

Policy Center for Roma & Minorities

Closing the social exclusion cycle in the European Union: A European Union Framework Strategy on Roma



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Sumar executiv:

Acest raport este un document de lucru în realizarea de politici la nivelul Uniunii Europene. Documentul propune instrumente de lucru aplicabile în cazul excluderii sociale și discriminării romilor în Europa. Raportul prezintă contextul actual cu privire la romi și de asemenea include analiza documentului de lucru privind structura organizatorică (resursele umane) realizat de Comisia Europeană în 2008 – document care stă la baza unor noi idei cu privire la o Platformă a Romilor în Uniunea Europeană.

De asemenea, raportul vine cu soluții concrete și recomandări pentru mecanismele instituționale orientate către excluderea socială a romilor, atât la nivel național cât și la nivel european. Raportul analizează problemele de advocacy și realizare de politici adresate romilor, încercând să identifice erori în strategiile instituțiilor active în procesul de incluziune socială și să aducă în discuție principalele probleme pe care le întâmpină comunitatea romă. La baza acestor eșecuri continuă să fie faptul că romii sunt percepuți ca și o amenințare, mai degrabă decât o oportunitate pentru Uniunea Europeană.

Raportul recunoaște faptul că incluziunea socială a Romilor este o problemă complexă și extrem de sensibilă, care nu poate să fie rezolvată prin a acorda atenție doar unor priorități și urgențe într-o manieră superficială și nesustentabilă. Raportul concluzionează că, pentru a rezolva problema incluziunii romilor, este nevoie de o analiză treptată și sistemică a ceea ce reprezintă de fapt aceasta, din punctul de vedere al distincției romi/ne-romi, de o evaluare critică și în același timp constructivă a ceea ce s-a făcut până în acest moment și de o strategie coerentă pe termen lung care să permită evaluarea constantă a impactului politicilor și care să culmineze într-o politică specifică pentru romi, la nivelul Uniunii Europene.

Principalele soluții propuse de acest document în vederea obținerii unei incluziuni sociale eficiente sunt: cetățenia activă a romilor începută de la cel mai jos nivel, coroborată cu investițiile pe termen lung în resursele umane rome și stimularea responsabilizării sociale, atât a comunității rome, cât și a populațiilor majoritare.

Introducere:

Au trecut mai mult de două decenii de când Uniunea Europeană, prin intermediul Parlamentului European, a luat în considerare, în mod direct, problema romilor. Anti-țigănistul, așa cum arată Comisia Europeană și Agenția pentru Drepturi Fundamentale, este larg răspândit, violent și ignorat la nivel larg când vine vorba de măsuri luate împotriva lui, în interiorul Uniunii Europene. Cele mai recente acțiuni anti-rome în Republica Cehă, Ungaria și Italia, la fel ca și o accentuare a migrării către vest a unei părți a populației rome în interiorul Europei, au cauzat o serie de reacții și au dus la creșterea motivației claselor politice de a face progrese în demersul incluziunii sociale a romilor.

Excluderea socială “călătorește” într-o Europă unde libertatea de mișcare este un principiu fundamental al Uniunii Europene. Fără o abordare pan-europeană, de lungă durată și bazată pe acțiuni puternice ale statelor membre în vederea confruntării excluderii sociale și rasismului împotriva romilor, măsurile luate vor produce numai rezultate limitate.

Documentul pe care noi îl prezentăm analizează cel mai cuprinzător act al Comisiei Europene pe tema romilor (Document de lucru privind structura organizatorică - de resurse umane din data de 2 iulie 2008) și prezintă principalele probleme ale documentului mai sus menționat. De-asemenea are în vedere și cadrul de lucru și posibilele soluții viabile pentru incluziunea romilor, incluzând probleme ignorate în general atât de instituțiile europene cât și de statele membre. Documentul oferă o imagine de ansamblu atât asupra cadrului existent cât și asupra unor elemente specifice care pot fi de folos romilor în Uniunea Europeană.

Foreword

On 8th of December 2008 the 2914th GENERAL AFFAIRS Council meeting adopted a series of conclusion in what is up to this point the most consistent document of the European Union. Among other things it acknowledged that

4. [these] policies for Roma should be developed with reference to the age of the different audiences targeted, so as to support solidarity between generations whilst breaking the transmission of poverty from one generation to the next. They must also take account of the problems specific to Roma women;

5. better results may be obtained when vulnerable groups are closely involved in drawing up policies intended to improve their situation and to promote and protect their fundamental rights;

It also called upon the Commission and the Member States that

...in close cooperation,

10. on the basis of the conclusions of the report from the Commission, to take account of the situation of the Roma when designing and implementing policies to defend fundamental rights, combat poverty and discrimination and uphold gender equality, and ensure access to education, housing, health, employment, justice and culture, and where appropriate to identify specific actions for 2009 and 2010 to that end;

11. to make better use of the Structural Funds, the Pre-Accession Instrument and the European Neighbourhood and Partnership Instrument to promote the inclusion of the Roma, particularly in the fields of education, housing, health, employment and access to justice and to culture;

CALLS UPON THE COMMISSION

12. before the end of the first half of 2010, to submit to it a report on progress made;

13. to continue and deepen the discussions and organise a further summit concerning Roma in cooperation with the three presidencies in office from 2010 (Spain, Belgium, Hungary);

14. to organise, initially, an exchange of good practice and experience between the Member States in the sphere of inclusion of the Roma, provide analytical support and stimulate cooperation between all parties concerned by Roma issues, including the organisations representing Roma, in the context of an integrated European platform."

On June 9, 2009 the European Council presented a promising document as Council Conclusions on the Inclusion of Roma. The document strengthens previous documents and includes a list of basic principles for member states when dealing with the social inclusion of Roma. The document is included as an annex.

In this report we analysed mostly developments prior to the Conclusions of 8th of December 2008. Regardless we consider these conclusions as the most significant development related to Roma within the framework of the European Union and we believe that this report could be a good source of inspiration for putting in practice some of the requirements included in the above mentioned document of the Council.

Contents

1. Introduction.....	8
2. Context	9
2.1. The European Commission level - Staff Working Paper (SWP) –an analyse.....	10
2.2. Limitations of current policy approach – EU level	16
2.2.1. Inclusion – an euphemism for forced assimilation?	16
2.2.2. Wrong European focus on cheap inclusion – inclusion through low-quality temporary work.....	18
2.2.3. Inclusion through educating Roma – pitfalls.....	19
2.2.4. Human Resources Issues	20
2.3. National Governments and National Public Administration level	23
2.4. European and International Institutions.....	26
2.5. Roma NGOs.....	29
2.6. EU Roma Summit: A Brief	33
2.6.1. The Message of the European Commission.....	34
2.6.2. EU Presidency and Governments messages	34
2.6.3. European Parliament Message	35
2.6.4. NGO Messages.....	36
3. Proposal for a EU Roma Strategy Framework.....	37
3.1 Policy	37
3.2. Institutional mechanisms at the EU level	42
3.3. Institutional framework at the national level	43
3.4. International /Intergovernmental institutions -The European Union -Roma Relevant institutions of the European Union	44
4. Improvement of the Roma Situation: A Continuum or a Stalled Process Following Accession to the European Union? The Case of Romania	54
4.1. Relevant Background information.....	56
4.2. Pre-Accession Evolutions	57
4.3. Situation of the Roma post accession	66
4.4. Relevance of Roma issues in Romania post accession	68

4.5 Conclusions72

ANNEX –Draft Council Conclusion.....75

Executive summary

This report is a working document for policy makers at the level of the European Union aiming at providing practical tools to address the social exclusion and discrimination of Roma in Europe. It starts with a presentation of the existing context including the analysis of the European Commission Staff Working Paper from 2008 – a document which is at the basis of recent developments regarding an EU Roma Platform. It continues with concrete solutions and recommendations for institutional mechanisms that could efficiently target social exclusion of Roma both at national and European level.

The report looks at the problems Roma advocates and policy makers confront with, while identifying failures in the existing frameworks and institutional strategies to address Roma issues and some of their main causes. At the core of these failures remains the fact that Roma are perceived as a threat, rather than as an opportunity for the European Union.

The paper acknowledges that social inclusion of Roma is an intricate and extremely sensitive issue that cannot be solved by addressing just some of the priorities in a cheap and rapid manner. It is argued that in order to achieve Roma inclusion, there is a need for a more systematic and systemic analysis of the meaning of inclusion applied to the Roma / non-Roma distinction, a critical but constructive evaluation of what has been done up to this moment and a long term comprehensive strategy to allow for a continuous policy impact assessment which culminate in a specific policy on Roma at the level of the European Union.

Real active citizenship of Roma especially at the grassroots level corroborated with long term investment in Romani Human Resources and stimulating responsibility of both Roma and majority populations for effective social inclusion are main solutions proposed by this document.

1. Introduction

More than two decades have passed since the European Union, through the European Parliament, directly addressed Roma issues.¹ Anti-Gypsyism as acknowledged by the European Commission and Fundamental Rights Agency is widespread, rampant, and widely ignored when it comes to measures against it within the European Union. The latest anti-Roma acts in Czech Republic, Hungary and Italy as well as the movement of a part of the Roma population within Europe initiated a number of reactions and led to a rather significant increase in political will to tackle the social inclusion of Roma.

Social exclusion travels in a Europe where freedom of movement is a fundamental principle of the European Union. Without a long term, comprehensive, pan-European approach based on strong actions of the member states in addressing the social exclusion and racism against Roma, the measures taken will produce only limited results.

The document we present examines the most comprehensive EC document on Roma up to date the Staff Working Paper of 2 July 2008 and addresses its main shortcomings; it also complements it and looks at the existing frameworks and possible viable solutions to Roma inclusion, including issues generally avoided or ignored by both European institutions and member states, through providing an accurate comprehensive overview of existing frameworks and specific tools that can directly benefit Roma in the EU.

¹ Resolution of the European Parliament on the Situation of Gypsies in the Community (1984); Resolution of the European Parliament on Education for Children whose Parents have no Fixed Abode (1984); Resolution of the European Parliament on Illiteracy and Education for Children whose Parents have no Fixed Abode (1989).

2. Context

On 2 July 2008, the European Commission published a Staff Working Paper called, “Community Instruments and Policies for Roma Inclusion (SWP).” This document was a direct follow up to the conclusion of the European Council¹ adopted on 14 December 2007.

Preceding the paper of the Commission, on 20 June 2008, the European Council in an unprecedented signal of political will adopted paragraph 49, which reads: “The European Council looks forward to the results of the Commission’s evaluation of existing policies and instruments aimed at improving the inclusion of the Roma population as well as to the forthcoming conference on this issue to be held in September. It invites the Council to take this into account in its examination of the revised Social Agenda. The European Council will return to this issue before the end of the year.”

¹ “The European Council, conscious of the very specific situation faced by the Roma across the Union, invites Member States and the Union to use all means to improve their inclusion. To this end it invites the Commission to examine existing policies and instruments and to report to the Council on progress achieved before the end of June 2008.”

2.1. The European Commission level - Staff Working Paper (SWP) –an analyse

Issued on 2 July 2008 in response to the European Council request, the document summarises main policies, good practice examples, and other instruments that the EU could use to improve the life of the largest ethnic minority in Europe, the Roma. The document is valuable as it addresses a background of continuous degradation of the living conditions in Roma communities, of growing anti-Gypsyism, and expansion of far right movements in Europe. It reveals well justified concerns in the EU towards the situation of Roma and points out the instruments that states, NGOs, or other stakeholders may use to improve the existing situation.

The Roma issue requires indeed sustained efforts and resources from different actors, as indicated in the staff working paper. It also needs coordinated interventions on strategic points. Such a sustained approach is needed at this moment, not only towards the legal provisions and funding opportunities, but towards outcomes of interventions already implemented. The staff working paper covers the first two issues, but the outcomes are not getting the attention they deserve. A much-needed analysis of results is missing altogether from the SWP.

The document has two main drawbacks that are very much connected. The first one is the descriptive approach not only to the legal and financial instruments, but also to the interventions taken. This leads to the second drawback, namely a tendency (encountered also in other EC documents) to report over positively. The paper has a rather optimistic view in contrast with recent events involving Roma in the EU and the obvious exclusion that Roma continue to face.

These two drawbacks are, to some extent, linked to a factor mentioned in the SWP that is essential for any analysis: the lack of comprehensive, reliable data on the Roma situation. Papers describing the concrete situation of Roma are overwhelmingly based on research that often is geographically very limited and that, therefore, have a rather high degree of uncertainty.

One opinion which is not fully shared by all the contributors to this report but important in the view of many is that quantitative information, on relevant social inclusion indicators, collected periodically (preferably yearly) by ethnic affiliation is needed to assess whether any change appears in the social situation of the Roma. The multidimensional indicators of Roma ethnicity (ethnic self-affiliations, language, and parental self-affiliation) and the sampling procedures should be standardised to ensure comparability across years and meaningfulness of information, at least at the country level. Secondary analysis of data collected by public national statistical institutes, in countries where information on ethnic affiliation is also included, would greatly facilitate the monitoring of the evolution of the situation of Roma.

Existing shortcomings were acknowledged and the EC has already announced a detailed follow up.

