in Romania, many of the issues that affect the deprived Roma communities also affect the deprived non-Roma communities, and underdevelopment and poverty are not limited solely to the Roma minority.

In Romania, the Roma population are not only treated as equals; they **have additional rights** and the Romanian authorities are making considerable efforts to reduce the social exclusion of the Roma, in parallel with extensive financial support from international donors for Roma projects and programmes.

One of Romania's major challenges in prioritising social inclusion assistance for the Roma population is to prevent additional discrimination. Where possible, the issues that affect both Roma and non-Roma should be addressed jointly in order to avoid possible adverse effects on solidarity and social cohesion (i.e. small infrastructure and housing projects specifically targeting rural Roma communities tend to create jealousy and disapproval among the neighbouring non-Roma communities that receive no assistance).

The socio-economic condition of the Roma Community in Romania and its access to the service provision is reported in box 1.3

Good practices in social inclusion

Labour market

Employment caravans and job fairs are part of the strategy and action plans established by the National Employment Agency in cooperation with Roma non-governmental organizations. Starting from 2005 employment caravans have been organized by the county employment agencies in different rural and/or Roma communities throughout Romania aimed at identifying people that are not registered with the unemployment agency but willing to take on jobs, and increasing employment among persons far from the labour market. As many Roma have a low level of education and lack professional skills, specific actions are being carried out for the Roma communities aiming to attract potential candidates for professional training courses and to improve their access to employment opportunities.

The programme is funded from the unemployment insurance budget and aims to increase employment among the Roma through information on available services and job opportunities, career counselling, free professional training and job mediation.

The 2006 annual report of the National Employment Agency shows that active measures accounted for 19.57% of the total spending funded from the unemployment insurance budget. Again, in 2006 the sum of 75,182,380 lei (average exchange rate 3.5245 lei/Euro) was allocated towards stimulating employment for disadvantaged categories.

In 2006 there were 3,536 Roma employment caravans reaching 2,903 Roma communities with 70,971 Roma participants. 27,207 persons (19,273 women) were registered in the database and 4,219 (1,188 women) were employed.

The 2007 Roma employment caravans gathered 46,545 Roma participants (19,637 women). 9,995 Roma persons (4,279 women) benefited from career counselling and 17,196 Roma people (6,583 women) were registered in the database. 3,753 Roma (1,199 women) found employment and another 13,847 (5,363 women) were scheduled to take part in active measures for employment (free (re-)training, career guidance, etc.).

Starting from 2003, the National Employment Agency has also been running **Job fairs for the Roma** and **Job fairs for the Roma women** in particular as part of the national programme of active measures to fight unemployment. General Job fairs address any person in search of a job and specific Job fairs address certain categories of persons looking for employment such as young graduates, older persons, Roma etc.

Media involvement has helped in disseminating information via press conferences, press releases, interviews with Roma in search of jobs and potential employers, and informative material containing statistical data regarding the respective county/community.

The employment caravans are the result of collaboration between all the actors interested in Roma issues: central, county and local authorities, representatives of Roma communities, Roma experts working with the prefect's offices, Roma non-governmental organizations and Roma entrepreneurs and other companies that are interested and willing to employ Roma persons. Besides facilitating direct contact between employers and potential employees the job fairs and employment caravans promote individualized services to answer to the specific needs identified in the case of Roma persons and communities.

Education system

The Phillip Home Foundation runs integrated programmes (educational, socio-medical assistance, psychological counselling and after-school programmes) to address the complex needs of Roma children and their families living in disadvantaged areas of the capital city Bucharest (Prelungirea Ferentari) but also in a village in Buzau county (Valea Nehoiasului).

The **service centre of the Phillip Home Foundation** is an example of best practice / integrated services addressing the whole community. The project adjusts its services to answer to the identified needs of the Roma children and families by creating a network of local stakeholders in both formal and informal capacities. The project was initiated in Bucharest and given its proven efficiency and sustainability was further replicated in the central Eastern part of Romania (Buzau County).

The project has several complementary components including a day centre for Roma children, health centre, resource centre for parents and also a methodology centre for teachers working with disadvantaged children. The day centre provides support for children to enhance their school performance and socio-medical assistance. The children have the benefit of a free meal (many Roma parents state they are willing to send their children to school if free meals, even snacks, are provided, and also request school supplies and clothing) and free time activities focused on child development.

The staff maintains permanent contacts with the Roma families in order to improve child-parent relations, thus expanding the day centre activities within the local community. The children assisted by the project made visible progress in terms of improved attendance for those showing school dropout risk, improved school performance, social integration and development of social skills.

In order to enhance the programme's efficiency the Phillip Home Foundation developed partnership agreements with various community members, with the local schools and kindergartens and with local authorities including the City Council, the School Inspectorate and the Directorate for Social Assistance and Child Protection, but also with other Roma non-governmental organisations (Romani Criss and "Impreuna" Community Development Association).

The programme in Bucharest started in 1997 and is ongoing thanks to various funding and sponsorship arrangements (European Union, World Bank, UNICEF, the Romanian Social Development Fund, the Foundation for Civil Society Development, World Vision Romania, US AID, Kindern in der Knel – Holland, etc.).

Social and health care

The **health mediator programme** proved successful throughout Romania, helping to improve access to health services for Roma people. The Roma Centre for Social Intervention and Research (Romani Criss) is recognised by the Ministry of Health as the main programme promoter and organizer.

The programme started in 1996 when Romani Criss launched, in partnership with the Catholic Committee for Fighting Starvation and Discrimination – CCFD (France), a project to provide professional training to Roma women and facilitate communication between Roma communities and medical services. Out of thirty Roma women that initially registered for the training course 25 finished the programme, which then went on running annual training courses for health mediators.

In 2001 the positive results of the project led to national recognition of the health mediator profession (included in Romania's occupational catalogue). The health mediators were included in the National programme for community health run by the Ministry of Health.

On the occasion of the OSCE (Organisation for Security and Co-operation in Europe) conference "Equal Opportunities for Roma and Sinti – Translating words into facts" the Ministry of Health, OSCE and Romani Criss signed a partnership agreement to establish the health mediator institution. **Romania became the first country with a functioning health mediator network** integrated in the public health system. The Ministry of Health elaborated a detailed legal framework taking into account the experience and suggestions of the Roma non-governmental organization Romani Criss, soon followed by a working methodology, a handbook and job description for the health mediator.

The health mediator works within a community of 500-750 persons and has the role to liaise between the Roma and the medical professionals, to facilitate access to medical services and to provide information on the rights and responsibilities of the Roma in society. Usually the health mediators are Roma women; they belong to the respective community, and enjoy the respect of the community members and the support of the local Roma leader. The activity of the health mediators is conducted in close cooperation with and under the supervision of the local health authority representative.

The Roma community representatives are involved in the selection of the health mediator. The County Directorates for Public Health (subordinated to the Ministry of Health) in partnership with Roma non-governmental organizations are in charge of the training of the health mediators, which includes theoretical training courses and practical on-the-job training. According to Romani Criss over 600 health mediators are working in Romania as paid workers for a set period of time according to the Minister's Order n. 619/2002) or as volunteers.

The innovative character of the project promoted by Romani Criss has contributed to changing the position of the Roma women within both the particular community and society as a whole. Formerly, mediator status was held by the men within the Roma community and a Roma woman only had difficult access to status equal to that of men in areas such as health or official employment, the condition of the Roma women being generally reduced to domestic activities with no professional or even social recognition.

The National training for health mediators programme answers to the wishes of the Roma people in Romania to be involved in a programme to stop discrimination in terms of access to health combining the social and medical spheres.

The number of Roma persons with improved access to health services has increased as result of the health mediator programme. The general physicians confirm that the number of Roma women going to them for vaccination for their children or for contraceptive advice has significantly increased.

According to Romani Criss, Romania is the only country in this part of Europe that adopted professional training based on certification of competencies. This type of qualification is very welcome to the people of Roma ethnicity, and not only as it means formal recognition of competencies acquired on the job.

The health mediator programme was replicated on the national scale and **was expanded to include the education and social mediator programmes**. The funding for the health mediator training was ensured through various sources including local and international sources such as PHARE programmes to support the National Strategy to improve the condition of the Roma. (In particular, in 2005 the Public Health Directorate in Vaslui region in the North-East of Romania in partnership with local initiative groups ran a project with a total budget of 49,844 Euro, of which a 47,350 EU contribution. The project provided training for 15 health mediators, a communication course for the medical staff and a health promotion campaign within the Roma communities in selected localities.)

Decent housing

In 2004 the Local Council of Dorohoi built under emergency conditions 36 housing units for Roma living in the city centre in houses seriously risking collapse. The 36 housing units were ready for use in August 2005; they consisted in three/four room housing including access to utilities (water, electricity, cable TV, sewage system, gas – cookers for each house were a gift from the city council). The houses were built on land owned by the local Council on the outskirts of the town, and the new tenants received training on how to use the modern utilities (i.e. toilet, shower and boiler).