The document presents a useful list of opportunities generated by the EU legal framework and by funding schemes, but fails short to analyse the effects of interventions that have been carried out for several years. This occurs despite the fact that the document includes a chapter titled, Impact of Structural Funds on Policy Priorities for Roma Inclusion. For the follow up document of the EC we suggest that such a chapter should answer questions like:

- Have the intended results been achieved in interventions described?
- To what extent?
- Have all Roma benefited? Which groups have benefited more and which, less? What are the factors that promote success in the fortunate cases?
- Is it anything still needed?
- Have shortcomings or negative aspects been observed?
- What has been done to counterbalance a much possible reduced interest of local authorities in accessing funding targeting the social inclusion of Roma ?

In-depth analyses of the failures or of the causes for which some existing mechanisms are ineffective, in conjunction with constructive criticism towards the interventions of main stakeholders (including Member States, the EC, but also the Roma NGOs and Roma communities) might help a better evaluation of available policies and instruments.

A follow-up document also will need to include clear suggestions about how the European Commission will enforce the principle of non-discrimination or how it will improve its policy

coordination. According to the European Commission, “policy coordination is particularly effective if there is a clear focus in reporting, country specific recommendations and peer reviews on marginalised people who are disadvantaged because of their ethnicity.”

The SWP did not manage to cover the above mentioned ways to effect policy coordination (focus on reporting, country specific recommendations, and peer reviews). To avoid criticism suggesting a cautious approach and short-comings in reaching the targets set in its introduction the already announced follow-up document of the EC needs to take these issues in consideration.

A follow-up document needs to rest on much stronger input from Roma and non-Roma experts on social inclusion and policy implementation. Hopefully the announce EU Roma Platform- a focused structure within the Commission would be able to solve this.

Despite correctly identifying most of the problems related to the social inclusion of Roma, there are not enough solutions proposed and the SWP could be seen as weak when it comes to assuming responsibilities on behalf of the EC. For example, at the beginning of the document (page 5) we find the following:

The NGOs 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.

Despite the fact that the European Commission is the main provider of funds for NGOs in Europe, there are no solutions proposed related to what the EC could do with or without the help of Member States in this regard. Identifying the needs is indeed a step forward, but by itself not enough to address the social exclusion of Roma.

Touching sensitive points and addressing more directly shortcomings was a critic rose by the ERPC and is illustrated in the way the SWP presents the only existing Roma mechanism within the European Commission.

The European Commission established in 2004 an “Inter Service Group on Roma” (ISG) replacing a previous Commission external relations working group on Roma. This

group is an intra-institutional platform for the exchange of information with regard to instruments and policies which are relevant for Roma inclusion. It is currently analysing how the Structural Funds, and other financial and policy instruments can be mobilised during this programming period (2007-2013) directly or indirectly for this purpose. It is planned to use the ISG's analytical tools in order to follow up the development and implementation of the Structural Funds on the ground.

The statement was a reason for the tough and not fully justified criticism coming from NGOs accusing the EC of exaggerated reporting in its reports and documents. The ISG is an informal mechanism that meets at maximum four times per year. Its meetings are attended mainly by lower level staff with practically no decision-making powers. Significant is that the SWP does not include any concrete achievement of the ISG despite over four years of activity. Suggestions for improving the activity of the ISG and transforming it into a more effective mechanism are missing but at the same time the moves towards creation of the EU Roma Platform seems to indicate that the EC is aware of the need for reform.

An integrated European Roma Platform should lead to the creation of a permanent, focused structure within the European Commission capable of ensuring the efficient functioning of the existing Interservice Group as well as of the Platform.

SWP includes small chapters focused on children's rights, violence, trafficking, and free movement of persons which are topics of utmost importance related to active citizenship and need in our opinion a more in-depth examination. The Commission needs to facilitate an open debate with the Roma communities related to these issues, and to encourage and support Roma NGOs in their long term plans in these directions. This can be done through targeted lines of funding.

In the chapter on education, the SWP rightly identifies what we also believe to be a main problem:

Persistent disadvantages in education, including low school attendance and overrepresentation in "special schools" intended for children with physical and mental disabilities, make it highly probable that without strong policy interventions supported

by extensive programmes of capacity building and investment the next generation of Roma will remain in deep poverty and will be increasingly marginalised and excluded.

The lack of human resources from within the Roma communities plays a significant role in the existing situation. The lack of long-term strategy and investment in human resources has been an issue since 1989 for the EU. A follow-up document or the future EU Roma Platform need to suggest some new innovative possible solutions besides the existing ones that brought arguably limited and unsustainable changes. It is worth mentioning that in March 2009 DG Regio hosted a consultation meeting regarding pilot projects which had education as a distinct point on the agenda. A call for tender will be launched in 2009 following in-depth consultations with Roma experts.

The 2008 EC Staff Working Paper (SWP) on Roma has an important added value as it lists ways in which European Structural Funds could be used by national governments. The following issues should be addressed in the process of its implementation:

- A clear focus on the Open Method of Coordination for social inclusion and social protection on the situation of the Roma, thus specific targets, indicators, and assessment of MS policies and programs against targets.
- An evaluation of the direct results and long term sustainability of EU-funded projects, including a discussion of the available monitoring mechanisms, effects evaluation reports, and the validity and reliability of progress indicators. A special focus should be the creation of Roma human resources.
- A complete needs assessment focused on the European Commission itself to look at human resources, responsibilities, capabilities, and actions.

Conclusion

The paper of the European Commission has been strongly criticised by the European NGO Coalition for an EU Roma Policy (ERPC). The SWP was perceived as “minimalistic,” “lacking vision and reflecting unwillingness for long term planning” by the ERPC.

Institutional constraints, limited time, limited expertise within the European Commission, ambiguous or exaggerated evaluations of Roma projects, and lack of reliable indicators are all good reasons why, in our opinion, the SWP needs a better follow-up.

While we believe the SWP is a very useful document the absence of self-criticism towards the many and rarely successful Roma-targeted and mainstream projects funded by the European Commission targeting Roma inclusion is one worth mentioning. An overall approach that seems to avoid responsibilities of the European Commissions and shifts all responsibilities towards the Member States was also largely perceived as a shortcoming. During the first EU Platform Meeting from 24th of April in Prague this issue was well addressed by Commissioner Spidla¹.

The paper includes a number of valuable facts and it raises a number of important issues and risks that need careful examination and consideration. Indeed, increasing pressure on the European Commission to create solutions to Roma issues while limited expertise inside the Commission is available and while no explicit and potent instruments are available to permit a focused approach of the European Commission to Roma issues brings about some risks.

¹ http://ec.europa.eu/commission_barroso/spidla/index.cfm?pid=whats_new&sub=news&langId=en&id=491

2.2. Limitations of current policy approach – EU level

“Racism is a form of social exclusion and racial discrimination; in all its forms and manifestations is the process by which that exclusion occurs”
--Anver Saloojee – Social Inclusion: Canadian Perspectives

Discussion about Roma is plagued by ambiguities. Two factors contribute to this: first, the overall lack of clear and reliable data which affects all reports and indicators; and second, a lack of clarity concerning terminology. Since no clear methodology identifies and collects data on Roma at the European and national level, we can find no clear definition of what constitutes Roma identity or what is meant by Roma inclusion. We need to address ambiguities if policies of Roma inclusion are to make sense, and if policy and process are to be assessed and monitored in a way that makes sense.

This subchapter takes issue with, and highlights the consequences of policy limitations and sometimes failures predicated poor notions of inclusion. A shift from policy with limited or no results to something approximating tangible progress requires, from the outset, a more complex and critical understanding of what is meant by Roma inclusion.

2.2.1. Inclusion – an euphemism for forced assimilation?

“We are always supposed to listen to the majorities, we are never taken seriously. We are the ones who have to go through schools where teachers and pupils think we are scum, we are the ones who have to deal with anti-Gypsyism and self-loathing as children and adults alike. We have to try out our ideas and practice ways to deal with multiple conflicts from within and outside our communities. We have to experiment ways to inclusion in our own way and not the way it is imposed on us. We have to do that if we are going to learn how to relate to each other and to the majority populations. It is all of us that need to change and not only us, the Roma. We want help, we need help but this help should be in our terms and not focused as it is now on assimilation.” (interview with Lilian Ignat).

Assimilation rather than inclusion of Roma in Europe is implemented due to an ambiguous and sometimes empty language promoting equality of chances. Treating historically discriminated ethnic minorities such as Roma equally in states where a good part of the

political elites are promoting (sometimes extreme) nationalism results in de facto assimilation.

Rhetoric affirming the formal equality of all citizens is often joined with notions such as the indivisible 'nation' or the 'people'. This corroborated with refusal to recognize history of ethnic minority discrimination lead to either exclusion or assimilation. The existing passive approach of the European Union and Member States, which limit themselves to providing legislation that sanctions discrimination when it happens, is to blame.

The existing legal framework focused on identical treatment not only has serious problems with implementation, but does not address the much more important issue of reducing existing gaps and preventing discrimination. As long as social inclusion policies do not distinctly address indirect discrimination and the existing gaps in accessing opportunities, these policies can not lead to inclusion but to assimilation. Often, identical treatment in the case of Roma and non-Roma results in inequality or fosters disadvantage.

Besides being a distinct form of racism, anti-Gypsyism means unequal access to rights and to opportunities. It translates into incomplete citizenship, participation, recognition, and lower self-esteem.

Roma face a system of social opportunities mediated by an extreme social stigma linked to being a Roma. This results in high discrepancies related to much lower opportunities available for Roma compared to non-Roma citizens(i.e. similarly educated Roma and non-Roma citizens have different opportunities to climb up on the social and professional ladder as the Roma subject does not have the same access to social networks due to the prevailing social exclusion) A minimum precondition of an inclusive policy or inclusive society is that reaching equality should rest on the principle of addressing differences differently.

A Roma inclusion policy should speak to failures in existing socio-economic structures (which either do not address or contribute to existing ethnic based inequalities) and at the same time integrate the Roma into fundamentally just and sound socio-economic mechanisms and structures. Such a policy needs to create inclusion while also preventing existing exclusionary pulls such as segregation, racism, indirect discrimination, and extreme nationalism.

Roma inclusion should also translate into a process addressing the existing obvious rupture between the Roma individual and society. Partial and sometimes complete exclusion of Roma

from the social, political, economic, cultural, and networking systems determining social success (through access to opportunities) is the most obvious result of this rupture.

Such a policy should engage the obstacles impeding the upward mobility of Roma workers that lead to reduced incentives for learning, long-term unemployment, increased social tensions, and violence. At the same time, it should address the historical discrimination against Roma and the deeply embedded mechanisms of social exclusion continually reproduced in our societies.

Roma inclusion should incorporate access to respect and identity. Feeling secure and worthy as a Roma should be one result of inclusion.

2.2.2. Wrong European focus on cheap inclusion – inclusion through low-quality temporary work

Up to this moment, Roma inclusion has been treated rather simplistically or superficially. The focus of EU funding and member states efforts were and are on education for children and creating employment. A better solution to the exclusion of Roma would be to address poverty by ensuring income. Poverty is not the incapacity to buy things that could fulfil the most basic needs; rather, it is inadequate access to opportunities.

Within the European Union, “equality of opportunity” is often used to justify the profound inequality of outcomes for Roma.

Even the few wealthy Roma living in segregated communities have significantly fewer opportunities than do less wealthy people from the majority, who use the existing social networks. Educated Roma children still face an extremely strong stigma when looking for work, working, or interacting within majority societies.

Regarding income, the UNDP has made clear since 1997 that income does not ensure human development.

Financing programs focused on rapid and often low quality employment for Roma is a cheap, but rather unsuccessful method of dealing with social exclusion. The EU and members states invest small amounts in comparison to the size and complexity of the problem, amounts that are supposed to be returned through taxes paid from the wages of those employed.

This approach does not consider existing exclusionary forces faced by Roma and pays no attention to structures and policies that create deprivation or to institutions and individuals responsible for exclusion or inclusion.

Unfortunately, despite being well intentioned, in the long term these types of programs enforce prejudice and accentuate exclusion. Employing Roma in menial jobs strengthens anti-Gypsyism.

2.2.3. Inclusion through educating Roma – pitfalls

We see an overwhelming European trend suggesting that social inclusion can be solved through better education for Roma children. This approach is part of a simplistic, cheap, and inefficient approach to social inclusion deployed in general at the EU level and targeting Roma. It is not only a matter of access to education for the Roma but about the quality of education the Roma have access to. Simple improved access to substandard education will in fact reinforces stereotypes of the unwillingness or incapacity of Roma to learn and will maintain the disadvantage of the Roma on the labour market, access mainly to poor quality and low paid jobs, increased vulnerability to the changing economic environment, direct and indirect discrimination..

We are concerned by the fact that lately there is increased pressure on the European Commission to insist on early childhood education and education in general as main factors to solve the Roma issues. Considering that the Commission and EU have no jurisdiction and, therefore, no real possibility to act on issues related to pre-school, primary, and secondary education, all crucial educational cycles for the education of Roma, this allows critics to accuse the EU of window dressing. Sometimes, paradoxically those critics are the same with those pressuring Commission to act on issues where it has no or limited jurisdiction.

Social inclusion through developing skills and talents of children is, without doubt, extremely important, but not enough to provide access to opportunities and remove existing barriers that confront Roma children. Family and environment, as well as income and culture, have huge effects on children.

Children are dependent on a number of factors besides education and are influenced primarily by their family and by the close environment. It is unrealistic to expect a serious curbing of social exclusion of Roma by interventions focused on Roma early education while ignoring the both education of the majority population regarding prejudices against Roma and other existing barriers.

Addressing social inclusion of Roma through the blame of non-actions of the governments or the European Union on issues over which it has no jurisdiction, both Member States and the

EU allow themselves to be perceived as having a cheap and inefficient approach to social inclusion.

The Commission and Member States have spent close to 300 million Euros of EU money in recent years on Roma inclusion without any distinct short- or long-term strategy. To avoid criticism signalling empty rhetoric and window dressing, the Commission needs to establish a strategy and promote concrete actions. Recent meetings of the EPSCO council (May, June 2009) and the EU Presidency (April 2009) seem to indicate a major positive change in the overall approach of the EU and implicitly of the Commission.

Social inclusion of Roma is an intricate and extremely sensitive issue that cannot be solved by addressing just some of the priorities. It cannot be solved rapidly or cheaply. To achieve Roma inclusion, we need a much better analysis at the EU level of the meaning of inclusion applied to the Roma / non-Roma distinction, a critical but constructive evaluation of what has been done up to this moment and to what effect, a long term comprehensive strategy to allow gathering more experience and a continuous assessment of, redesign of, and investment in Roma human resources.

Without this, Europe risks, as Commissioner Spidla said¹ in an unfortunate but right prediction of the events in 2009 in Czech Republic and Hungary, an escalation of what is already a “danger for the social cohesion of Europe.”

2.2.4. Human Resources Issues

2.2.4.1. Hiding or denying Romani identity

One of the many dimensions of Anti-Gypsyism is reflected in the form of false consciousness on the part of the Roma themselves. A significant number of Roma (including a significant percentage of the successful Roma) deny their roots in an attempt to escape the social stigma associated with Roma identity. Most of them, especially the professionally successful Roma, manage to hide their parentage and eventually lose their ethnic identity and assimilate to the majority that normally rejects Roma. This is usually not possible for other groups facing racism and could be held as an argument that anti-Roma feelings are not based on race or ethnicity, but on stereotypes and historical prejudices against Roma. This is well-reflected in

¹ Speech of 8th of April 2008

the discrepancies between the estimated number of Roma and the much lower results of official censuses as reflected by the documents of the Council of Europe.¹

These discrepancies prove that social stigma of being a Roma leads not only to the already well acknowledged discrimination and social exclusion of Roma but also to a very significant denial of the Romani roots of a large majority of Roma living in Europe.

European Roma are not a homogenous group. Roma can range in appearance from fair-skinned and blue-eyed to very dark-skinned and black-eyed, with the two extremes often seen in the same community or even family. Roma share many physical features with Arabs, Turks, Indians, as well as Europeans. Roma in Europe follow a number of different religions: Christianity (Orthodox, Catholic and Protestant), Islam (both Shia and Sunni), Judaism, as well as atheism. Many Roma are unable to speak Romani. Even those who speak Romani (a minority) may have difficulties understanding each other as the various dialects are quite different across Europe.

This heterogeneity has been often used to justify inaction or to self exclusionary tendencies. It is often that Roma activists are criticised by governments and EU institutions as not being capable of representing the Roma and speak with „one voice“ on one side and on the other side by traditional Roma leaders in need to keep their leadership as not being „true“ Roma.

In these conditions the experience of coming to existence of a small group of successful and integrated Roma that are not afraid to affirm their identity is remarkable and needs urgent support to be replicated.

The domination of usually moderate and sometimes extreme nationalist feelings in Europe and within the Roma movement itself pushes also the mixed Roma in choosing one identity, and obviously in a large proportion this choice goes against the Romani one. A significant part of European citizens have Roma roots but the pregnant social stigma associated to Romani identity makes them hide or disregard their roots.

2.2.4.2. Wrong focus group

For the last two decades the majority populations, national governments and sometimes EU Institutions equated Roma with uneducated, unskilled, unemployed, poor and often criminal Roma mainly from ghettos and traditional Romani communities. This part of Roma population fits the negative stereotypes of the majority populations and was the main focus for initiatives targeting the social inclusion of Roma. Considering the fact that the majority of Roma in

¹ <http://assembly.coe.int/Documents/WorkingDocs/Doc02/EDOC9397.htm>

Europe hide their ethnic identity and that a good number are professionally successful, the existing focus may need to be changed.

Selection of highly educated Roma human resources needs to become a priority as the existing Roma organisations and representative bodies are struggling with low quality leadership and representation which further pushes away the existing Roma intellectual elite.

A clear signal which strengthens the above argument is the fact that the increase in the number of Roma declaring their ethnic identity is minimal and the number of those Roma who prefer to hide their ethnicity is still between 3 to 10 times bigger. The positive role models are largely missing and the social stigmata continues to be perpetrated by the existing leadership.

No European awareness campaigns ever targeted either the successfully integrated Roma or the even larger group of ethnically mixed Roma.

2.3. National Governments and National Public Administration level

Most of the national governments had already adopted strategies to improve the situation of Roma based on already existing documents. These strategies appear doomed to go nowhere, due to lack of real political will. According to all those interviewed, Roma continue to be seen as a suicidal political issue, and social inclusion policies targeting Roma were and are highly unpopular.

Up to now, the involvement of the governments in implementing Roma focused policies has been limited to protocol and rhetoric. The meetings around the different Roma initiative at the international level proved to be not much more than excuses for governments to boast about their image and do pretty much nothing concrete, as they each time present new or revised Roma strategies and ignore the almost complete failure in implementing the earlier plans.

There are no national officials specifically assigned to work for instance either on the Decade of Roma Inclusion or on the Action Plan on Roma and Sinti of the OSCE. Governments' representatives who take part in the meetings are medium- and low-level public servants, who do the work practically more or less on a voluntary basis. Their job description does not include any reference to the above mentioned initiatives, and there is no mechanism to monitor and evaluate their activities related to it. There are no governmental structures dedicated to those, nor are their officials who are explicitly in charge of the commitments made by the governments.

This situation leads to a cycle of short abrupt (artificial) hikes in the activity of the governments, followed by long periods of no activity. The Decade's , European Commission's Council of Europe's UN's and OSCE's meetings are marked by relatively large gatherings of medium and low level national diplomats, and medium or junior representatives from other stakeholders. In between the conferences there is almost nothing happening at the governmental level.

Any new initiatives are usually dumped on the existing "Roma or Roma responsible structures" within the national governments. These offices which are anyway badly understaffed, under-budgeted, lacking power and political support receive the new initiatives with caution, as new projects increase their already high workload and decrease the available budgets.

Roma issues and concerns need to be part of a public debate in order to make such initiatives successful. It is significant that there is still no record of any president or prime-minister (with

the remarkable exception of the Finish president¹⁾ who has visited a Roma ghetto, and there are no public debates to involve Roma and high level politicians in discussing the problems raised by existing Roma initiatives. Such actions, which are fundamental for creating media trends that could lead to a change of mainstream attitudes about the Roma, are completely ignored by both the governments(despite a clear focus on mass media of those initiatives) and Roma NGOs.

A case study on Romania regarding the representation of Roma we considered to be relevant.

The minimum estimate of Roma population is 730.174 according to the Romanian Government in 2005² which means a ratio of 3.3%. Credible sociological estimates put the Roma population at around 1.5 million³ or 6.8% of the population.

Out of 485 people in the bicameral Romanian parliament in 2008 there are 2 Roma MPs (0.4%), over 10 times less than a minimum average. One of the existing MPs had been elected on the electoral lists of the Roma Party and is part of the “minorities group” a constitutional form of representation in Romania. The other is member of the Social- Democrat Party of Romania.

The number of civil servants in the central administration (government) is 6404 according to SNFP⁴. Out of those there are just two known to be of Roma origins. For a population estimated at 22,329, 977 it means one in 3500 people are employed by the government. The ratio is around 200 times less for the Roma as at this moment there are just two Roma employed as public servants.

There are 24 ministers (none of them Roma) and around 180 secretaries of state. Only one of those is of Roma origins which means a 7 times under-representation according to the percentages of population.

The situation is similar or worst in all the other Member States. The underrepresentation of Roma both at the political and administrative level either at national and international level is considered to be by Roma NGOs abysmal.

2.3.1. Problems within the member states

¹ Finland is not yet part of the Roma Decade of Inclusion initiative.

² O harta sociala a comunitatilor de romi, Banca Mondiala Bucuresti Iunie 2005

³ Politici publice pentru Romi 2005 – Chapter 1 (Sorin Cace, Marica Ionescu, Marian Preda)

⁴ <http://www.snfp.ro/>

1. Roma issues are perceived as an undesirable portfolio for any minister, as they are for governments in general. While anti-Gypsyism is often rampant, anti-discrimination or positive measures directed towards Roma are highly unpopular.
2. Bureaucrats have no incentive for working within national governments in programs to enhance the social inclusion of Roma. Under-representation within the governmental structures of Roma is obvious.
3. Governments react to Roma issues only in times of crisis. Governments tend to delegate Roma issues to the European and international level and pass responsibilities to intergovernmental organisations. This is a very dangerous approach and an EU Roma policy should insist on placing the main responsibilities towards Roma on national governments.
4. Governments have very limited expertise in Roma issues and even more limited political support for Roma-focused actions.
5. The member states fail to assume responsibility for ensuring equal access to opportunities for their Roma citizens and to ensure that Roma assume their responsibilities as citizens.
6. Governments have failed to promote positive role models from within the Roma communities, as they have failed to provide access to identity and respect for their active Roma citizens.
7. Coordination and sharing of experience among national governments continue to be limited and rather inefficient. The formation of an inter-ministerial group at the level of the European Council or of a multilateral initiative among concerned member states were solutions debated in the past, but, due to different reasons, they never materialised.

2.4. European and International Institutions

Of all European ethnic groups, Roma are the worst represented both within the National Governments and the European Institutions (EI). The EI employ staff based, roughly, on open competition in the framework of a quota system linked to nationality. The European Parliament used to be the only European institution which claimed to employ people based on another principle, that of language. However, in practice,¹ Parliament employees represent a good balance of the numeric distribution EU nationalities and employment practices show a serious effort to maintain this representation.

The number of Roma in Europe is estimated to be between 8 to 12 million people. Currently, no European Union institution employed or employs Roma on a permanent contract. The worst exclusion faced by Roma in employment is within these institutions.

The overwhelming majority of states with a Roma minority face significant problems with anti-Gypsyism, which are reflected in a false but often de facto dichotomy: national citizen vs. Roma, resulting often in systemic discrimination. This hinders the access of Roma not only within their national governments but also to positions allocated for their nationality in European institutions. The systemic discrimination is also strongly reflected by the extremely reduced number of Roma who work in the foreign ministries or embassies of any European country².

Nonetheless, all of the European institutions advocate concrete measures for reducing existing inequalities between Roma and majority populations in Europe.

The European Commission's June 2005 Proposal for a Decision on the Year of Equal Opportunities³ underlines the fact that Roma are the "most disadvantaged ethnic minority group in Europe." It describes the "significant barriers in employment and education" they face. The Communication further states that "disadvantages experienced by some communities, e.g., the Roma are so wide-scale and embedded in the structure of society that positive action may be necessary to remedy the nature of their exclusion."

Article 3(2) of the EU Treaty requires the Community to aim to eliminate inequalities and actively to promote equality between men and women in all its activities and thus ensure the integration of the dimension of equality between men and women in all Community policies. In addition, existing anti-discrimination Directives (2000/43 and 2000/78) and Article 29 of

¹ The European Parliament, 5th edition, page 163.

² At this moment (October 2008 we are aware on 1 Roma diplomat employed by the Ministry of Foreign Affairs of Hungary)

³ See http://europa.eu.int/comm/employment_social/fundamental_rights/pdf/ey07/dec07_en.pdf.

the EU Treaty urge Member States to undertake common action towards the prevention and elimination of racism and xenophobia.

The ex-Gender Equality Unit (now Equality between Women and Men), according to the European Commission website, "keeps an eye on how the Commission itself practices what it preaches about equal opportunities in terms of recruiting and promoting its own personnel."

Currently, no Roma women are employed, or have been employed, within the European Commission. Roma are the only European ethnic group residing within the EU which is not represented in the European Commission.

Since April 28, 2005 the European Parliament through its Resolutions underlines this problem. The Resolution on the Situation of Roma in the European Union¹ suggests, in its introduction, that "...on average Roma communities face unacceptably high levels of unemployment, so that specific measures are required to facilitate access to jobs." Recommendation 23 of the resolution "Supports the continuing moves within the EU institutions towards incorporating the Roma-to-Roma approach, as developed by the OSCE, in the future hiring of staff for Roma - as well as non-Roma-related vacancies."

In May 2005, the Council of Europe published a thematic report² on the situation of Roma: "It is moreover important that temporary measures be adopted to promote the recruitment of the Roma in the labour market, both in the private and public sectors..." One of the recommendations of the chapter dealing with employment is that "Special measures should be taken to promote the recruitment of Roma particularly within public administration."

Still up to this moment there is just one Roma who is employed by the Council of Europe.

The General Recommendation 27 of the UN (2000) writes : "States should take special measures to promote the employment of Roma in the public administration and institutions as well as in private companies". It is significant in our view to point out that the UN failed to apply within what it recommends to the member states as it doesn't employ a single Roma in its headquarters in Geneva or New York.

2.4.1 Problems within the European Commission

1. Limited motivation to take more responsibilities and assume leadership at the level of coordination and agenda-setting regarding the social inclusion of Roma within the EU seems to be the main problem.

¹ See <http://dev.eurac.edu:8085/mugs2/do/blob.html?type=html&serial=1117816024500>.

² See http://www.coe.int/T/E/Commissioner_H.R/Communication_Unit/CommDH%282005%294_E.doc.