Funding from the Romanian Government (1,950,000 lei) went towards the construction of the housing units and the utility costs (359,200 lei) were managed by the National Roma Agency through the programme to support the **National Strategy to Improve the Condition of Roma**.

In the Drochia neighbourhood there now live around 300 hundred people holding all the necessary tenancy documents according to the legal conditions. Out of the 48 families living in the housing units 38 are social assistance recipients (five families have one employed member and five more have a family member working abroad). The rent is affordable, there are subsidies for the heating costs and the entire maintenance expenditure does not exceed 100 lei per person per month.

In order to ensure the necessary income for the rent and house maintenance the Roma are involved in economic activities. In partnership with the County Employment Agency employment was secured for many Roma through the city council (street cleaning, gardening etc.). Unfortunately most Roma in the neighbourhood have no professional qualifications and can only do unskilled work which ensures them a minimum level of payment. Those living on social benefits are offered free meals through the social canteen, which provides 200 daily meals, of which 121 for the Roma).

Once the Roma moved into the new housing they started to learn little by little to lead a 'civilized life', as the local Roma leader states, and the number of law infringements by Roma registered a decrease (penal cases involving Roma such as pocket picking, car or house robberies were progressively decreased from 53 in 2005 to 38 in 2006 and 21 in 2007).

The project set a model for other local authorities in Romania.

The current pilot programme "**Social housing for the Roma communities**" is an experimental component of the Romanian Social Inclusion Programme which includes the construction of 300 housing units providing non-discriminatory access to social housing for families / households living in low-income Roma communities. The programme implementation is ensured by the National Housing Agency on the basis of a framework agreement between the National Roma Agency and the Ministry for Development, Public Work and Housing.

Financial services

As regards micro-credits, the **access of Roma** persons (and of other disadvantaged groups) to **financial services is limited**. A recent article (July 2008) in a daily newspaper shows that banks refuse crediting Roma and cites Roma business men, stating that they are discriminated by banks on ethnic grounds. The National Roma Agency confirms existing problems in terms of access to financial services for the Roma "indeed Roma citizens are facing problems in running economic activities as some staff still have prejudices and stereotypes as regards the condition of Roma. That is why action needs to be taken to improve the relationships between financial institutions and the Roma and not only the Roma", said the president of the National Roma Agency, Ioan Gruia Bumbu.

The concluding remarks of an income generating project for inter-ethnic rural communities run under the 2003 PHARE Civil Society Development Programme – NGO Development Component - by the Resource Centre for Roma Communities funded by EU (31,679 Euro¹⁶⁴) and Open Society Foundation Romania (unmentioned amount) also mention that there is scant knowledge of the concept of social enterprise within the banking sector when it comes to getting start-up credits. However, one of the project components included training for **15 Roma community facilitators in marketing, feasibility studies and elaboration of business plans**.

¹⁶⁴ http://www.romacenter.ro/programe/proiectevenituri/un_pas_spre_mai_bine.pdf

Following the training and based on business plans drafted by the Roma trainees, several rural associations obtained credits to start up an economic activity (a commercial company in Caseiu run by Roma people obtained a start-up credit for a brick factory of 20,000 Euro from the Romanian Development Bank). The trained Roma facilitators will continue to provide consultancy to other rural associations in order to finalise business plans and apply for credits. The project sustainability plan viewed the use of the business plans drawn up within the project in order to apply for further funding through the 2006 PHARE programme to Support the National Strategy to Improve the Roma Condition or through other funding opportunities.

Initiatives of active involvement of Roma

Roma individuals with good social status who wanted to contribute to the emancipation of their ethnic group had started to talk about launching Roma organizations in Romania as early as the interwar period. The Roma followed the model of other ethnic groups but also that of professional associations and initiated socio-professional organizations or cultural societies. In 1933, two national Roma organizations were set up in Romania: the **Romanian General Gypsy Association** and the **General Roma Union**. The Roma associations contributed towards bringing the Roma issues to the public attention and it was the Roma leaders who set out to establish use of the term 'Roma' instead of 'gypsy', which has strong negative connotations.

After 1989, when Roma issues started to be brought up on the public agenda and once the Romanian Government initiated the **Strategy to improve the condition of the Roma**, and increasing number of Roma organizations throughout Romania focused their activities on the social field. Roma non-governmental organizations play an important role in identifying specific problems of the community; they are a source of solutions for intervention and help in mobilizing the community as they have people's trust. Like other non-governmental organizations, they depend on the continuation of funding and have to cope with the competition for resources (perceived as being on a downward trend) and the limited capacity to raise funds, in the conditions when the drafting and implementation of a project call for increasingly specialized professionals.

Over and above the general importance that they have in the functioning of a democratic society, the **role of Roma NGOs is vital** in the implementation of projects for the Roma, because they act as an interface in relations with the community and most central and local authorities in various areas of intervention (labour, justice, education, health, police) where there are formal partnership agreements with Roma non-governmental organizations. Consultation with Roma representatives has become common practice; most public institutions employ Roma experts and their active involvement in all stages of policy making (need identification, policy design, implementation, monitoring and evaluation) proved to have a positive influence on enhancing programme effectiveness.

In Romania, the Roma population now have a powerful voice through numerous Roma-related organisations. It is estimated that there are around 180 Roma non-governmental organisations throughout Romania including Roma women's organisations. Some Roma opinion leaders consider that **too many people are set on winning assistance projects** rather than understanding the role that civil society has to play in resolving Roma issues. The leader of the main Roma political organization, the 'Roma pro Europe' party, stated that 180 organisations are involved in Roma welfare and politics, but not in the real problems of the Roma. He was annoyed by some Roma NGOs introducing themselves as civil society organisations when in fact they represent their own group interests.

In his opinion these organisations should promote full citizen rights for the Roma, Roma cultural values, social equity, freedom of expression, adequate social background and living together on good terms for both the majority and minorities. They should also help eradicate extreme nationalism, encourage democracy in Romania and Europe, and combat racism. He said that the NGOs receive funds and administer them, whilst the Roma also need to have political representation in order to influence policy, because that is where the decisions are made.

However, the non-governmental organisations, including the Roma organisations, are concentrated in urban areas, which results in uneven coverage of services, and many isolated / remote Roma communities most in need of assistance do not benefit from this type of support.

The impact of EU programmes and initiatives addressed to the Roma at national level

A significant number of international organisations have been increasingly active in providing assistance and supporting initiatives that target Roma issues. However, with some notable exceptions, much of this support has been based on short-term need based assistance, rather than following coherent, consistent, long-term programmes.

In recent years, efforts have concentrated in particular on achieving the objectives of Romania’s Strategy for improving the situation of the Roma population. The European Union is the most important source for financing programmes aiming at improving the Roma situation, followed by the Soros Foundation (according to the 2006 evaluation report of the Roma programmes the funding from the Open Society Foundation for Roma programmes between 1997 and 2005 amounted to 3,284,784 USD). The notable contribution of the Romanian Government began by co-financing programmes funded by these two donors. The importance of combining efforts in successfully approaching Roma problems was acknowledged by the Romanian authorities with the necessity of an “increased involvement of the European Commission in the projects initiated under the Decade” and the hope that “the Open Society Foundation will continue to be the catalyst for this cooperation”.

Budget allocations from the European Union and the Romanian Government include:

Year of budget allocation	Programme	European Union (Euro)	Romanian Government (Euro)
1993-1999	PHARE - Lien, Democracy	190,483	0
1999-2000	PHARE - Access	393,384	0
1998	PHARE - Improvement of the Roma Situation	2,000,000	0
2000	PHARE - Civil Society; PHARE - Fund for the Improvement of the Roma Situation	1,334,772	0
2000	PHARE- Civil Society	1,226,097	0
2001	PHARE - Access to education for disadvantaged groups, with a focus on Roma	7,000,000	1,330,000
2002	PHARE - Support for the National Strategy to Improve the Roma Situation	6,000,000	1,600,000
2003	PHARE - Access to education for disadvantaged groups	9,000,000	2,300,000
2004	PHARE - Accelerating the implementation of the national strategy for improving the Roma situation	8,500,000	1,000,000
Total		35,654,736	6,230,000

Source: The Evaluation of the Programmes for Roma Communities in Romania 1996-2004, United Nations Development Programme (2006).

The political conditioning of the European Union led to the inclusion of the Roma issue in the central and local agenda. The central and local Government allocated special resources to address Roma problems.

Because of the complexity of the Roma situation, the programmes approached different fields, covering socio-economic problems, but also those related to ethnic identity promotion and antidiscrimination. **Education was a priority domain** considering that this is the easiest way to reduce the discrepancy between Roma people and the rest of the population. During a TV interview the president of the 'Roma pro Europe' party praised the success of EC Phare programme (education) projects in targeting funds where needed, resulting in only 5 Roma children repeating the school year: a significant improvement compared to the situation before the projects were implemented. He also deemed that many projects concentrate on the same locations whilst the most excluded areas are still neglected. Regarding project funding, he considered that the entire process should be simplified, reducing the number of intermediate institutions, so that more of the funds go directly to the communities they were intended for.