2. Limited expertise and lack of efficient mechanisms within the European Commission capable of monitoring and evaluating progress related to social inclusion of Roma is another important obstacle. The EC seems reluctant to recognise or address decisively its own failures, considering the content of the Staff Working Paper published by the EC on 2 July 2008.
3. Discrepancies between rhetoric and action at the level of the Commission are becoming obvious. Despite strong promotion of inclusion of Roma and “incentive measures” to address the existing socio-economic gap, the European Commission has failed to employ among its permanent staff a single Roma.
4. Ambiguities regarding responsibilities of the European Commission, are often used as reasons for reduced or no involvement of the EC in matters where the EC could make a difference
5. Lack of coordination among the EC and other intergovernmental organisations is an issue which continues to be ignored.
6. Lack of long-term vision and continuity in its Roma related activities is also a serious obstacle. Due to significant progress during to the accession process, the Commission has high expectations concerning the countries with a significant Roma population. The EC cannot meet those expectations without a serious rethinking of its role in conjunction with strong political support from the Council of the European Union.

2.5. Roma NGOs

The existing Roma civil society has, in general, failed to address or stimulate debate within the Roma communities on problems related to responsibilities of Roma citizens. This is due primarily to objective reasons, but nonetheless the outcomes are visible: dependency and self-victimisation. The existing dichotomised approach to discourse that presents Roma either as victims of discrimination or as a security threat builds barriers to dialogue and success. Begging, trafficking, abuses related to children's rights, violence, or criminality are absent from the discussions or focus of Roma NGOs. The EC, National Governments and donors do not offer (any) incentives for Roma NGOs to focus on advocating and developing Roma human resources. Structural Funds which are administrated by National Governments often act as an inhibitor for watchdog Roma organisations which in most of the cases depend financially on their monitoring target(National Governments). Roma NGOs are at this moment in the positions of contractors paid directly by the national governments through national or EU funding. This approach often encourages a subordinate position of the NGOs as they have to accept guidelines designed and imposed by the European Commission and national governments. It is exceptional when Roma NGOs have played a role in the design of above-mentioned guidelines. This situation helps absolve national governments from their responsibilities towards their Roma citizens and puts the governments in charge of monitoring the work of NGOs. This leads to a ghettoisation of Roma issues outside the governments work, as responsibilities for solving the problems are delegated to the contracted Roma NGOs.

The EU financial and managerial rules require both expertise and extensive experience that is almost impossible to find within the Roma community. These EU projects are service- and results-oriented and not meant to develop human resources capacity within the project teams. They are led by profit-oriented consultancies not interested in developing or investing in Roma human resources. The very few Roma involved in such projects are usually the most important and efficient national Roma activists and their participation in the EC projects leads to a serious limitation of their activities and curtails their much-needed constructive work elsewhere.

The development of Roma civil society is still far from what is needed. There are objective reasons why a substantial positive change it seems to be yet far from being possible. In what follows we identify a number of reasons why the existing limited or no progress.

2.5.1. Lack of long term policies/strategies focused on Roma human resources

Despite repeated acknowledgment of practically all stakeholders (Member States, European Union, Council of Europe, the UN, World Bank, and International non-Governmental Organisations) regarding the lack of Roma human resources there has never been any long term strategy focused on solving this issue.

2.5.2. Lack of transparency and coordination

It is rare when existing working plans, objectives and strategies of the main stakeholders are substantive, but even when they exist and are substantive, often it is difficult if not impossible to access them. Inexistence of consultative working/efficient mechanisms among Member States and European Union on one side and Roma NGOs and Roma representatives on the other side leads to an overall lack of coordination and directions meant to achieve clear objectives. These give good grounds for ultimately baseless conspiracy theories –rather an often occurrence within the Romani movement - which unfortunately hinder further serious and structured collaboration. The lack of coordination among Intergovernmental Organisations is also a serious reason of concern.

2.5.3. Lack of clear responsibilities, efficient managerial structures and communication strategies of the stakeholders and NGOs dealing with Roma issues

Often within the same organizations there are sometimes contradictory directions. Ambiguity of responsibilities leads often to non-action not only at the European and National level but also within the Roma NGOs themselves. Serious lack of human resources compared to the available offers and a very limited access of young people and junior staff to promotions and decision making

It is significant in our view that despite over 100 Roma interns within the European Institutions there is yet none employed by these institutions. It is also significant that Roma NGOs are having serious difficulties in both recruiting and keeping employees.

2.5.4. Limited professional approach or dedication of senior managers and a high rate of burning out

The Romani movement is based on Roma activists, most of those with no or very limited previous experience in any type of management or academic research. Multiple reasons lead to conspiracy theories which are used to justify decisions based on nepotism, friendship or personal dislikes even when it comes to important and strategic positions. This is, unfortunately, the case also with the relationships among Roma representatives and the national governments and intergovernmental institutions.

2.5.5. Increasing amount of data and constant or decreasing managerial skills among leaders of organizations, unrealistic objectives (based on a lack of strategic thinking) and an explosion of opportunities force decision based on “feelings” rather than facts or research

The informational boom of the last years related to Roma issues has not been matched by an increase in available human resources specialized in Roma. The relative sudden availability of structural funds has stretched thin the very few existing human resources and lead to an opportunistic approach which links success to number of winning projects and money absorption. A failure to involve successful Roma who most often prefer to hide their ethnicity is one of the most visible shortcomings. This correlated with inability to stimulate significant changes at the grassroots level lead to a real blockage in attracting new people in the Roma civil society.

2.5.6. Lack of professional evaluation or monitoring based on real indicators

Not only the overall progress or regress regarding of the social inclusion of Roma is impossible to measure due to a wrong and sometimes non-existent approach to monitoring and assessment but also the internal achievements of Roma NGOs is often hard to quantify. Institutional development is hindered in our opinion by the short term cycle of projects/funding.

2.5.7. Pyramidal management systems often relying on one person only and often non-functional boards are important factors in very limited criticism and communication between senior and junior staff

Roma NGOs and NGOs in general rarely have functional boards. The EU Funding has yet to seriously invest in building up the Roma Civil Society and has failed to take in consideration the organizational development of national Roma NGOs.

2.5.8. Lack of trust and open communication among Roma NGOs

The Romani movement is still polarized. This is quite normal for a political environment but should be worrisome for the civil society. Lack of long term perspective force NGOs and NGOs leaders to adopt ambiguous positions related to other stakeholders.

2.5.9. Dangerous financial interdependency between Roma NGOs

Conflicts of interests are often and rarely addressed. Common boards and projects as well as ambiguous employment situation which permits contracting by other organisations lead to reduced motivation for competition, transparency and critical thinking especially at the senior level of Roma NGOs.

2.5.10. The glass ceiling issue is very much visible in the case of Roma. Even when promoted in good positions Roma have significantly less power and responsibilities than their non-Roma peers

2.6. EU Roma Summit: A Brief

On September 16, 2008 the European Commission organised the first EU Roma Summit. The EC already announced that it will be followed up by a second EU Roma Summit to be hosted by the Spanish Presidency on April 8, 2010. As the Summit was the most important meeting on Roma in the history of the European Union we decided that the report here needs to include a briefing of the event in Brussels.

The EU Roma Summit was overall a very positive political signal. It indicated a clear political will within and outside the European Union to address the social exclusion and anti-Gypsyism faced by Roma.

It reiterated the need to find effective and coherent European Union-wide solutions to the social inclusion of Roma.

It was the highest-level conference to date that has addressed Roma issues. The Summit brought together four commissioners, the President of the EC, representatives of governments, Mr. George Soros and representatives of the EU institutions, members of the Council of Europe, members of OSCE, and representatives from The World Bank, the UN, and civil society.

It included a pertinent speech from the Commissioner for Freedom Justice and Security, Mr. Jacques Barrot, unequivocally condemning racism towards Roma and reaffirming his personal commitment to ensure the respect of fundamental rights in Italy and the EU.

However, regretfully, it failed to live up to the perhaps rather exaggerated expectations of some stakeholders.

It demonstrated reluctance of the European Commission to take further responsibilities in the existing situation of Roma.

It indicated some discrepancies between European Commission rhetoric and existing or envisioned concrete steps or policies regarding Roma in the EU.

It showed a rather limited interest of the European Commission to assume a stronger role in agenda setting and coordination at the EU level concerning Roma.

It underlined the fact that the European Commission struggles to change what is perceived as a passive approach to Roma issues, and in addressing the shortcoming of the existing policy framework (in which responsibilities lay with Member States) supported by fragmented and ad hoc community instruments¹.

¹ See: Commission Staff Working Document, Community Instruments and Policies for Roma Inclusion, (COM (2008) 420), <http://ec.europa.eu/social/main.jsp?catId=553&langId=en>

It postponed any significant decision, since the European Commission asked for a mandate from the European Council to act further on Roma issues.

2.6.1. The Message of the European Commission

During the elaboration of this report, we had a number of meetings with different officials and stakeholders present at the Summit. The overall conclusion was that the European Commission's message fell short of what many expected but was overall a good step forward as it opened a number of opportunities.

The proposal made by the President of the European Commission, Mr. Barroso, during the EU Roma Summit for an integrated European Roma Platform, despite arguably plagued by ambiguity it led to a very promising initiative. Among those we interviewed following the Summit there were people who mentioned the danger that an EC Roma platform could become a window-dressing measure. Considering the success of similar initiative targeting people with disabilities a number of experts showed optimism.

For the last five years, the EC has initiated a number of expert reports on the social inclusion of Roma. Conclusions of these reports¹, which have underlined the need for a comprehensive EU Roma framework strategy and for establishing a Roma unit within the European Commission, were not mentioned by any of the European Commission officials during the Summit or in the SWP.

The Summit suggested that positive steps towards pragmatic policies and actions were taken by Roma and non-Roma NGOs as well as government representatives which raised the expectations high. In this way the position taken by the European Commission looked less progressive or forward-looking than if fact was. The Commission was vocal regarding the abysmal situation of Roma in Europe, echoing the issues raised by the civil society, but failed to live up to expectations which required fast and effective solutions, long term strategies, or actions to establish coordination mechanisms and facilitate implementation and monitoring based on clear benchmarks and indicators.

2.6.2. EU Presidency and Governments messages

¹ See chapter of existing frameworks

The French Presidency welcomed the Declaration of a coalition of NGOs for a European Policy Coalition--the ERPC, which called for a coherent, long-term, and comprehensive EU Roma Strategy and the establishment of effective implementation and monitoring mechanisms at the EC level. The French Presidency to the EU underlined the need for immediate follow up, and pledged to build upon the ERPC Declaration in the Council deliberations in December 2008.

The statements of Member State delegations present at the Summit revealed an overall support for a comprehensive strategy at EU level. The issue of "Europeanisation" of Roma issues was tackled by the Romanian delegation, which explained that an EU Roma policy strategy can coordinate only national actions, and cannot take up the role of the Member States in Roma inclusion. Aware of the danger of shifting the main responsibility from the national to the European level and related problems, the Romanian delegation addressed some of the concerns rightly raised by the European Commission.

The delegations of the Member States called for concrete actions at the EU level, such as the development of an EU framework Roma policy strategy, the establishment of a Roma unit, and other mechanisms at the EC level in the area of implementation. The need for better monitoring and improvement of the use of Open Method of Coordination were also pointed out. Overall it seemed some of the worried of the EC were justified as Member States tended to insist on the responsibilities of the European Union while downplaying their own (overall much more important) responsibilities.

2.6.3. European Parliament Message

In line with its (especially last four) resolutions¹, the European Parliament shared a clear vision for an EU Roma strategy. A long-term comprehensive EU Roma policy framework, community action plan on Roma, measures to address anti-Gypsism, monitoring and implementing mechanisms at both the EU and national level were the significant elements of the messages of the MEPs to the Summit.

¹ Resolution of the European Parliament on the Situation of Gypsies in the Community (1984) ; Resolution of the European Parliament on Education for Children whose Parents have no Fixed Abode (1984) ; Resolution of the European Parliament on Illiteracy and Education for Children whose Parents have no Fixed Abode (1989) ; Resolution of the European Parliament on Gypsies in Community (1994) ; Resolution of the European Parliament on Discrimination against Roma (1995) ; Resolution on the Situation of Roma in the European Union (2005) ; Resolution on the situation of Roma women in the European Union (2006);European Parliament resolution of 15 November 2007 on application of Directive 2004/38/EC on the right of EU citizens and their family members to move and reside freely within the territory of the Member States; European Parliament resolution of 13 December 2007 on combating the rise of extremism in Europe; Resolution on a European Strategy for the Roma (31 January 2008); Resolution on the census of the Roma on the basis of ethnicity (10 July 2008)

2.6.4. NGO Messages

NGOs underlined the need for an EU Roma policy strategy, the establishment of a Roma unit at the European Commission and effective mechanisms to implement and monitor such a policy. The importance of the engagement of Roma representatives and grassroots organisations was reiterated by NGOs and by other stakeholders. Calls for the Fundamental Rights Agency to have a distinct focus on monitoring anti-Gypsism across the EU was also a message to the Summit promoted by many NGOs.

3. Proposal for a EU Roma Strategy Framework

3.1 Policy

At the European level, a temporary targeted EU Roma framework strategy is needed. This strategy should focus on developing the human resources' capacity and responsibility of the Roma and on creating functional mechanisms to ensure effective participation of the Roma in mainstream policy-making and implementation. Such a policy would cover a time span of 10 to 20 years and inspire and be inspired by similar national strategies.

A number of priorities should be part of such EU Roma policy.