According to the former secretary of state at the National Agency for Roma, approx. 45 million Euros have already been spent on projects for the Roma without major changes within the Roma communities. He considered that there is a need for the local administration to be the main applicant in partnership with the local Roma community. The funding not only benefits the Roma: for example, a school or a road is for everybody, not just for the Roma. We have to work together.

A number of small-scale initiatives have been successful (such as assisting Roma in acquiring identity papers, offering family planning advice, increasing access to schools, and providing training for employment), but sustained, far-reaching, multi-sector efforts are still needed to fully address issues in the fields of legalisation of property, poor health, low education levels and high unemployment.

Despite some successful initiatives, the ambitious objectives for improving the situation of the Roma population have not been effectively translated for day-to-day implementation at the local level. There is a general need for increased awareness about policy implementation, and administrative structures that are functioning poorly (partly due to lack of financial and material resources) need the same support.

The role of local policies

The Romanian government has addressed the situation of the Roma minority by developing a fully-fledged policy aimed at facilitating its socio-economic integration and eliminating discriminatory practices, while ensuring the preservation of cultural specificity. These policies, concentrated under the umbrella of the legislative framework given by the **National Strategy for Improving the Situation of Roma**, adopted in April 2001, applied by all governmental ministries and structures, under the coordination of the specialized body - the National Agency for Roma - and implemented at the local level by a large network composed of local and county Roma Experts, health mediators, school mediators and regional offices, etc., all aim at improving living conditions for the Roma. As regards the fight against discrimination, the National Council to Fight Discrimination is an active, competent structure that signals any possible abuses or practices contrary to the equal opportunities principle.

There is also a **Master Plan of Measures** (broadly classified into: administration and community development; housing; social security; health; economy; justice and public order; child protection; education; culture and religion; communication and civic participation) detailing more specific actions to be carried out by both central and local government bodies.

The **National Roma Agency** was established in 2004, taking over the attributions, staff and budget of the National Roma Office and its Project Implementation Unit. The Agency's duties include:

- developing, monitoring and evaluating public policies that target the Roma population in Romania;
- implementing, coordinating, monitoring and evaluating the measures included in the Government's strategy to improve conditions for the Roma.

A network of specialised Roma Agency offices has been set up with offices in each county and local experts responsible for addressing Roma-related issues. A Joint Committee of Implementation and Monitoring has been established and a number of inter-ministerial commissions and Joint Working Groups are organised at all levels where appropriate. In addition, inter-sectoral coordination has been improved:

- a working group for Roma public policies was established in 2005, within the Permanent Inter-sectoral Councils for education, culture, research, youth, sports and minorities;
- a Consultative Council was established in 2005, consisting of representatives of the institutions that participate in the implementation of the strategy to improve the situation of the Roma population;
- Ministerial Commissions for the Roma have been established within the ministries involved in monitoring the implementation of the strategy to improve conditions for the Roma population;
- the National Agency for Roma secured strategic partnerships with the institutions implementing Roma policies during 2005 and 2006;
- during 2005 and 2006, the National Roma Agency signed Collaboration Memoranda with a large number of social partners, including institutions, local authorities, etc.

By developing local structures, the social intervention was transferred to the local level bearing in mind that for the local problems the best solutions would be found to the local level.

Romania participates in all the events organised for **The Decade of Roma Inclusion** (2005-2015). The Decade was officially launched in Romania on the 9th of February 2005 as a joint regional initiative of eight countries, supported by the Open Society Institute, the World Bank, the European Union, the United Nations Development Programme, the Organisation for Security and Co-operation in Europe and the Council of Europe. It brings together representatives from the Central and East European countries that have significant Roma populations and focuses on closing the gap between Roma and non-Roma in a limited number of key sectors (education, employment, health and housing), while addressing the cross-cutting issues of discrimination, income poverty and gender equality. The total value of the entire programme for Romania is estimated at 50 Million USD (a World Bank loan, subject to subsequent negotiations). The Decade Action Plans were harmonized with the Romanian National Strategy on Roma; they come to complement existing antipoverty and social inclusion action plans, and are expected to become efficient tools for implementation of the Strategy in the future.

However, the **ambitious objectives** of Romania's Strategy for improving the situation of the Roma population have not been effectively translated for day-to-day implementation at the local level. The reports indicate little visible change in the general situation of the Roma population and Romania's Strategy for improving conditions for the Roma population remains an essential document to follow up on.

A **vulnerable point** of the public policies addressing the Roma is the risk of reducing solidarity and social cohesion. In Romania many of the issues that affect certain Roma communities also affect the neighbouring communities and certain deprived non-Roma communities. When prioritising assistance for vulnerable groups a balance needs to be found in order to avoid eventual adverse effects on social cohesion. One of the main challenges is to prevent discrimination by jointly addressing the issues that affect Roma and non-Roma citizens alike. For example, rural poverty, educational achievement, access to health services and employment issues are not Roma-specific. To be effective, assistance must be planned and implemented at the local level.

One Roma representative expressed his opinion that the political will to improve the situation of the Roma population is not enough, and that policies must be clear and simple so that all members of the community can understand the objectives and participate, working towards the solutions.

Prevailing attitudes of public opinion with respect to the Roma

Seen from a dynamic perspective, over time the intolerance level of the majority population towards Roma people has greatly decreased, and prejudices against those belonging to other ethnic groups have diminished significantly. While in 1993 over 70% of the Romanians refused to have a Roma neighbour, in 2006 their share has halved, with only 36% maintaining the attitude. Several reasons account for the decrease: on one hand, the improved economic situation, and on the other hand, during the transition the Romanian people learnt the democratic rules including tolerance and inter-ethnic respect. In addition, the institutional development, improved legislation and the implementation of programmes to stimulate Roma social inclusion have contributed to more positive attitudes towards the Roma. Nevertheless there are still circumstances when Roma people continue to feel discriminated in their contacts with public services and the labour market, or in media reporting; school is the institution where Roma people feel least discriminated according to the *Roma inclusion barometer*, *Open Society Foundation, 2007*.

Aspects of Roma culture and living conditions reinforce stereotypes and contribute to a vicious circle of isolation and marginalization preventing integration and full participation in civic life.

An important part of the problem is that many Roma are perceived as dependent on social assistance and consumers of state resources. For some Roma families it may be preferable to live on social security, rather than low-paid jobs; they claim benefits and medical assistance, which causes resentment among other groups that work, struggling to maintain a living. Moreover, additional finance is continuously being allocated specifically for Roma projects.

Some common stereotypes are: “gypsies steal”; “gypsies do not want to be educated”; “gypsies are antisocial and destroy their dwellings”; “gypsies have bad manners”; “gypsies do not want to be integrated / work / live a civilized life”; “gypsies are damaging the image of Romania in Europe”.

National and local media involvement in the projects and programmes that focus on enhancing conditions for the Roma population needs to be increased in order to encourage a balanced and accurate reflection of Roma life and culture.

On some occasions, with their use of language the Romanian mass media contribute to stereotyping of the Roma as some Romanian journalists are not fully acquainted with politically correct language and confuse freedom of speech with freedom of verbal abuse. However, it is generally acknowledged that the media can have a significant role in shaping / changing public opinion and can also contribute to the sustainability of projects to improve conditions for the Roma.

Case study: Spain

The Roma Community in Spain

The relevance of the various Roma communities in Spain is outstanding, as they prove, overall, an ethnic minority larger than in any other Western Europe country.

While their numbers are significant and their overall integration arguably higher than in many other European countries, the Roma in Spain are not legally defined as an ethnic minority in their own right. Constitutional and ordinary law provisions apply to them on the same footing as any other person residing in the country, whether a national citizen or not.

As data collection on an ethnic basis is not allowed, no official statistics are available as to the actual number of the Roma population in the country. A reliable estimate may range, however, between 650,000 and 750,000, which accounts for 1.5-2% of the national population. The Roma population in Spain – mostly composed of national citizens, residing for generations in the country – has a peculiar demographic profile, in two key respects, both in:

- its territorial distribution – nearly half of them residing in one province alone, i.e. Andalusia (and a further 30% in three provinces alone – Madrid, Catalonia and Valencia);
- and its age structure, the weight of the younger age classes being much higher than in the overall population (the quota of under-24 individuals – 51.1% - almost doubles the national mean value). Even in terms of birth rates, their demographic profile is quite distinct from the majority society's, resembling rather that of Roma minorities in central-eastern Europe (World Bank, 2005).

As for their access to mainstream society institutions and welfare provision, a few key points are worth emphasizing. Many of the issues observed in Spain are likely to apply in quite the same terms to other European contexts. Despite the lack of “ethnically disaggregated” data, valuable information on Roma social conditions in Spain is provided by the Fundación Secretariado Gitano (whose reports are available at www.gitanos.org).

- In the field of *education*, dropout rates in secondary schools are so high as to involve 80% of the enrolled Roma students, whereas – in gender terms – females are more likely than males to quit the school system at an even earlier stage.

- As far as their *health conditions* are concerned, evidence can be given of limited access to ordinary health services, as well as a lack of investments in prevention, on the one hand, and of a life expectancy significantly lower – and an infant mortality quite higher – than the majority population, on the other.

- *Housing* conditions, though variable from one local context to another, are often marked by territorial segregation, poor infrastructures and unhealthy living environments, as well as discriminations in accessing the leasehold market. A minority share of Roma communities – some 10% of them – is estimated still to be living in shantytowns. Some more remarks are worth making about the housing issues (World Bank, 2005). The public authorities in the country attempted, during the 70s, a widespread relocation policy, involving Roma families to move from shantytowns to ordinary housing. Against the Roma communities' resistance, which would result in further proliferation of shantytowns, a new approach was developed in the following decade – hence a significant investment in Roma-dedicated housing settlement or even micro-towns, effectively aggravating their territorial segregation.

On a local basis, de-segregation attempts have sometimes proved successful, such as in the “good practice” of Aviles, described below. Most of these efforts have however been hampered by widespread anti-Roma sentiments and hostilities, let alone the Roma’s own resistance.

Since the early nineties, in fact, a more negotiational approach has been developed in local policies – the aim being to establish, “on a case-by-case basis”, the more suitable housing arrangements, with due regard both to the Roma families’ (and associations’) expectations, and to the need to avoid over-concentrations, while favouring the accessibility of mainstream welfare services (first of all in education). This has arguably lessened the weight of segregated “Roma-only” neighbourhoods, although, generally speaking, Roma housing standards are still significantly inferior to the majority population’s.

- When it comes to *labour market participation*, a recent exploratory survey conducted by the Fundación Secretariado Gitano (2006) portrays an ambivalent scenario. While the Roma’s working conditions are, on average, worse than those of the rest of the population, less obvious is another fact: rates of employment and activity being higher than average. However, in the Roma respondents’ own perceptions, “being employed” need not equate with doing an ordinary, regular job. According to the same source, nearly half of those employed are involved in some form of self-employment or family business, however precarious. While access to financial services is mostly problematic, some germinal initiatives in micro-credit have recently been reported.

Summarizing the labour market status of Roma minorities in Spain, a World Bank (2005) report states that

“The employment standing of Roma in Spain is characterized by jobs that are low paid and largely in the informal sector. It was estimated that 50 to 80 percent of Roma work in «traditional professions» of peddling, collecting solid urban waste, and performing seasonal work. Another 5 to 15 percent work as antique dealers, shop owners, and in the arts, while 10 to 15 percent work in the «new professions» of construction, public works, and as civil servants”.

Good practices in social inclusion

A few Spanish initiatives in Roma inclusion are especially worth mentioning, in different fields, and on distinct territorial scales. The first of them is the **ACCEDER Programme**, related to Roma labour market inclusion. This project consists basically of vocational training and labour market orientation activities. It has developed since the late nineties, first in Madrid and then in over a dozen Spanish regions (“Autonomous Communities”), funded both by EU structural funds and, to a lesser degree, by local authorities. ACCEDER, managed by the Roma Secretariat Foundation, has resulted in the creation of several thousands of new jobs, as well as a widespread involvement of Roma beneficiaries in training processes. The programme has pursued three key objectives:

- enhancing, through targeted training initiatives, the Roma’s resources in terms of human and social capital;
- improving the accessibility of training and employment support agencies for potential Roma recipients;
- paving the way for a better public image of Roma minorities, focusing also – *inter alia* – on the discrimination they are over-exposed to.

Roma mediators play an important role as interface between job seekers and employers, as well as in supporting the former – first in training, then in job seeking. Indeed, adaptability to distinct local areas, employment of multicultural staff and a fruitful co-operation between public and private actors are all features qualifying this programme as an innovative one.

However, no figures are available as to the participants' job retention rate. Apart from that, the programme's actual impact may be constrained, in the middle term, both by structural factors – i.e. the low educational background of recipients and labour market discrimination – and by the lack of proper incentives – insofar as a poorly paid job may be perceived an option jeopardizing access to social benefits (World Bank, 2005).

A second remarkable good practice, as far as the action of local authorities is concerned, is the **“integrated plan for the Roma people”** promoted by the autonomous community of Catalonia.¹⁶⁵ The peculiarities of this local inclusion programme lie in the integrated action across distinct areas of concern and its overall intercultural approach, as well as the active involvement of Roma minorities. As for the latter point, a “Roma people's advisory council” has been established, which operates through distinct work groups: among them, culture and identity, education, work, health, gender policies, justice and social participation, and urbanism. Over twenty Roma organizations, operating on a local basis, were then involved in the process.

The plan, approved in 2005, has developed through an array of key stages – that is, to mention but a few of them:

- mediation in socio-cultural terms and in the civic-communitarian realm;
- school attendance and educational success promotion;
- mediation and support for Roma users in social and health services;
- training in Romani language and training of trainers, for community development initiatives;
- promotion and dissemination of Roma culture, traditions, art expressions;
- subsidies for the development of pro-Roma civic organizations;
- investments in EU projects supported by structural funds.

Another significant initiative, on a smaller scale but in the crucial field of housing, has been developed in the Northern Spanish town of Avilés. This outstanding **“Municipal programme of shanty town eradication”** has been implemented in the last decade, relying – however – on long pre-existent favourable conditions in terms of policy programming, as well as of co-operation between the local authorities, NGOs and Roma communities. The latter, previously residing in a distinct and isolated settlement (which, though regarded as a “model village”, was still a source of segregation), have been gradually and voluntarily relocated into the town's “ordinary” neighbourhoods, in standard housing accommodation.

According to an EC' profile on this good practice,¹⁶⁶ the key factors for the project's success lie, on the one hand, in the “committed involvement of the different administrative government levels (local, regional, national) and departments (housing, education, health, employment)”, and, on the other, in “the high level of participation, commitment and involvement of Roma organizations and beneficiaries”.

¹⁶⁵ “Integrated Plan for the Roma in Catalonia”, Barcelona, Generalitat de Catalunya, 2005.

¹⁶⁶ Information made available at ec.europa.eu/employment_social/spsi.

One more local initiative with promising potential for replication is “**Proyecto Clavel**” – a regularization process of underground economy activities, developed in Southern Spain (Seville City), in the framework of an EQUAL project. A “typical” activity for Roma women – street flower selling – has been selected for a regularization plan which has involved training, technical support and then better earnings for some twenty Roma women, targeted as beneficiaries.

More in detail, the project has developed through the following steps: a feasibility plan for activity regularization; the selection and training of recipients; the design of sales spots; technical assistance to beneficiaries; and an information campaign addressing the local population.

Initiatives of active involvement of Roma

The approach underlying national policies for the Roma – i.e. supporting organizations concerned with Roma inclusion, rather than addressing the Roma as a single category of recipients – has resulted in a significant role to be played by the Roma’s own associations. The key actor in the country, in this respect, is manifestly the Fundación Secretariado Gitano. This organization, specifically concerned with Roma social inclusion, operates all across the countries, providing services in co-operation both with the local authorities and with national institutions. Many smaller Roma organizations also exist on a local scale in distinct Autonomous communities. Most of them play a significant role both in service provision and in Roma advocacy. EU funds, with especial respect to ESF, account for over 25% of the Fundación’s budget.

In terms of Roma political representation, a consultative body has recently been established – the **State Council for Roma people** – acting as a forum between the public authorities and Roma associations. The Council is expected to play a significant role in supporting the implementation of the National Programme for Roma development – from the planning stage down to post-implementation evaluation.

The impact of EU programmes and initiatives addressed to the Roma at national level

EU programmes related to structural funds have played a crucial role in supporting most Roma social inclusion initiatives – including those described above. Most projects directly affecting them, in the field of training and employment support, have been co-financed by the European Social Fund. The latter, over the last decade, has addressed both strictly employment-related objectives and the broader issue of anti-discrimination in the Spanish labour market. Another important financial source is represented by the European Regional Development Fund, related to local development processes in relatively disadvantaged areas. Over 70% of the Roma in the country have been estimated to be residing in areas eligible for ERDF.

No specific evidence has been found, however, on the specific impact of these initiatives, as far as the Roma recipients are concerned.

The role of local policies

A turning point in policies for the Roma in Spain has, since the late eighties, been marked by the “National Programme for Roma Development”. This plan has been developed with the aim to define, on a yearly basis, the key objectives and the measures to be funded, in order to

“improve the quality of life for Roma, foster equal opportunities, promote the inclusion of Roma in Spanish society, and improve relations between Roma and non-Roma”. (World Bank, 2005, p. 158).

This may result in positive actions on both the national and local level, with special emphasis on the development of Roma representative organizations. A central body has also been established – the Roma development programme service unit – with the function of co-ordinating the plan, and providing assistance to NGOs. More in detail, the Roma-addressed **national programme** has developed along **three significant lines**:

- Direct funding from public authorities for projects fostering Roma social inclusion, with a comprehensive approach – including initiatives in employment, education, housing and health;
- Support, both in financial and in technical terms, for NGOs working to improve their living conditions – which results in labour market inclusion, training and social promotion initiatives;
- Training of practitioners working in the field with Roma communities.