1. Data collection is critical. As a first step Commission should facilitate a debate on data collection having as result in what data, who and how it collects to ensure adequate policy implementation monitoring and evaluation.
2. The policy should establish clear targets, timeframes, and indicators to measure the effects of policy. Inbuilt effective mechanisms for monitoring, assessment, and review need to be part of an EU Roma framework strategy and provide a model of similar institutional mechanisms implemented at the national level.

Such a framework could rest on the existing experience of gender and disabilities policies at the EU level and experiences in EU countries with good practices. It could also be modelled after such frameworks in other countries, such as Canada and New Zealand. Monitoring and data collection embedded in a possible EU Roma framework strategy could finally change the existing status quo which practically makes impossible an overall accurate evaluation of progress regarding the social inclusion of Roma.

3. The policy should establish a temporary (5 years initially – the mandate of a Commission, then to be evaluated and decided if and how to be continued for a period of 10 to 20 years) horizontal institutional mechanism inside the European Commission capable of institutionally addressing some of the previously

underlined. This type of mechanism should be replicated within the national governments.

Considering existing previous institutional experiences at the level of the EC, no other successful interservice groups except those complemented by a matching unit (the case of Gender and Disabilities) exist.

4. The policy should focus on developing human resources from within the Roma communities and seek to improve the active participation of Roma communities in their societies.

The existing piecemeal approach at the Member States and EU level in addressing the social inclusion of Roma has a rather limited effect on the active participation of citizens of Roma origin in their national and European societies. An EU wide human resources operational plan focused on Roma, based on Roma specific chapters of the existing national operational plans, could be a solution.

5. The policy should address the overlapping of activities and overall lack of coordination and strategic approach of intergovernmental institutions (the Council of Europe, OSCE, and the UN) in regard to Roma.

An EU Roma task force at the level of the intergovernmental institutions has been proposed in the past, but it has never materialised. Such a taskforce should include Roma and Roma experts able to contribute to the work of the task force.

6. The policy should address the lack of coordination and strategic approach as well as the limited exchanges of experience between Member States in regard to Roma. The policy should address the limited results of the Open Method of Coordination concerning Roma and the practices of exaggerated reporting for good and failed EU-funded projects on Roma. Bad practices need collection, analysis, and inclusion in a database of lessons learned of Roma-specific projects and projects with a Roma component.

In-depth analyses of the results of the Open Method of Coordination regarding Roma inclusion should be a first step in the much needed overall critical and constructive overview of the EU funded projects targeting the social inclusion of Roma. As the Decade of Roma Inclusion brings together most of the existing stakeholders plus a number of EU member states and other countries in the accession process, obvious opportunities exist to improve the existing situation.

7. The policy should rethink funding in general and NGO funding in particular. Without a clear strategy supported by dedicated funding for Roma capacity building, only limited chances for sustainable effects are present. On NGO funding, we recommend three distinct directions:

- Social contractor NGOs (NGOs that implement projects) should have funding linked to creation of human resources from within the Roma communities in addition to the existing and needed Roma NGO involvement in experimenting and implementing policies targeting social inclusion of Roma.
- Long term financing of watchdogs and think tanks should be established, capable of keeping anti-Gypsyism in check and capable of monitoring the performance of both social contractors and governments. These organisations should also have a distinct inbuilt human resources component.

Main funding should go towards NGOs that address empowerment and grassroots development. These NGOs should be strongly backed up politically and stimulated to address the issues related to begging, trafficking, child abuse, violence, and criminality within the Roma communities. Also clear indicators for building human resources need to be set up in place.

8. The policy should address the lack of Roma-related expertise at the level of the European Union and the lack of consistent dialogue and feedback among the EC and Roma.

The minimalist approach sanctioned by the ERPC in its comments on the SWP is well reflected in the existing Roma focused structures at the EU level. Despite the fact that many member states have such mechanisms, no Roma expert is employed by the European Commission in Brussels. Minimalist is also the idea that funding with 200,000 Euro per year one Roma Organisation in Brussels¹ could solve the very complex issues related to the need of a dialogue mechanism between the EC and Roma

9. The policy should help address sensitive issues such as begging, trafficking, criminality within the Roma communities. Grassroots development, empowerment of Roma and active citizenship should be significant targets of such a policy to address effectively the above-mentioned problems from within the Roma communities.

At this moment we tend to have discussions in which a large number of mainstream politicians and the majority of public discourse focuses on the responsibilities of Roma and Roma NGOs, while Roma activists focus only on responsibilities of the state and majority populations. On the one hand, mainstream politicians claim that Roma need to change their culture, need to put their children to school, need to wash, need to stop criminal activities, need to be kept outside the cities, need to be sterilized. Roma activists claim that the majority needs to give Roma rights, to provide access to better welfare, better jobs, and more freedom. Discussions are rarely constructive. Roma avoid talking about responsibilities to act against child trafficking, to prevent domestic violence and criminal activity, to play a role in society at large. The mainstream discourse focuses on Roma “responsibilities”, and only exceptionally includes mention of rampant anti-Gypsyism, the need for fair representation and affirmative action, blatant abuses against the Roma, the educational system that either marginalize or ignore Roma.

10. The policy should eliminate policies and institutional mechanisms that continue directly or indirectly to preserve the social exclusion of Roma.

Roma continue absent from the European Commission structures and underrepresented within the national government and local administrative structures. The European Union

¹ At the end of 2008, the only EC-funded Roma organisation is the European Roma Information Office

should set an example and become actively involved in developing solutions to address this situation.

11. The European Commission needs specifically to target the elimination of anti-Gypsyism and establish an EU Roma Policy to do so. Eliminating existing ambiguities related to the social inclusion of Roma (such as a definition of Roma, a list of affirmative actions encouraged by the EU...) can be another opportunity to generate such a policy.

The above recommendations should be examined and updated following a series of round-tables bringing together EC senior staff members, experts on social inclusion, and Roma experts. The end-result should be a report used as a basis for an EU Roma Framework Strategy. Recommendations on Institutional Mechanisms need to be adopted prior to the design of a possible EU Framework Strategy on Roma

3.2. Institutional mechanisms at the EU level

In order to stimulate the efficiency of policy coordination under the future EU Roma Platform, the monitoring of funding distributed by the European Commission, and the commitments of Member States towards social inclusion of Roma, a Permanent Secretariat for the existing Interservice Group of the European Commission should be established.

This secretariat should include both Commission senior staff and national seconded Roma experts. The inclusion of Roma experts would be a first step in showing the real commitment of both European Commission and Member States towards an inclusive approach. The secretariat should involve, at minimum, four seconded Roma experts from Eastern and Central Europe (Romania, Bulgaria, Hungary, Slovakia) and two from Western Europe (Spain and another country willing to second an expert).

The secretariat should be complemented by better mechanisms at the national level, a European task-force against anti-Gypsyism and by a European wide consultation mechanism with representative Roma organisations such as political Roma parties, European Roma and Travellers Forum, International Roma Union e.t.c.

All these mechanism should be coordinated by the future EU Roma Platform.

3.3. Institutional framework at the national level

An inter-ministerial Roma group should be established at the level of the national government of countries with a significant number of Roma, ideally under the cabinet of the prime-minister. Similar with the case of the European Commission such an inter-ministerial group should have a dedicated permanent secretariat including both high level public servants and Roma experts proposed by NGOs. This is recommended in the case of Member States such as Romania, Bulgaria, Slovakia, Hungary, Spain.

One possible solution at the national level is a Commission and Member State common initiative: governments, in consultation with Roma NGOs, could second Roma experts to work at the EC representations at the national level. These experts could facilitate the exchange of positive practices and work together with their colleagues in Brussels and other stakeholders in examining, designing and proposing the most appropriate solutions to the European Union and Member States for the social inclusion of Roma at the level of institutional mechanisms and also policies.

3.4. International /Intergovernmental institutions -The European Union - Roma Relevant institutions of the European Union

3.4.1. European Commission (EC)

The EC is the executive branch of the EU. The Commission may initiate draft legislation and present proposals to the Council and the Parliament. **It is responsible for implementing resolutions and decisions.** The Commission also monitors applications of treaties within the European Union and supervises decisions regarding EU institutions. The Commission makes sure that EU law is represented within all treaties. The Commission deploys the most professional monitoring mechanism of all existing Intergovernmental Institutions.

3.4.2. Relevant tools of the European Commission (EC)

DG Employment and Social Affairs has showed the most interest in Roma related initiatives. Within DG Employment and Social Affairs (DGESA) the Anti-Discrimination Unit is of utmost relevance as it monitors the "Race" Directive (2000/43/EC). DG Employment and Social Affairs is in charge of social inclusion in Europe and its Commissioner was named as to be responsible for Roma related issues. It also chairs the Inter-Service group focused on Roma and includes the Anti-Discrimination unit and the only two "horizontal units" in the Commission focused on gender and disabilities.

Other very important DG's for Roma issues are: Enlargement (up to the end of 2007 for Bulgaria Romania and then for accession countries Croatia, Turkey and for countries in the preliminary phases of access Macedonia, Serbia, Albania, Moldova and Ukraine), RELEX (Western Balkans), REGIO (deals with Structural Funds), DG Education and Culture, DG Justice, Freedom and Security.

There are a series of reports and studies published by the European Commission which deal more or less exclusively with Roma. The most relevant are the: EU Support for Roma Communities (2002) DG Enlargement; Situation of Roma in an enlarged Europe (2004) DG Employment and Social Affairs; Review of the European Union PHARE assistance to Roma minorities (2004) DG Employment and Social Affairs ;Thematic Comment No 3: 'The Protection of Minorities in the EU' by the EU Network of Independent Experts in Fundamental Rights(2004) ;Equality and non-discrimination – Annual report 2005 (special

section on 'Improving the situation of Roma in the EU') DG Employment and Social Affairs; Key Voices 2005: Access to Justice, DG Employment and Social Affairs. In December 2007, DG Employment and Social Affairs launched a draft report of the High Level Advisory Group of Experts on the Social Integration of Ethnic Minorities and their Full Participation in the Labour Market which is/was to be updated for September 2008. On July 2, 2008 the European Commission published a staff working document called Community Instruments and Policies for Roma Inclusion. This paper was a direct follow up to the conclusion of the European Council¹ adopted on December 14, 2008. In 2008 the Commission contracted the European Roma Rights Center to conduct a study in 18 EU Countries focused on the Social Inclusion of Roma which will be most probably published at the end of 2009.

3.4.3. Lisbon Strategy

The Lisbon Strategy is the main strategy whose implementation the European Commission supervises and monitors. The Lisbon Strategy has a mechanism of indicators meant to precisely monitor and assess the progress within the European Union.

The report on Social Protection and Social Inclusion 2006 emphasized that "member states need to develop [...] responses to multiple disadvantages and the needs of groups at particular risk such as [...] ethnic minorities (including the Roma)...There needs to be both improved access to mainstream provision and, where necessary, targeted measures"². There are already some National Action Plans (NAP) on Social Inclusion of which identified Roma as a priority group.³ The European Employment Strategy -the driving force of the Lisbon Strategy is a very important document which lately mentions Roma.

3.4.4. The National Strategic Reference Framework

The Commission has encouraged the new Member States with substantial Romani communities to include Roma in their National Strategic Reference Framework (NSRF). Those

¹ "The European Council, conscious of the very specific situation faced by the Roma across the Union, invites Member States and the Union to use all means to improve their inclusion. To this end it invites the Commission to examine existing policies and instruments and to report to the Council on progress achieved before the end of June 2008."

² The Joint Report on Social Protection and Social Inclusion 2006 http://ec.europa.eu/employment_social/social_inclusion/docs/2006/cs2006_7294_en.pdf

³ The ten new Member States submitted their first National Action Plans against poverty and social exclusion (NAPs/inclusion) in July 2004 in response to the [common objectives](#) that have been agreed by Member States for the Union's social inclusion process. In these plans each new member state analyses the situation in relation to poverty and social exclusion, presents the strategy, objectives and targets it has established for the two year period from mid-2004 to mid-2006 and identifies the specific actions to be implemented in order to achieve them. Information available at http://ec.europa.eu/employment_social/social_inclusion/naps_en.htm

strategies set the most important development policy objectives and priorities to be supported under the Structural Funds.

3.4.5. Bodies related to the European Commission relevant to Roma

In January 2006 the European Commission established a High Level Group on Social and Labour Market Integration of Ethnic Minorities to identify practical ways of using EU policies and programmes to promote the integration of disadvantaged ethnic minorities, including the Roma, into the labour market. The Commission singled out two focus groups of particular concern - the immigrant communities and the Roma¹.

Also there is a Roma Interservice Group which was established in 2004 chaired by the Director General of the DG Employment and Social Affairs meant to ensure steerage within the Commission regarding Roma issues.

In preparation for the Staff Working Paper and the EU Roma Summit from September 2008 a new structure was created called the Roma Task Force which has an unknown status.

There are a few ways to input the activity of the DGESA:

1. Participate in the communications/consultations of the European Commission DGESA

The Commission usually receives inputs through its questionnaires and green papers (as can be seen at http://ec.europa.eu/employment_social/consultation_en.html). A list of results of such communications can be found on the website of EC, http://ec.europa.eu/employment_social/social_dialogue/docs_en.htm. Due to the fact that the commission produces the document for discussion, that there is a relatively large number of organizations using this mechanism and due to the sometimes very technical documents put in discussion the impact one organization can have is limited.