Over 20% of the staff in charge of implementation of the programme are Roma. The projects financed under this programme mainly involve education (for both children and adults); social and health care; housing; and vocational training (World Bank, 2005). This reflects an integrated approach to Roma social inclusion issues, although critics of the programme call for greater investments in protecting Roma identity and traditions, fighting against discrimination and allowing for Roma active participation (ECRI, 2003).

A few Roma-dedicated measures can also be found in the latest National Social Inclusion Plan; among them, the creation of ad-hoc nation-wide institutions, i.e. a National Roma Council and a Roma Culture Institute.

When it comes to policy implementation, agreements are systematically signed between the relevant authorities and civil society organizations. The latter can draw on their deeper “embeddedness” in the local communities where the Roma live, and therefore on a closer proximity to their evolving social needs. These conditions often allow for effective interventions in a very “hot” and delicate (in political terms) field of action. Whatever the initiatives promoted by the public authorities in the country, a key partner for their implementation is often the **Roma Secretariat Foundation - Fundación Secretariado Gitano** – already mentioned above.

Summing up: The record of Spanish policies, with respect to Roma citizens’ inclusion and access to equal opportunities with the majority society, is a mixed one. Appreciable progress has been made, over the last thirty years, in parallel with the general improvement in living conditions of the whole Spanish population. No less significant are, however, the challenges still to be met. To quote the World Bank (2005) concluding remarks:

“[Roma-addressed policies] suffer many of the same weaknesses as those in other countries, including a lack of sustainability, insufficient funding, and an absence of monitoring and evaluation. While these projects are positive steps towards poverty reduction and greater integration of Roma, the scale of efforts remains small relative to the size and condition of Roma communities in Spain. However, continued efforts through the National Program for the Development of Roma, the robust NGO community, attention to Roma participation in projects, and a positive track record of initiatives in key social areas constitute a promising base for further progress”.

Prevailing attitudes of public opinion with respect to the Roma

While opinion surveys in the country show a relatively high tolerance for diversity as compared with other European countries, this applies to a far lesser degree for the Roma (IZA, 2008). The fact remains that, according to a recent Eurobarometer survey,¹⁶⁷ the public opinion attitudes of the Spanish to the Roma are more tolerant than those of most of their EU counterparts. “Only” 13% of the Spanish respondents state they feel “uneasy” having Roma as neighbours, against a nearly double (24%) European mean value. Significantly high also is the percentage of Spanish respondents stating they have Roma friends or acquaintances. Here the figure, which mirrors Roma long-standing inclusion in Spanish society, stands at 32% (the EU-27 average being at 14%).

¹⁶⁷ European Commission, *Special Eurobarometer 296 – Discrimination in the EU 2008*, p. 8.

Case study: Latvia

The Roma Community in Latvia

In Latvia, a country with a significant share of ethnic minority population (accounting for over 40% of the overall population), the Roma minorities officially amount to some 8,000 – that is, only 0.3% of the national population (source: Census, 2001). The real figure is likely to be some thousands higher (LCESC, 2003), not least in view of the fact that a part of them may prefer not to reveal their “true” ethnic identity. Even so, the Roma minority in the country is a small one, by and large outnumbered by the Eastern Slavic populations residing there (IZA, 2008). Within this complex “ethnic patchwork”, one can safely state that the Roma – albeit settled in the country for several centuries, most of them national citizens and fluent in Latvian – stand on the lowest step of the social scale, in terms of both living conditions and social status.

In a traditionally multi-ethnic society, such as Latvia’s, the **Roma population is recognized as an ethnic minority** in its own right. In socio-economic terms, however, its conditions lag far behind those of the majority population. The distance between the Roma and any other national minority, in terms of life opportunities, is daunting, and calls for more effective multi-cultural and anti-discriminatory policies. This is especially the case for two key domains, namely education and employment.

With respect to education, despite formal acknowledgement of **equal rights for all children**, for Roma children access to the school system is still fragmented and irregular. According to the Census figures, more than 40% of them have four years of education or less (LCESC, 2003). While their access to pre-school education is very low, their involvement in secondary education is also quite a marginal phenomenon. The older the age cohorts, the higher the incidence of illiterate Roma.

Apart from school access, the attendance of Roma children seems to be a further serious problem. A highly controversial issue, in this perspective, is represented by the organization of separate classes, explicitly addressed to them. This is especially the case in towns with larger Roma minorities. This practice, although never developed through official policies, has in fact encountered both support and fierce criticism.

On the one hand, classes for Roma alone have been justified as an opportunity for them to cultivate their native language, within a more protected environment which may even pave the way for a more successful educational career. On the other hand many opponents – Roma NGOs especially – argue that the isolation of Roma children from majority education is an act of discrimination in itself, and even a source for greater social exclusion. The latter may be right, as the segregation of Roma school is mostly regarded – and has also been condemned, with respect to other European countries - as undue discrimination. Even in Latvia, in fact, “Roma classes” are mostly instituted as pedagogical correction classes, rather than as a result of targeted minority education programmes.

At the same time, the simple option of closing separate classes is unlikely to produce benefits – in terms of the Roma children’s school attendance and educational attainment – unless it is supported by further inclusion policies. A promising perspective may thus be represented by the co-optation of Roma teacher assistants, acting both as cultural (or even linguistic) mediators, and as “development” actors, in sustaining their motivations and involving their families, laying the foundations for successful school attendance. This new development, envisaged in the National Plan “Roma in Latvia 2007-2009”, is however still largely unaccomplished.

In the field of **employment**, the overall condition of the Roma population is manifestly poor and marginal – as a result both of their lack of education and training qualifications, and of the discriminations they face in the labour market. While no official figures are available on the topic, their rates of unemployment and involvement in the grey economy are notoriously high, especially as far as Roma women are concerned.

According to a recent estimate, only 5% of the Roma able to work can rely on a stable and official job. Even their participation in the State employment service – and hence the opportunity to access professional training and re-training courses – is often hindered by their very low educational qualifications.

A somewhat less negative picture, far less, indeed than the picture presented by other countries, applies to **housing conditions**. The Roma minorities in Latvia tend to be concentrated in certain neighbourhoods in the main towns. Notwithstanding, they are not really settled in segregated areas, and most of them live in private homes with access to basic facilities (LCESC, 2003).

Good practices in social inclusion

It is no surprise, given the scenario depicted above, that most of the good practices found in the country have to do with education, and that EU funding has proved a powerful resource in planning and implementing them.

For instance, the project “**Roma in the local society and in school**”, within the broader framework of a PHARE Programme on “Promotion of society integration in Latvia”, has allowed for significant investments in access to kindergarten and preschool groups for Roma children. Such initiatives have been simultaneously developed in a dozen distinct municipalities. Another relevant EU-supported project, “**Roma children at school**”, has been implemented by a public Latvian foundation – the National Society for Integration – in order to promote equal opportunities and treatment of Roma children in primary schools.

Both are significant as pilot initiatives, as they shed light on existent problems (and on the potential to solve them). They cannot provide any sustainable solution by themselves, however, without more effective and systematic public policies.

Initiatives of active involvement of Roma

Several small Roma organizations have been developing in the country. Most of them are concerned with advocacy, or with Roma identity preservation, rather than political representation or, even less, service provision. Generally speaking, such organizations are under-resourced and rely on individual leaders’ initiatives more often than on widespread community involvement. Seldom do they co-operate with each other – in official terms at least – nor have they the relevant expertise in partnership-building (LCESC, 2003).

The impact of EU programmes and initiatives addressed to the Roma at national level

Latvia’s membership of the European Union, since 2004, has also resulted in significant investments both in minority protection legislation and multiethnic integration policies. In the wake of adoption of the Directives on Racial Equality (2000/43/EC) and on equal opportunities in the workplace (2000/78/EC), significant changes have been made in Latvian legislation with respect to social security, public services, education, anti-discrimination, etc. Within the Ministry of Integration, a Secretariat has also been established, in charge also of implementing the State Programme for Roma in the country.

As for the role of EU exchanges and partnerships, it is worth underlining that the drafting of the **National Plan “Roma in Latvia”**, described below, has also built on good practices implemented in distinct EU member states (e.g. Lithuania and Czech Republic) – as well as the indications provided by key private actors in the field, such as the European Roma Rights Centre.

As for the impact of EU structural funding, however, no empirical analysis has so far been developed, and only a general recognition of this valuable contribution is possible, in a twofold perspective: recognition for enabling a significant investment of resources, and for drawing the attention of the local authorities (and even public opinion) to the need and expediency of greater investment in Roma inclusion.

The role of local policies

With respect to targeted integration policies, in 2006 the Latvian government adopted a dedicated National Plan on “Roma in Latvia – 2007-2009”, focusing on employment, education and health care as core issues. Human rights are addressed as a further key concern. The programme was drafted through a significant consultation process with researchers, representatives of Roma NGOs, civil servants and teachers. No evidence is, however, as yet available on its implementation –on either the national or local level.

In principle, the national plan aims at both favouring Roma social inclusion and contrasting their overexposure to discrimination. It thus addresses, in an equal opportunity perspective, not only the Roma communities and their members, but also the majority population – with special attention to those providing services (education, health, etc.) to the Roma.

Prevailing attitudes of public opinion with respect to the Roma

The negative overexposure of Roma minorities in the media treatment of deviance and insecurity is an indisputable fact. However, no statistics have emerged specifically addressing Roma perceptions on the part of Latvian majority society. One exception is a recent Eurobarometer survey (2008).¹⁶⁸ The national sample for Latvia suggests attitudes towards the Roma slightly less tolerant overall than the EU-27 average. As a matter of fact, 28% of Latvian respondents state they would feel “uneasy”, having a Rom as a neighbour (against a 24% average).

¹⁶⁸ European Commission, *Special Eurobarometer 296 – Discrimination in the EU 2008*, p. 8.

Case Study: Italy

The Roma Community in Italy

No precise official data on Roma communities in Italy are available. In any case, the generally agreed estimates indicate that there are around 120,000 – 150,000 Roma and Sinti in Italy (around 0.20% of the whole population, which represents the lowest percentage in the whole of Europe). Despite the low number, *many different Roma communities* are nowadays living in Italy. To understand the complexity of these different communities there are at least two important distinctions to bear in mind: the first is *between Roma and Sinti* populations; the second is *between those who have Italian citizenship and those who have not*. Usually these distinctions overlap because the majority of the Sinti populations are Italian. These distinctions are very important since Roma and Sinti have different cultural, linguistic and socioeconomic traditions, while having Italian citizenship entails (at least at the formal level) the possibility of access to various welfare services. Unfortunately these elements are not usually taken into consideration by public opinion (and, in many cases by policy makers). The common and generalised tendency is to characterise these communities as a whole: they are all indiscriminately mixed up into the category of “Zingari” (Gypsies), which implies a series of generalised prejudices and stereotypes¹⁶⁹. However it is undeniable that non-Italian Roma, especially those coming from Balkans and, specifically, from Romania, are much more discriminated against in all aspects of daily life.

Going into greater detail, according to the national estimates, approximately *60% of the Roma communities in the country are made up of Italian citizens* with formal access to all society’s institutions and service provision. Among the Italian communities:

- Around 30.000 are Sinti; this population is one of the oldest in Italy (it is thought to have been in the country since 1400); they are mostly settled in the North of Italy. Sinti communities have traditionally been horse trainers, roundabout workers, circus artists and performers. Some of them still present their circus shows (e.g. Orfei and Togni families) offering the spectacles in their amusement parks. Nowadays, various Sinti families reside permanently in northern and some central Italian regions with established amusement parks and circuses; some move within and among neighbouring regions, according to the season or economic demand. Many Sinti no longer pursue the trade of roundabout workers or circus artists. Actually, some are "transformed into scrap-merchants, second hand car dealers or sellers of artificial bonsai." (Dragutinovic: 2000, p. 10). The Sinti enjoy better living conditions than other Gypsy groups.
- Around 30,000 are travellers (“camminanti”) and native Roma (“rom autoctoni”): within this group are seven other groups called by the names of the Regions in which they settled (all Southern Regions: Abruzzo, Campania, Cilento, Lucania, Puglia, Calabria and Sicily). The southern Italian Roma used to work primarily as blacksmiths and horse-breeders and dealers; they also used to sell old iron, repair agricultural tools, produce fishing-tools or small metal utensils, run horse butcher's shops, peddle, put on travelling shows with animals(e.g. Roma from Naples and surrounding provinces) (cf. Mattioli: 1989, p. 85; Dragutinovic: 2000, pp.8-9). They had good socio-economic interactions with the local (especially) rural population.

¹⁶⁹ In any case, the Roma and Sinti are not considered an “historical linguistic and cultural minority” in Italy and, for this reason, are not covered by the relevant national legislation (Law n. 482, 1999). This non-recognition of their minority status constitutes an aggravating circumstance for their further positive integration.

Trying to adapt to new economic demands, the southern Roma abandoned their traditional occupations, transforming them into various precarious activities. Some still produce home-made articles, some work as second-hand cars dealers; some families specialise in bricklaying and seasonal agricultural work, or cultivate their own plots of land (Mattioli: 1989, p.74). Although there exist examples of their positive integration in southern Italy, many Roma still experience disadvantaged living conditions. The Roma from Basilicata represent "the most integrated communities in the economy of the [Italian] South", whilst the Calabrian Roma "are certainly the poorest Roma of our country, not less than 2000 still live in shantytowns; in a particular way, in the area of Reggio Calabria and in the whole area of Catanzaro, the standard of living is the most precarious [...], compared, on the contrary, to a very good housing condition in the zone of Cosenza." (Dragutinovic: 2000, p.9). The semi-sedentary Camminanti Siciliani "are chiefly travelling retailers, grinders, seasonal agricultural labourers" (Mattioli: 1989, p.75), but some of them "still pursue the old trades of knife-grinder and umbrella repairer, maker and seller (ombrellaio), and the maintenance of gas cookers." (Dragutinovic: 2000, p.9).

- Around 8,000 are harvati, lovara and kalderasha Roma. They arrived from the Balkans after World War I, and used to lead a nomadic or semi-nomadic way of life, practising door-to-door services such as: metal repair, polishing and finishing touches of metal articles, producing metal and other goods, buying and selling old iron, while their women used to work as palmists. They abandoned these activities and today they are occupied with buying and selling old iron, old clothes, and retail trade in the local fairs, etc. Still, some Kalderaša groups are amongst the last nomads in the old trades in Italy. (Cf. Dragutinovic: 2000, pp.9-10; Mattioli: 1989, pp.74-85).

Most of the remaining 40% are Roma from the Balkans and, increasingly, from Romania. For them, legal status, and thus the access to services, is in relation to their citizenship (European or non European citizenship¹⁷⁰). They began to arrive in Italy in the late 60s and have since entirely abandoned their nomadic lifestyle. Among them:

- Roma khorakhane: they are Muslims from Bosnia, Croatia, Kosovo and Montenegro and are settled in all the national territory. Among this group, there are very few minors attending schools;
- Roma dasikhane: they are Christian-Orthodox from Serbia, mostly settled in the Northern Regions. They are very traditionalist and conservative especially in marriage. They usually still use the traditional Romani language;
- Rumanian Roma: they started to arrive in Italy at the beginning of the 90s, but their presence became significant in the last few years, becoming the main group among Roma populations in Italy. The largest communities are in the big cities like Roma, Milan, Naples, Bologna, Bari and Genoa.

About one third of the Roma and Sinti population - including both Italian and foreign citizens - currently live in authorised or unauthorised camps in isolated areas, poorly connected to the towns and with precarious and inadequate services.

¹⁷⁰ Non-EU immigrants are allowed entry into Italy only if they have a 'residence contract' (contratto di soggiorno) – i.e. a contract of dependent employment signed by an employer (a firm or a family) and the immigrant worker. Non-EU immigrants will be allowed permanent residence after a six-year waiting period on condition that they have the financial means to support themselves. For EU citizens, Schengen Treaty is to be considered.

A study carried out in 2001, shows that there were more than 18 thousand foreign Roma living in camps¹⁷¹. Since then, the population has increased further, particularly due to the arrival of a significant number of Romanian Roma.

While most Sinti ask for authorised and equipped residential areas to live in small groups (see the good practice below), foreign Roma ask for serious policies for sustainable and dignified housing solutions, which can overcome the eternally precarious situation represented by the ‘nomad camps’. They also seek policies that support employment and the regularisation of their legal status.

Good practices in social inclusion

Within the context briefly described before some good practices have been selected with respect to Roma access to labour market, education system, social and health care, decent housing and micro-credit.

Labour market: Social secretariat for access to labour market

The project aims to assist Roma and Sinti populations in access to the labour market. Started in February 2005, the project is financed by the Municipality of Rome – Department XIV and is still ongoing with an average of 230 monthly contacts. The social secretariat is managed by Opera Nomadi – Lazio Region Division through three specialised operators and two Roma cultural mediators. The involvement of Opera Nomadi and, especially, of Roma cultural mediators, is a guarantee of the involvement and active participation of the Roma and Sinti population in the project. As a matter of fact, Opera Nomadi is the biggest and important national association dealing with the Roma, Sinti and traveller populations throughout Italy. Training the Roma and Sinti cultural mediators is one of the main ways they realise their project starting from the real involvement of these populations in the projects. Cultural mediators are usually trained by Opera Nomadi as a part of their routine activities on the national territory.