2. Participate in the steering committees of the DGESA

The Commission usually includes in the steering committees only representatives of NGOs involved for a relatively long time in the issues addressed by the steering committees. The steering committees are far from being known or transparent therefore just a few people have

¹ European Commission,
<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/06/149&format=HTML&aged=1&language=EN&guiLanguage=en>

access to their activity. Despite the above, the Commission acknowledged it needs to include Roma therefore technocrats in Brussels are open to Roma input and participation.

3.4.6. The Inter-service group on Roma

Normally closed to the outsiders the Inter-service group gathers together representatives of 13 other DGs.

The Roma Inter-service Group is chaired by the DGESA and was created to ensure steerage within the Commission regarding Roma issues. As in the case of the Informal Group of the Intergovernmental Organisations (see The European Council Initiatives part for reference), according to participants, meetings are attended mainly by low level bureaucrats with practically very limited or no decision-making power.

The Inter-service group has gain in relevance in the last year as there is an increased awareness on the importance Roma issues related to the social inclusion agenda of the EU.

3.4.7. The cabinet of the Commissioner

The Head of DGESA is officially in charge of Roma issues within the European Commission. Despite clear interest and good will on the part of Commissioner Spidla and his cabinet to improve the impact of Commission programs and policies on the lives of Roma, the results are still far from what is needed.

The following factors may explain why Commissioner Spidla's position has not impacted more strongly the overall social inclusion of European Roma.

Officially, Commissioner Spidla is in charge of 9 directorates, each with 4 units – in total, 36 units dealing, for the most part, with issues unrelated to Roma. Only one Unit has, among other assignments, a direct responsibility to deal with Roma issues (8 million Roma within the EU): the Anti-discrimination Unit.

Changes in 2005 and 2006 within the Anti-Discrimination Unit, including the coming to an end of the contract of the main and only one expert on Roma issues, the replacement of the Unit's director , and finally, the replacement of the Director General of DG Employment and Social Affairs, led to a significant slow-down in Roma-related initiatives of the DG. The Roma Interservice Group, an informal group which is the only structure of the European Commission focused on Roma, is lead by this DG and was created and stimulated by the two above mentioned civil servants. Needless to say, with their departures, it's activities were for

a good period significantly reduced.

3.4.8. DG Enlargement

DG Enlargement has been at the forefront of many innovative approaches of the European Commission and has had a significant impact in raising awareness on Roma and significant improvement in many aspects of the joining EU member states. Due to its significant leverage (the Copenhagen criteria are a much stronger tool when it comes to inclusion and respect of minorities than the available tools within the EU area) DG enlargement can play a very strong role in the social inclusion of Roma especially for the ex-Yugoslav countries (except Slovenia , already a EU member state), Moldova, Albania, Turkey and Ukraine.

DG Enlargement has a officer in charge of Roma related issues.

3.4.9. DG Regional Policy (DGREGIO)

This DG is probably the most important in view of the funds, efficiency and results. The overwhelming majority of the Structural Funds to address Roma specific or related issues were used through DGREGIO.

The Austrian-Slovak unit of the Directorate E has been at the forefront of Roma related ground-breaking initiatives within the European Commission. It initiated a group on Roma and structural funds and has pushed within the Commission the need of horizontal approaches towards Roma (achieved in Slovakia).

3.4.10. The independent expert networks

The independent expert networks are informal EC sponsored bodies that research and draft reports in areas of concerns where the EC has limited experience and often limited interest. Such bodies are hardly known despite the fact that sometimes they are responsible for most of the input on certain issues to the EC.

The European Commission's Network of Independent Experts on Fundamental Rights(CNIEFR) has issued in 2004 a report on Fundamental rights in the European Union which was also targeted by some lobby and advocacy actions of Roma organisations . The report highlighted the specific discrimination Roma are victim of in the EU and recommends

the adoption of a "Roma directive" as a remedy to it¹. Remarkably is the fact that there were no Roma involved in the activities of the CNIEFR.

In January 2006 the European Commission established the High Level Group on Social and Labour Market Integration of Ethnic Minorities, to identify practical ways of using EU policies and programmes to promote the integration of disadvantaged ethnic minorities, including the Roma, into the labour market. The Commission singled out two focus groups of particular concern: the immigrant communities and the Roma.

The group included two Roma experts, but so far, their related activities are almost completely unknown to Roma activists and Roma organisations. The group is supposed to update its report which was realised in December 2007 and included a number of recommendations which are reflected in this report.

3.4.11. The European Commission sponsored NGO's networks

The rights of other vulnerable groups in Europe are defended by both their countries of origin (in the case of religious and race discrimination, by a number of countries) and by European NGOs² dealing with the issues. Despite the fact that Roma are the largest and most discriminated ethnic minority in Europe, according to the European Commission, which provides core funding for most of the European Network NGOs dealing with vulnerable groups, up to end of 2006 not a single Roma NGO in Europe was financed by and welcomed under the umbrella of the Commission. In 2006 the European Commission has launched a call for proposals for supporting one European Roma Network³. Not only that there was no consultation with Roma organisations about the Terms of Reference which lead to no organisation being selected for the first calls but the funds available were five times less than for similar network organisations.

In 2007, funding was made available for the European Roma and Travellers Forum (ERTF), an organisation already financed by the Council of Europe. Many Roma feel that this was not an appropriate choice because the positions of the European Roma and Travellers Forum and its representatives are often autocratic. Given the existing situation of Roma NGOs which are still far from covering properly the main issues affecting Roma communities or from ensuring a normal participation of Roma and the often extremely reduced available human resources

¹ http://europa.eu.int/comm/justice_home/cfr_cdf/doc/report_eu_2003_en.pdf

² European Anti-Poverty Network, European Disability Forum, FEANTSA (homeless people), ILGA (gay and lesbian people), European Women Lobby, Social Platform, etc.

³ Available at http://ec.europa.eu/employment_social/emplweb/tenders/tenders_en.cfm?id=405

from Roma communities, the European Commission needs to do a lot more in supporting the development of a healthy Roma civil society. At the end of 2007 the Commission decided to cease the funding towards the ERTF and gave a three year small grant¹ to European Roma Information Office.

Recommendation 23 of the European Parliament Resolution on the Situation of Roma in the European Union of 28th of April 2005 writes: "Supports the continuing moves within the EU institutions towards incorporating the Roma-to-Roma approach, as developed by the OSCE, in the future hiring of staff for Roma - as well as non-Roma-related vacancies." This has never been followed up by the European Commission or by anti-discrimination NGOs funded by the European Commission.

3.4.12. European Court of Justice

The European Court of Justice ensures that EC and EU treaties are respected and that the laws are being followed. The Court of Justice looks to decisions of the European Court of Human Rights for guidance in its decision-making on human rights issues. The Court can address cases of discrimination based on the anti-discrimination framework of the Commission and it already developed a very extensive case law regarding gender discrimination.

The ECJ is an extremely important mechanism in the implementation of existing anti-discrimination legislation. The ECJ rulings in cases of gender and disabilities lead to very good results and an important raise in the awareness of national courts. It is important to build up a case-brief related to discrimination of ethnic background therefore to encourage NGOs such as European Roma Rights Center to bring Roma cases to the ECJ. Training Roma NGOs in this direction could be also one of the many targeted trainings of the European Commission.

3.4.13. European Parliament

The Parliament has both the power to legislate and to adopt the final budget. It also approves the nomination of Commissioners for the European Commission and has the power to censure the Commission. There are many Roma relevant documents of the European Parliament (resolutions, questions, communications, recommendations and reports). The most important are the following 9 resolutions: Resolution of the European Parliament on the Situation of Gypsies in the Community (1984) ; Resolution of the European Parliament on Education for

¹ ERIO receives 4 times less than the similar European Networks such as ENAR, EAPN...

Children whose Parents have no Fixed Abode (1984) ; Resolution of the European Parliament on Illiteracy and Education for Children whose Parents have no Fixed Abode (1989) ; Resolution of the European Parliament on Gypsies in Community (1994) ; Resolution of the European Parliament on Discrimination against Roma (1995) ; Resolution on the Situation of Roma in the European Union (2005) ; Resolution on the situation of Roma women in the European Union (2006);European Parliament resolution of 15 November 2007 on application of Directive 2004/38/EC on the right of EU citizens and their family members to move and reside freely within the territory of the Member States; European Parliament resolution of 13 December 2007 on combating the rise of extremism in Europe; Resolution on a European Strategy for the Roma (31 January 2008); Resolution on the census of the Roma on the basis of ethnicity (10 July 2008)

In its resolution from 24th of May 1984 (C172/153) the European Parliament acknowledged the fact that "gypsies still suffer discrimination in law and practice" and called on the governments of the Member States to eliminate discrimination against Roma.

Since 1984 the Parliament's activities, together with those of the European Commission, have contributed to some positive steps in combating discrimination against Roma, particularly in the field of law. The European Parliament has played a vital role in the promotion and protection of Human Rights, monitoring and improving the situation of European Roma especially in the context of the accession process, which resulted in Roma becoming the largest ethnic minority in Europe.

3.4.15. Council of the European Union

The Council of the European Union, or the main decision-making body of the EU. The Council is composed of representatives from member states (usually ministers) who differ for different issues, such as finance, education, telecommunications, and foreign affairs. Representatives on the Council: coordinate broad economic policies of member states; make international agreements with states and NGOs; adopt foreign and security policy established by the European Council; adopt measures for police and judicial cooperation within the EU.

Besides the Resolution Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation (2000) and the European Council Directive 2000/43/EC on Implementing the Principle of Equal Treatment Between Persons Irrespective

of Racial or Ethnic Origin the Council of the EU has also adopted the following Roma relevant resolutions:

Resolution No. 89/C 153/02 of the European Union Council on School Provision for Gypsy and Traveller Children (1989) ; Resolution of the Council and the Ministers of Education Meeting within the Council on School Provisions for Children of Occupational Travellers (1989) ; Resolution of the Council and Representatives of Member States; Governments Meeting within the Council on the Response of Educational Systems to the Problems of Racism and Xenophobia (1995). In an extraordinary change of language for the first time on 14th of December 2007 one of the Conclusion of the EU Councils referred to Roma. The conclusion reads: "The European Council, conscious of the very specific situation faced by the Roma across the Union, invites Member States and the Union to use all means to improve their inclusion. To this end it invites the Commission to examine existing policies and instruments and to report to the Council on progress achieved before the end of June 2008." This text has been also the result of lobbying and opened a new opportunity for a European Roma Policy. Before the publication of the EC paper on the instruments available for Roma in a very clear show of political will the European Council included paragraph 49 during its meeting on 20th of June which reads "The European Council looks forward to the results of the Commission's evaluation of existing policies and instruments aimed at improving the inclusion of the Roma population as well as to the forthcoming conference on this issue to be held in September. It invites the Council to take this into account in its examination of the revised Social Agenda. The European Council will return to this issue before the end of the year."

The last conclusion of the Council (June 2009) which are also the most comprehensive document produced by the EU Council on Roma issues is included as an Annex.

Pressure on having a Roma specific inter ministerial group was intensified during the last period, such a body could prove vital in advancing the Roma related issues within the main decision body of the European Union.

3.4.16. Relevant Roma body of the Council of European Union – the COCEN group

In December 1999 at the Summit of Helsinki, under the impression of the pending eastwards Enlargement of the EU the Finish Presidency put a particular stress on the situation of the Roma. A special working party on Roma issues was established at the Council level, the so-called COCEN Group. The following paragraph was included in the official document:

“The European Council reaffirms the importance of equal enjoyment of human rights by all individuals. Special attention should be paid to the improvement of the situation of those groups which do not form a majority in any State, including the Roma. The European Union is committed to working to achieve this objective together with the Council of Europe and the OSCE.”

3.4.17. The Fundamental Rights Agency – ex-European Monitoring Centre on Racism and Xenophobia (EUMC)

The FRA functions as a monitoring body in the EU member states and has the capacity to provide needed data for monitoring the issues related to Roma as its core is the European Information Network on Racism and Xenophobia (RAXEN). This is designed to collect data and information at national as well as at the European level. This is accomplished via 27 National Focal Points, contracted by the FRA to collect, coordinate and disseminate national and EU information in close cooperation with the FRA.

FRA has published a series of reports very relevant to Roma issues¹ and has been up to this moment the spear head of the European Union in advancing Roma related issues. The chair of FRA is Anastasia Crickley a well known human rights activist with significant knowledge of Roma related issues.

¹ http://www.eumc.europa.eu/eumc/index.php?fuseaction=content.dsp_cat_content&catid=1

4. Improvement of the Roma Situation: A Continuum or a Stalled Process Following Accession to the European Union? The Case of Romania

The fulfilment of the Copenhagen criteria was a pre-condition for starting the EU accession negotiations with Romania. Even so, after the negotiations opened important requirements remained unsatisfied. This led to constant political pressure complemented by technical and financial assistance to support the countries involved to meet these requirements.

In what follows, we examine the progress brought about by the process leading to the accession to the European Union of Romania which involved an unprecedented financial and technical help (the carrot) and the strong requirements and reforms (the stick) which were the prerequisites for accession.

In Romania, this combination of stick and carrot fostered important developments related to the Roma: political actors shifted from an attitude of denial of Roma problems to increased awareness and openness towards actions to support Roma inclusion. Public administration structures started to address in mainstream policies Roma issues and Roma civil society organisations, supported mainly by foreign donors, became very active in promoting Roma rights and collaborating with public authorities.

Rachel Guglielmo argues that to sustain external pressure in promoting human rights, monitoring and evaluating compliance require attention.¹ We add that monitoring and evaluation are important, but, in the end, technical and financial assistance make the difference in countries like Romania, which face a variety of challenges simultaneously and which lack not only intrinsic political will, but also the human and financial capacity to improve the Roma situation.

In this chapter we argue that in spite of the fact that the Roma issue is not present at the same level on the political agenda of Romania after EU accession, the measures initiated during pre-accession in Romania have started to bear fruit and need a proper continuation. Roma still face discrimination and have, in most cases, a much lower quality of living than has the majority. The implementation of Roma inclusion measures is not stalled, but it needs the valuable input of the EU in terms of agenda setting and policy coordination.

This case study will assist both the EC and the member states in recognising the main issues related to the actual situation of Roma in Romania.. It will cover the requirements and the range of actions that the EU supports to foster political dialogue and the implementation of

¹ Rachel Guglielmo, *Human Rights in the accession process: Roma and Muslims in an enlarging EU, Minority Protection and the Enlarged European Union*, Open Society Institute, 2004, 37-58

measures that support social inclusion of the Roma.

4.1. Relevant Background information

The critical phases of redefining the social, political, and economical spheres that the Romanian state has been through following the fall of communism and the rather long transition to a fully functional democracy catalysed attitudes of exacerbated racism targeting minorities¹. In conjunction with arguably relatively strong revival of ethnic and cultural identities of Hungarian and Roma, the anti-Gypsyism lead to sometimes strident inter-ethnic tensions. The Roma were and still are in a particularly difficult position as their socio-economical development was delayed due to slavery² and strong assimilation policies during the Communist regime. The priorities of the first democratically-elected Romanian governments were to join NATO and the EU. To do so, Romania had to comply with requirements concerning the extreme social exclusion faced by Roma communities. Consequently, in 1996 a dialogue between the government and the Roma representatives started. The Roma representatives were then and still are divided into two clusters: politicians supported by the Roma Party and activists with origins in Roma NGOs.

After nineteen years, Roma still barely participate in Romanian politics.³ Reasons for this lie in the little interest of Roma representatives in the Roma vote, a reduced capacity of Roma politicians in national politics, internal struggles between the Roma political structure Partida Romilor and Roma civil society, and a series of partially or totally failed negotiations between politicians and Roma representatives at the national level

The primary representation of Roma in Romanian politics continues with either NGOs or Roma-focused bodies of the national government; Roma politicians play little role in politics.

¹ <http://www.errc.org/cikk.php?cikk=1824>.

² <http://www.geocities.com/~Patrin/slavery.htm>.

³ 2008 is the first year when seven Roma candidates tried to accede in the national parliamentary: Gruia Ioan Bumbu and Dana Varga - the National Liberal Party, Madalin Voicu and Costel Bercus - the Social Democratic Party, Tudor Gheorghe - the Greater Romania Party, Emanuel Onoriu - the Christian Democrat - New Generation Party and Nicolae Paun, the Roma MP in place, from the Pro Europe's Roma Party.

4.2. Pre-Accession Evolutions

Significant(in the view of the majority of those contributing to this report - the most significant) progress in the developments related to awareness raising related to discrimination and overall situation of Roma in Romania, institutional building of both NGOs and governmental agencies, and social inclusion in general was witnessed during the pre-accession period.

4.2.1. Political Pressure for the Improvement of the Roma Situation

Both academic and human rights organisations agree that the EU pre-accession process in Romania had a determining role in placing the improvement of the Roma situation higher on the political agenda of the Romanian governments. The decision to start accession to the EU negotiations was conditional upon meeting the political criteria, that is, the establishment and functioning of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities. The decision to start the accession process was made in 2000, with the assumption that sufficient progress towards meeting the political criteria would be made; subsequent events in both Romania and Bulgaria are considered an incomplete fulfilment of these criteria.¹ Therefore, further efforts were required and the Roma situation was one of the areas under scrutiny.

All regular reports that followed (1998-2004), as well as the monitoring reports after the signature of the Accession Treaty (2005-2006), analysed the evolutions related to Roma and put emphasis on the need to develop policies and capacities to implement them.

In addition to placing direct pressure on the Romanian institutions, the monitoring mechanism provided a tool for human rights organisations to lobby at the national and local level. At the same time, the anti-discrimination legislation following the adoption in 2000 of the Race and Employment Directives was of high relevance for the Roma. Even if Romania was among the first countries to adopt anti-discrimination legislation (in 2000),² the government found it hard to accept some of the directive requirements, such as the independence in functioning of the National Council for Combating Discrimination, indirect discrimination, victimisation, and reverse of burden of proof. The 2001-2006 Regular Reports

¹ Michael Emerson – *Has Turkey fulfilled the Copenhagen Political criteria ?* – Centre for European Policy Studies, 2005, http://shop.ceps.be/BookDetail.php?item_id=1104

² Gov. Ord. 34/ 30 August 2000

insisted on these shortcomings until, finally, in 2006 the revision of the antidiscrimination legislation¹ fully incorporated the *acquis*.

Reports for Bulgaria and Romania in 2005 included a strong and similar phrase in both documents: "The Bulgarian/Romanian authorities should demonstrate, at all levels, that the country applies a zero-tolerance policy on racism against Roma or against any other minority or group and that this policy is effectively implemented." However, at the end of 2005 and in early 2006 we witnessed tens of incidents raising serious doubts about the implementation of such a zero-tolerance policy by the government in either Bucharest or Sofia.

The last progress report on Romania included a mention of "institutional discrimination . . . against Roma." Also, the OSCE/ODIHR, in its last report on the situation of Roma and Sinti in the OSCE area, points out that, despite the lack of progress in a number of participating states, no major improvements in the situation of Roma have been made. The report takes into consideration the weak political will, the conflictual relation with the police (which still persists), the housing issue (which has not been properly addressed), the portrayal of the Roma by the media (based on stereotypes), and the poor inclusion of Roma in the labour market.²

The Commission assessments were also the basis of constant political dialogues in the EU-Romania Association Council and of technical discussions during negotiations of specific chapters (i.e., Employment and Social Affairs). The European Parliament, although it does not have very strong responsibilities in enlargement matters, has played a role in putting forward the Roma issue on the political agenda, especially during the Joint Parliamentary Committee meetings.

As the EU accession used to be first priority in the country, shared by political parties and citizens equally, issues signalled by "Brussels" received attention at the highest level. However, this attention was sometimes only formal and the implementing measures failed to be at a level that would produce a substantial effect on the living conditions of the Roma. This was the result of a combination of insufficiently assumed commitments and an overall limited capacity of an unreformed and non-performing administration.

4.2.2. Technical and financial assistance to develop and implement strategies for Roma inclusion

¹ Law [324/ 14 July 2006](#)

² http://www.osce.org/publications/odihr/2008/09/33130_1186_en.pdf

All four Accession Partnerships¹ signed during the pre-accession period covered the situation of the Roma. If the first Accession Partnership mentioned only a general statement related to “further efforts to integrate the Roma” as a medium term priority, starting with the 1999 the formulations became more precise and asked for “strengthening the dialogue between the Government and the Roma community with a view to elaborating and implementing a strategy to improve the economic and social conditions of the Roma.”² The Partnership of 2002 was more detailed and specific:

to provide adequate financial support and administrative capacity in order to implement the Government strategy on the improvement of the situation of the Roma at national, regional and local levels, with particular attention to fighting discrimination (including within public administration) and ensure equal access to mainstream education, housing and social services; to ensure an efficient system of examining complaints of police misconduct.

This was translated in concrete terms in PHARE technical and financial assistance provided to Romania. Two strands in support of Roma inclusion occurred EU assistance; specific actions related to the Roma strategy and programmes covered more general aspects, in which Roma issues could be addressed: programmes for combating discrimination, promoting social inclusion, civil society development.

The EU paradigm for financial support in Romania was to foster effective participation of the Roma in all spheres of public life. This was pursued through gradual awareness and capacity building both of the public administration and of the Roma organisations and communities. Development of partnerships between public authorities at all levels and the Roma has been a constant focus and challenge.

4.2.2.1 The PHARE program

The overall PHARE programme allocations addressing specifically the Roma are of over 70 MEuro. A substantial part is to be implemented in 2009. This financial allocation can be considered both important and insufficient. It is important if compared to the limited absorption capacity and the governmental funding dedicated to Roma strategy

¹ Accession Partnership 2003: [2003/397/EC: Council decision of 19 May 2003](#)
Accession Partnership 2002: [2002/92/EC: Council Decision of 28 January 2002](#)
Accession Partnership 1999 (revised 2000): [1999/852/EC: Council Decision of 6 December 1999](#)

Accession Partnership 1998:98/261/EC: Council Decision of 30 March 1998

² Accession Partnership 1999 (revised 2000): [1999/852/EC: Council Decision of 6 December 1999](#)

implementation in the same period.¹ It is insufficient if compared to the huge needs that exist in Roma communities.

The PHARE programme constituted the framework for the creation of a structured dialogue and cooperation between public institutions and Roma representatives. Representatives of more or less all relevant ministries and agencies were involved equally with Roma representatives in the working group set up. However, the government representatives' participation was discontinuous and most often limited to a formal presence, in the absence of a clear mandate. This was according to various human rights organisations² the expression of the low government commitment to engage in developing and implementing a strategy for the Roma, but that it responded rather formally to the external pressure. On the contrary, the EU financial allocation was a very strong incentive for the Roma to get together and designate representatives for each relevant sector to be a counterpart to the respective public institution. This took the form of the Working Group of Roma Associations and proved to be the main contributor and motor for the strategy development.

The first step was support for the development of a government strategy through "a consensus . . . among all political parties" and "the active participation of the Roma community, a sine qua non condition for success."³ This strategy was to be the basis for further EU technical and financial support for positive actions addressed to Roma.

The following PHARE funded programmes were limited in scope by the weakness of the governmental strategy and by the limited administrative capacity. Therefore, the subsequent programmes concentrated on education where, in addition to its strategic importance, there was a deeper commitment towards the implementation of the strategy and some previous experience: allocation of places in higher education for Roma students, establishment of school mediators and experimental second chance programmes. The multi-annual programme funded starting with PHARE 2001 focused on developing capacities in the educational system to respond better to the educational needs of the Roma children and to dismantle the barriers to access and quality education. The programme is still under implementation and it focuses on facilitating access to pre-school education, on support for students in compulsory education to overcome learning difficulties and on implementation of

¹ The national budget allocated for the strategy implementation was made up of the compulsory co-financing to the EU financing, funding allocated to the Ministry of Health for the National Interest Programme for Health Mediators and allocations for special places for Roma students in universities and high schools. The exact figures are not available, but estimations do not go further than 10 million Euro overall.

² State of Impunity- Human Rights Abuse of Roma in Romania, European Roma Rights Center, 2001, EUMAP report 2001

³ PHARE 9803.01 Project Fiche *Improvement of the Roma situation*

country wide second chance programmes to include students who dropped out of school. The programme supports teacher training, including support for Roma to be trained as primary and Romani language teachers, training and employment for school mediators, development of teachers' guides and educational materials and parents participation, in order to give more relevance to the formal and informal school curriculum for the Roma children. The intervention rests on comprehensive county level strategies developed in partnership between school, local authorities, and Roma representatives. A new focus on supporting school desegregation was added to this programme following the identification of this phenomenon during the implementation of the first project phase. The programme will have at the end (2009) a total financial allocation of about 37 MEuro, EU and Romanian funds. The results so far are encouraging. If, in the initial phases of the program local decision makers and teachers very often proclaimed that the educational system ensures equality for all students and that the low school success of the Roma is imputable to them, gradually this discourse has been changed. It is rarer now and sanctioned in the peer group. The assessments in the pilot schools show improvements especially regarding student's registration and attendance. Improvements in school performance, though not measurable on such a short term, have been reported as a trend.¹

In parallel, PHARE programs supported community based projects through small grant schemes. These schemes aimed at supporting implementation of the national strategy at the local level, identification of good practices, later on to be multiplied and generalised. These grant schemes outlined once more the limited administrative capacity, the prejudice that exists sometimes on both sides (local authorities, but Roma communities as well) and that affects substantially the capacity to develop viable partnerships. As a result, the PHARE programs that followed included preparatory measures to support development of partnerships and help in the identification of needs and actions to be taken. Although much more time is needed and constant allocation of resources to turn the initial good will in practical actions. PHARE programs did not respond adequately to these problems due to delays in contracting and management, which were again the result of very limited capacity of relevant authorities to handle the project cycle.

A major challenge for Romania was to adapt its legislative and administrative framework for an efficient implementation of the EU framework. Roma targeted measures had to be complemented by actions targeting the non-Roma. The concept of "positive discrimination"

¹ *Access to education for disadvantaged groups with a special focus on Roma*, Project Impact Report, IMC 2004; *Access to education for disadvantaged groups*, Progress Report, WYG, 2006.

was introduced and central and local authorities, with no experience in working with Roma, had to start to work with Roma.

According to Robin Allen,¹ five components are needed for effective positive action measures:

- an adequate analytical framework to allow identification of issues of substantive equality
- sufficient data
- the political will to drive forward a program to address substantive equality
- public communication to explain the purpose and need for action
- a legal and regulatory framework to allow implementation of positive actions.

4.2.3. Analytical framework

Lack of experience and capacity for public policy development generated several problems that influenced the quality of the analytical framework: lack of reliable data,² a fragmented approach, weak leadership, poor study of the interrelations between different problems areas, and the denial of discrimination factors by governmental representatives.³ This is a general problem of the Romanian public administration, which did not go under thorough reforms, but preserved old and inefficient functions.