The secretariat is mainly a help desk within the Municipality offices, dealing with all the day-by day requests and needs of assistance that may arise in access to the labour market. Its peculiarity is that it is tailored specifically for Roma and Sinti populations that very often live in conditions of exclusion and discrimination highlighted by an alarming set of features such as economic marginality, cultural deprivation, poverty, etc. Alongside the often dramatic material conditions and cultural deprivation, there is a general lack of integration among different cultures and the tendency to experience Roma and Sinti identity in opposition to the surrounding culture that excludes them.

On this basis, the project’s goal is to work towards overcoming the conditions of exclusion and discrimination which the Sinti and Roma communities in Rome suffer from, both from the employment and the social point of view. Specifically, the secretariat offers the following activities/information:

- activities supporting understanding of the urban context in which the Roma and Sinti live;
- activities supporting understanding of how the surrounding society operates and functions, and consequently their ability to engage in relations with it and its members, be they individuals or institutions such as associations, service networks, schools, training bodies and the labour market itself;

¹⁷¹ Monasta, L. (2004) “Note sulla mappatura degli insediamenti rom stranieri presenti in Italia” in Saletti Salza, C., Piasere, L. (2004) (eds) Italia Romani 4. La diaspora rom dalla ex Jugoslavia. Roma: CISU: 3-16

- activities increasing understanding of the labour market, its mechanisms and demands;
- training activities increasing knowledge of citizenship rights and duties;
- training activities supporting the matching of supply and demand in order to facilitate access to the labour market;
- balance of competences and skills;
- programmes of active labour policies in order to facilitate access to the labour market;
- activities increasing the flexibility of job opportunities in order to make them compatible with Roma and Sinti “traditions”;
- activities offering assistance in the inclusion of unemployed Roma in the Active Employment Policy measures - establishing a network to inform the Roma about the activities, obligations and employment opportunities, as well as motivating, encouraging and monitoring their inclusion, and solving potential conflicts;
- activities cooperating with employers in seeking new employment opportunities for the Roma - searching for adequate employment positions and offering assistance in communication with the employer;
- activities aiming to support the Roma and Sinti in obtaining social assistance;
- legal consultancy aiming to support the Roma in obtaining residence permits;
- networking activities with other public services within the Municipality.

The project innovative elements are mainly based on the fact that a specific help desk for the Roma and Sinti population has been created and is also run by Roma operators. The multilevel approach at the basis of the project is also an element of innovation: the activities that should facilitate the access to the labour market are considered together with all the activities aimed to support Roma and Sinti populations to full recognition of citizenship rights and social and cultural integration.

Education: Educational city – Reggio Emilia

Educational city is the testing of positive actions addressing Sinti young people living in the camp sites run by the Municipality of Reggio Emilia. The project started from the idea of bringing about changes through a set of positive actions carried out in a more general reference framework. It takes into account the interactions between Sinti children and young people and the Gadje population (Italians) in the Municipality of Reggio Emilia, as well as the integration processes to be promoted and supported.

The main objectives of the project are the following:

- establishment of educational relationships with Sinti young people to agree on initiatives to reduce their discomfort, enhance their well-being and personal interests, by means of customised micro-projects using the locally available resources, such as LEG - Local Educational Groups -, Job Guidance and Coaching project, sports, youth and leisure associations, voluntary social associations, parish recreation centres, playgrounds, etc. and by serving as point of reference for the enhancement of resources;
- guidance to the proper use of community services towards a more positive approach to problems in view of greater independence;

- setting up a network of resources to provide young people with extra-curricular educational and training opportunities to reduce the high dropout rate and integrate school work;
- removing obstacles and encouraging young people to attend school and extra-curricular activities (in terms of transport, educational materials, handbooks, etc.), also including afternoon recreational activities specially designed for Sinti children and co-managed with other promoters, as in the case of the Afternoon Children's Recreation Centre of Rivalta;
- fostering learning and socialisation in collaboration with the municipality schools in order to establish alliances and share experience in the framework of customised individual and small group micro projects;
- awareness-raising of the Sinti families and promoting their co-operation in favour of school and extra-curricular activities, to foster a better mutual knowledge and consequently reduce mistrust and prejudice, based on the awareness that change can be promoted through mutual knowledge and dialogue;
- collecting data and information on emerging and changing needs to see how to cope with and meet them, based on the awareness that the analysis of specific needs should always take into account the general understanding of the changes occurring in the social system as a whole.

Three female educators have been involved in the project. These educators have worked within schools and in an extra-curricular framework with educational activities, free expression and cognitive laboratories, in small workgroups. The projects were based on socialisation, integration between Sinti and Gadje children and additional education actions.

An awareness-raising campaign has been launched within the community to stimulate and foster the participation of children aged between 6 and 14, especially in education additional activities such as support in doing school homework, in laboratories and recreational initiatives organised by various local associations and facilities and addressing all children and young people (children's recreation centres, sports clubs, after-school activities centres, afternoon educational groups).

As far as co-operation with schools is concerned, one of the interventions also aims to collect handbooks for Sinti pupils through a second-hand and new book monitoring/collection/re-distribution and purchasing system. This initiative allows all Sinti students to take part in school activities equipped with the necessary basic material, thus eliminating one of the first discrimination causes.

Furthermore, the Rivalta after-school centre has been strengthened. It is open two afternoons a week and provides additional education activities to help the primary school children and, in particular, the Sinti children attending these schools, with their homework. This specific activity was designed and implemented in co-operation with the Don Borghi Institute and with the Comunità Educante and Gancio Originale associations. Voluntary workers and teachers come from Istituto Matilde di Canossa, from Istituto don Z. Jodi and from Istituto del Tricolore.

Customised projects have been designed in the framework of extra-curricular projects to take into account specific situations, difficulties and needs. Such a customised approach allowed for the involvement of all children, both boys and girls, who would otherwise be left out due to their specific problems and their social or family background.

During summer time special efforts have been made to integrate Sinti children in playgrounds (in particular, those run by the parish children's recreational centres of Pieve, Don Bosco and S. Rigo); they play an important role as socialisation places where all Sinti children, both boys and girls, can meet and play together and make friends with other children outside their camp sites. In this way it has been possible to facilitate the building of relationship and mutual knowledge. This activity has also been useful to offer the opportunity to play together after the end of the school period, when the lives of Sinti young boys and girls tend to separate from those of their Italian peers.

The innovative elements of the projects are related to the gradual involvement of the beneficiaries in a process that takes into account the real life conditions of young people and adolescents within each camp site. This has favoured a gradual process towards the strengthening of relationships and the building of trusting relationships that has allowed educators to design educational activities taking into account both "education" and "social" needs.

The project has contributed to build and strengthen relations with other community social and educational workers, with Sinti families and Sinti representation organisations. The local networking plays a key role in this methodological approach.

Social and health care: Social and health care for Roma communities in Rome

In 1997 the local Health care service in Rome launched a series of interventions in the several camp sites in which Roma and Sinti populations live in the city of Rome. Starting in the Casalino camp site, the project now covers the main camp sites in Rome.

The project is based on the recognition that the use of health care services by Roma and Sinti populations is not so widespread; the consequences are that various diseases are common in the camp sites where they live, especially for the children. Lack of access to medical services and inferior medical services has a particularly negative impact on the Romani women's health, especially where reproductive and maternal health are concerned. The poor Roma generally have scant knowledge of proper nutrition, and lack the means to secure it. In particular, many Romani women are not aware of the need to modify their lifestyle and diet during pregnancy. Low rates of vaccination among Roma children are also evident.

To overcome this situation and to increase access of the Roma population to the basic health services, the project created a Health Care Unit going directly to the camp sites in Rome in order to provide basic health care services, medical services and social assistance to the Roma population, with particular attention to children.

The project is run by the Local Health Care Service (ASL RM/B) with the support of Opera Nomadi association through Roma cultural mediators trained for this purpose.

The Health Care Unit uses a van equipped as a normal consulting room. The Unit consists of a doctor, a nurse, a social worker and a cultural mediator. They offer:

- basic health care assistance (including also vaccination for children);
- courses of health education (especially for women, considering also their role as caregivers for all the family);
- family planning and natal care;
- information for a better access to the health care and social services in the municipality of Rome.

The innovative element is the great involvement of Romani women as beneficiaries of health care services, and as the main interlocutors between their communities and health care and social services.

The Roma health mediators have opened the way to enhancing women's participation empowering Romani women to improve access to public services for themselves and their communities.

Awareness of their culture and needs has been a precondition to gaining the confidence and commitment of the Roma, while helping to ensure that the programmes do not create or perpetuate a classical syndrome of dependency and passivity.

Housing and microcredit: "Le città sottili" – A programme of the Municipality of Pisa

"Le città sottili" is an entire programme that the Municipality of Pisa started in 2002 (still ongoing) in order to provide specific interventions to facilitate the social integration of Roma populations within its territory.

In particular, one of the main aims of the entire programme is to intervene in the housing and settlements question, which in Italy represents a very specific issue and is central to the social integration of Roma populations. Indeed, the simple presence of a Roma settlement, whether permanent or only short-term, not to mention the assignment of council housing to them, inevitably creates social tensions within the resident population.

Further, housing quality heavily conditions the employment possibilities of the Roma population. For instance, often the lack of minimal hygiene conditions (e.g. running water, sewers and toilets), generates difficulties that are a real problem to overcome when searching for employment or even simply having an interview.

Within the general programme framework, in May 2004 a specific set of initiatives started in order to close all the camp sites around Pisa and substitute them with the possibility for Roma and Sinti population to live in real houses. In order to achieve these important results, different approaches and procedures were implemented:

- a) the first is related to a set of interventions supporting Roma and Sinti populations to access to public housing that the Municipality run and rent at special prices to specific disadvantaged groups. Since now a total of 46 persons (9 families) have been supported in this way;
- b) the second is related to particular procedures that allow to simplify the access of Roma to rented houses owned by private individuals or families. The procedure consists in the fact that a social cooperative will sign the rent contract on behalf of the Roma families. The social cooperative will then sign an agreement with the families to live in these houses. This procedure is a way round the prejudices that many Italian families have towards renting their houses to Roma, and represents a guarantee for all the people involved. So far a total of 238 people (61 families) have been supported in this way;
- c) the third is building (started in May 2007 and nearly completed) a specific village in which Roma families can live together. In June 2007 has also started a vocational training course for immigrants connected to the building of the village.

The package of initiatives on housing issues also experimented with a micro-credit project for disadvantaged groups (including Roma communities participating to "Le città sottili" programme).

The project involves the Municipality, the Local Health Care Agency (USL 5 Pisa), other local actors (Caritas Pisa and ARCI Pisa) and an ethic bank (Banca Popolare Etica). The project consists in the possibility to obtain credit to a maximum of 4000 euros to improve housing conditions (for example, this amount of money can be used to buy furniture, to make hydraulic works and so on). All the people accessing this credit are supported in both the access and implementation phases.

The programme's main elements of innovation are related to the mix of interventions that have been planned and implemented in order to find different housing alternatives to the camp-sites and to create a local networking with different organisations and key actors to support Roma communities in accessing and using all the possibilities offered.

Initiatives of active involvement of Roma

The prevailing focus of Roma associations in Italy is the promotion of cultural and social rights and self-representation. Many of them are also involved in implementing projects. The following are some of the main associations:

- Opera Nomadi –national association (Moral Entity) since 1965. The association is articulated in several regional and provincial branches. Involved in several actions, generally speaking, Opera Nomadi is a sort of mediator between national/regional/local Administrations and Roma groups in order to safeguard their rights and promote specific interventions aimed to avoid different forms of discrimination.
- OsservAzione - Centre for Action Research Against Roma and Sinti Discrimination. OsservAzione is a non-governmental organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma and Sinti in Italy.
- Nevo Drom - a Sinti association founded in Bolzano. The main aim of the association is the promotion of cultural and social rights for Sinti in Italy, in particular through the recognition of Sinti and Roma as national linguistic minorities.
- Sucar Drom (“Beautiful Road” in the Sinti language) is an organisation formed by Sinti, Roma and people belonging to the majority society. Sucar Drom's mission is the recognition of full rights of citizenship for national and European Sinti and Roma Communities.
- AIZO ONLUS - The Italian Association of Gypsies Today, (Associazione Italiana Zingari Oggi) of Turin.

Opera Nomadi is particularly involved in consultation process at the national level, especially with the National Office for the Fight against Racial Discrimination (UNAR) which, starting from 2006, has turned its attention to the problems experienced by the Roma, Sinti and Nomadic communities.

Regular meetings with the UNAR Office have helped the national government to develop an understanding of the critical profile of this population and the problems they experience identifying housing, access to work, education, health and judicial conditions as problematic sectors, which are potentially in need of interventions by the State or the Local Authorities for both men and women.

UNAR has participated in the national seminars organised by Opera Nomadi and held in Rome for the last two years. Furthermore, the Office and its representatives have participated in the Round Table/Working Group between the General Directorate of Students and Opera Nomadi which was established at the Ministry of Education to produce Protocols of Agreement “to protect minors, gypsies, nomads and travellers” in matters of education.

Opera Nomadi, the Italian Association of Gypsies Today, the National and International Union of Rom and Sinti in Italy (INIRSI) have been included in the Register of associations and bodies that carry out activities in the field of the fight against discrimination. Together they form part of the 127 associations currently inscribed in the Register and are covered by Article 6 of Legislative Decree No. 215/2003.

The impact of EU programmes and initiatives addressed to the Roma at national level

EU programmes, especially those connected to Structural Funds, have been used in Italy to implement interventions especially in the field of the labour market.

Regional Operational Programmes have in some cases supported labour inclusion initiatives, especially in relation to Roma women. EQUAL Communitarian Initiative has been used as well in order to implement transnational projects aiming to support the social inclusion of Roma populations.

The main issues addressed by these projects are related to the social integration especially of Roma population and the implementation of vocational training support for access to the labour market.

Unfortunately these kinds of projects are not so widespread and are not always able to create the conditions for sustainability when EU funding ceases.

The role of local policies

Generally speaking, it can be said that a comprehensive policy elaborated at the national level to improve the situation of the Italian and non-Italian Roma and Sinti populations across a wide range of areas and to counter discrimination against them *is still lacking*. There is no national legislation regarding Roma and Sinti populations and specific programmes and policies aiming to improve economic and social conditions for the Roma/Sinti are very scarce in Italy.

Within this context, the role of local Administration is much more striking. In default of a national law covering Roma populations, several Regions¹⁷² have already developed regional laws designed to regulate access to employment and vocational training and housing problems.

These laws present a common element: they are all oriented to the development of Roma camps. Apart from this issue, many laws also aim to promote social inclusion (especially concerning the labour market, health care and education) and/or to promote the implementation of different forms of involvement of Roma communities. For example, the regional Laws of the Autonomous Province of Trent has envisaged the foundation of a Consultative Body in which the role of Roma communities and associations is particularly marked. Similar Bodies are also created by the regional laws of Emilia Romagna, Veneto and Friuli Venezia Giulia Regions.

¹⁷² Specifically, we are referring to Piedmont, Lombardia, Veneto, Friuli Venezia Giulia, Emilia-Romagna, Lazio, Tuscany, Liguria, Marche, Umbria, Sardinia, Provincia Autonoma di Trento.

The role of local policies is especially important regarding the issues of social assistance, education and labour market, considering that the social services are implemented at the local level.

Prevailing attitudes of public opinion with respect to the Roma

As regards social representations and stereotypes with respect to the Roma populations in Italy, it can be said that there exists a common and generalised feature characterising these communities as a whole. “Zingari” are, usually, seen as guilty a priori of alleged crimes and considered thieves, child kidnappers, beggars. As for the women, they usually are seen as witches.

European opinion surveys confirm the negative attitude that Italian society has towards Roma populations. From a survey carried out by Eurobarometer it emerges that nearly half of the interviewees (47%) state feelings of uneasiness and insecurity having Roma as neighbours, as against the European percentage of 24.

Generally speaking, media coverage of Roma and Sinti appears on average biased, incomplete and lacking any sort of depth. Most articles cover issues of petty crimes, antisocial behaviour, begging and folklore. Together with these, the Roma camps are among the main topics of the articles. Local demonstrations and right wing party initiatives against Roma camps and the politicians’ concern, anger or solidarity when incidents happen inside and outside these areas are the most recurrent subjects. The usual media approach is therefore based on short-term emergency responses and is triggered by situations of extreme marginality, as is the case of many newly arrived Romanian Roma.

A key aspect of local press coverage is the absence of “the voices” of the Roma and Sinti even though some Roma and Sinti organisations are starting to implement their own forms of communication especially through Internet facilities (for example newsletters, forums, etc.). Despite the significant number of news published, they rarely have the possibility to speak out and have their response in the media.

The widespread use of the term “nomads” to refer indistinctly to both Italian Roma and Sinti and foreign Roma testifies this attitude towards broad generalisation and stereotyping. Italian Roma and Sinti hardly exist in the public debate and the label “nomads” tends to capture all those living in camps whatever their origin and legal status.

Prejudices and stereotypes concerning the Roma and Sinti are found across the entire political spectrum. The political debate on Roma and Sinti issues revolves mainly around security, urban regeneration/deprivation and access to/exploitation of social welfare provisions. Also the politicians often refer to the Roma and Sinti generically as “nomads”: this becomes an argument to support the closure of settlements and the expulsion of the residents. In practice, the “nomad theory” is often used to provide a form of cultural legitimisation to marginalise the Roma and Sinti.

Expressions of racism and xenophobia against the Roma have reached greater proportions in recent months, and violent attacks against the Roma are no longer isolated.

In July 2008 the Italian authorities started to conduct censuses in Romani camps, involving fingerprinting the inhabitants, including the children. Such actions have been widely criticized internationally, and raised serious concern regarding data protection provisions and racial discrimination also with the Catholic Church. Pressure at national and international level has led the Italian Government to extend the fingerprinting to all Italian citizens starting from 2010.

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