The Roma strategy document was finished in April 2001 in a rush under a surge of political pressure created for the newly appointed⁴ Romanian government. The document was completed in a matter of days, using though the outcomes of the previous works and especially of the Roma representatives' contributions in the more than nine months since the participatory, but rather ineffective, process was launched. Despite its weaknesses, this document was a very important development. It was the first governmental try for a comprehensive approach to Roma problems,⁵ it recognised the importance of Roma participation and the discrimination that Roma faced.

¹ *Putting Equality into Practice - What role for positive action?*, European Commission - Directorate General for Employment, Social Affairs and Equal Opportunities, March 2007

² The Institute for Research on Life Quality carried out a country wide research on the situation of the Roma but it was not fully accepted, especially by the Roma representatives who argued that the data collection was biased and hetero identification was prevalent in the research.

³ *State of Impunity- Human Rights Abuse of Roma in Romania*, European Roma Rights Center, 2001

⁴ A new government had been appointed at the end of 2000.

⁵ *Minority Protection in Romania - An assessment of the Strategy of the Government of Romania for Improving the condition of Roma*, OSI 2002, http://www.eumap.org/reports/2002/minority/international/sections/romania/2002_m_romania.pdf

4.2.3.1. Data

The importance of the reliable data on Roma has gradually grown over the years. The process of creating local and national strategies for Roma revealed the need of segregated data, at least among academics and policy makers. Poor collection of segregated data still occurs. It is supported by part of the Roma, based on a long history of discrimination and by the governments in the name of “politically correctness” and “non-discrimination” principles.

4.2.3.2. Political will

A number of socio-economical reasons are to be blamed for the existing situation. Some of these reasons are: historical discrimination and prevailing anti-Gypsyism, internal tensions among different Roma groups and reluctance of governments in addressing the exclusion of Roma in conjunction with a relative high level of extremist nationalism at the political level. These result in an increasing social distance between Roma and the majority population as proved by polls.¹

Starting in 1990, a series of initiatives targeted institutional building in view of social inclusion of Roma, both at the academic and political level. Unfortunately, all these institutions remain under strong political influence. Local and national administrations in general are politically controlled. In general, this affects in a negative way their involvement and participation in the Roma social inclusion process.

The main political outputs regarding Roma in the pre-accession period were:

- The Romanian Parliament ratified several international treaties, conventions or recommendations regarding the protection of national minorities.
- Through the 1991 Constitution and Law no. 68/1992, a special seat is reserved in the Deputies Chamber for one representative of each national minority in Romania. The Council for National Minorities was established.
- In 1997, the Social Democrat Party initiated an “Alternative-Program” to support national minorities, but it was never implemented or discussed afterwards.
- In 2001, the same party adopted the “National Strategy for improvement of the Roma

¹ According to the 2007 Public Opinion Barometer of the Soros Foundation Romania, almost 90% of the 2000 respondents indicate at least one category of undesired neighbors, and more of half, 57%, indicate at least four categories. Half of the respondents do not want Roma neighbors and the proportion of those who include the homosexuals is 60%, close to the percentage of those being against the alcoholic (67%) or drug addicted neighbors (72%).

situation.”

- There was also a protocol between the Social Democrat Party and the Roma Party stipulating that a special seat for Roma in the Chamber of Deputies be reserved by the Social Democrat Parliamentary Group.
- In 2004, the National Agency for Roma was created.

4.2.4. Conclusions

- The lack of democratic experience, political unity and structure to promote their interest (on behalf of Roma) corroborated with an overall absence of political will on behalf of political parties to include Roma within and put Roma inclusion on their political agenda resulted in limited if any progress related to the betterment of the Roma situation.
- The political influence of Roma in the pre-accession period was quite weak. External pressure provided the means for improvement in the cooperation among the political class and the Roma representatives.
- The creation of National Agency for Roma and the adoption of the National Strategy for Roma limited significantly the scope for lobbying as well as providing reasons to justify inaction on behalf of the governments and local administrations. Focus at this moment seems to be on influencing the main political parties to promote Roma issues on their agenda through including Roma candidates on their electoral lists, rather than Roma parties

Hopefully, this could translate in stronger political support for promoting Roma issues on the agenda of the Romanian political scene.

- 18 years of democracy produced minor developments in the political representation of Roma. The existing relatively weak Roma civil society is often forced to play a representative role. These are reasons for future serious investment in capacity building from both the political and civil society perspective targeting a stronger and more effective Roma participation in the democratic processes.

4.2.5. Public communication

The way the above-mentioned measures were communicated lead to a widespread public perception that these were imposed on the governments and adopted under European

pressure. Little was done to present the societal needs and benefits from the implementation of such a strategy.

4.2.6. Legal and regulatory framework

Legal and regulatory framework was weak. The strategy was adopted as a government decision,¹ but it was more a declaration of good intentions and it lacked the instruments for the implementation, clear targets, and resources. The financial allocations were almost non-existent and the institutional structures envisaged for its implementation consisted in Roma units² created in ministries and at the local level. Where these units were created, they lacked resources and were isolated from other structures that had responsibilities relevant for the Roma strategy implementation.

¹ Government Decision 430, Official Gazette number 252, 16/05/ 2001.

² Commissions on Roma issues were supposed to be created in Ministries and offices for Roma at the county levels.

4.3. Situation of the Roma post accession

4.3.1. EU Minority Protection Framework

Since negotiation for accession were opened with countries from the Central and Eastern Europe the middle of 1990-ties, the issue of double standards in this area have been raised¹ and it has continued to be discussed since, in political circles, by human rights organisations and thoroughly reviewed by academia.² This aspect is of vital importance. If minority protection is not an issue internally in the EU, the pressure to continue to implement measures initiated during the pre-accession process does not exist anymore. The problems identified are still largely unsolved. According to Toggenburg,³ no spill over effect has yet occurred regarding minority protection. However, Guglielmo considers that the attention given to minority issues in candidate countries has contributed to rising interest in such issues in the EU and indicates support for the Race and Employment Directives.⁴ EC representatives and some academics consider that the EC Race Directive eliminates the issue of double standards. The directive applies equally to all member states and constitutes a strong legal basis in the hands of citizens and human rights organisations. Its vertical and horizontal direct effect in relation to discrimination based on ethnic belonging is "likely to have a more incisive impact in the daily life of individual than the previous instruments."⁵ The deadline for its transposition was 2003. Following assessments on the compliance by Member States,⁶ the Commission sent in June 2007 formal requests to fourteen Member States to implement fully the EU rules banning discrimination on the grounds of race or ethnic origin. This is the first step in the infringement procedure and should be a strong incentive for full implementation of the provisions of the directive.

In addition to these provisions for combating discrimination, the case of Roma is acknowledged as a special one, similar to some extent to that of immigrants. The number, which equals the population of medium size MS, the transnational distribution and not last, the exceptionally high risk of social exclusion put the Roma situation as an important issue for policy areas like social inclusion and cohesion, areas that are also accompanied by very

¹ *Minority Rights and EU Enlargement to the East* – Report of the first meeting of the Reflection Group on the Long Term Implications of the EU Enlargement, September 1998, European university Institute, RSC Policy Paper 98/5

² Guglielmo, *Human Rights in the accession process*; Sasse *Minority Rights and EU Enlargement*.

³ G. Toggenburg, *Minority protection in a supranational context*

⁴ *Human Rights in the accession process-Roma and Muslims in an Enlarging EU* Rachel Guglielmo

⁵ *The Constitutional Resources for an EU minority protection Policy*, Bruno de Witte.

⁶ *Implementation of Anti-discrimination directives into national law*, European Commission, DG Employment and Social Affairs, http://ec.europa.eu/employment_social/emplweb/news/news_en.cfm?id=264;

important EU financial allocations.

4.4. Relevance of Roma issues in Romania post accession

4.4.1 Roma and post accession political agenda

At the political level, the Roma issue is not present in Romania's relation with EU. There are no more conditionals attached to Roma situation and therefore no monitoring.¹ The European Council, which could raise this issue at the political level, has not addressed the Roma situation besides the two conclusions already mentioned. In the European Parliament though, the presence of two Roma MEPs and a good number of MEPs who support an increased EU involvement targeting the social inclusion of Roma is likely to generate further discussions and pressure on the other European institutions to put more emphasis on Roma issues. Romania, now a member of the EU, needs to find appropriate ways to fulfil its political engagement related to Roma (such as those made in the framework of the Decade of Roma Inclusion) and to ensure the complementarity of the programs targeting the Roma minority to accomplish effectively the targets related to Roma established during the accession process to the European Union.

The new generation of Roma leaders, most of them brought up in the NGO arena have a more pragmatic approach, better knowledge of international standards for minorities protection, EU relevant policies and have experience in concrete actions and projects targeting Roma communities. This in a number of cases led to tensions with some of the leaders of the 1990s, who made their voice heard but did not always foster dialogue or propose viable solutions for Roma participation in the larger communities.

The Roma NGO leaders became the main partner of dialogue for the state representative institutions, political parties and the international institutions such as EC, EP, CoE, OSCE, and others. The successful dialogue with the new Roma NGO leaders and overall failure with the older ones is a proof that, in the next period, the need of pluralism in terms of community's representation at all levels should be properly stimulated and addressed. Because the relation between the politic scene and administration is still strong and the Roma participation in the political sphere is still limited, one of the main challenges, which would fit the trend of making the administration independent of politics, is to transfer power and responsibility for decision making to the Roma representatives and institutions such as the National Agency for Roma.

¹ The still existing safeguard clauses refer to completely different fields under political criteria, that is, anticorruption and judicial reform.

The existing situation that sees the National Agency for Roma under the umbrella of the government's General Secretariat translates into limited autonomy for the institution dealing with the Roma issue. Moreover, due to its dependence on the political platform of the governing party its activity can be fragmented and even contradictory.

The National Agency for Roma should be in charge of steering and monitoring institutions, local administrations, and ministries implementing programs targeting Roma and have a significant part of its activities focused on stimulating the active citizenship within the Roma communities. It should also act as a knowledge-sharing platform, gathering expertise related to Roma issues.

4.4.2. Technical capacity in the administration

The attention for Roma issues in the EU context moved from the political to the technical level. There is increased awareness especially in the central public administration on Roma issues, creating the preconditions for mainstreaming of Roma targeted measures in relevant national policies. Roma is one of the main topics on the agenda of the Social Inclusion Ministerial Commission and public servants across key ministries and agencies seek to address Roma issues in consultation with the National Agency for Roma or NGOs. This consultation does not always produce the desired effects, as there are still weaknesses in general in the organisation of consultations and integration of the outcomes.

Even if the National Agency for Roma (NAR) gained more importance in its role in the state's approach towards improving the Roma situation, it is still far from what it should be, the accelerator for the state's institutions implementing programs within the strategy and, not the least, the main generator of social policies for the Roma community. Significant in our view is that during 2007-2008, there were limited or no actions of NAR focused on sensitive issues within the Roma community as well as relevant actions meant to stimulate active citizenship of Roma. The government's body that, initially, could not rely on consistent and proper staffing and financing, NAR the institution in charge with the strategy for improving the Roma's situation has still a ways to go before becoming what we could call an interface between the government and the Roma community.

At the same time, Roma have become present in public administration. Their presence mainly implies responsibilities related to Roma and the impact of their actions is still low, due to limited skills and experience and to structural problems of public administration. There is still a long way to go until Roma public servants will become a general presence in the Romanian

administration. The high number of university graduates and the experience they gain through voluntary work in Roma communities and with public institutions during studies create good chance for this. However, the cornerstone for a meaningful integration of Roma issues in mainstream policies is the reform of public administration: it needs to develop its policy making and implementation capacities, to become more attractive for young graduates or experienced professionals and to apply transparent recruitment criteria, free from political or other types of influence.

Roma constitutes a horizontal concern for Structural Funds, under the Regional Operational Programme¹ and the Human Resource Development Operational Programme.² Both refer to the needs of the Roma communities and foresee measures of high relevance for the improvement of Roma situation: urban regeneration, housing, support to improve access and quality of education, second chance programs, vocational training, counselling and mediation to support employment, social economy. It is worrisome that there is no mention of stimulating active citizenship and addressing some of the sensitive issues such as domestic violence and children rights within the Roma communities. These aspects should be included as priorities in the activity of NAR and existing opportunities are turned into concrete actions that involve the Roma and respond to their needs.

The public administration weakness in managing projects constitutes a risk that is much beyond the Roma issues. There is an obvious improvement in the attitude of local authorities regarding Roma communities, but this does not always translate in feasible ideas and successful actions. Still the approach is fragmented. Tendencies for museumification that do not provide clear means for Roma communities development and integration in an increasingly competitive society can still be found.

4.4.3. Political representation

Elections on 30 November 2008 had seven Roma candidates competing for the Romanian Parliament. This was a political premiere and signalled a change in the mainstream political parties approach as just one candidate was on the lists of the Roma Party; the other six, five of them coming from the civil society, were proposed by the mainstream parties. Only two of these were successful: Nicolae Paun, the president of the Pro Europe's Roma Party, and Madalin Voicu from the Social Democrat Party, both of them with previous experience in the

¹ Approved by the European Commission on 13 July 2007.

² Currently under final stage of negotiations.

Romanian Parliament.

The implementation of the national and international strategies for Roma ultimately depends on the capacities of the local government. At the local level, a combination of variable but rather limited degrees of political will, racism and incompetence, is complemented by an overall lack of human and financial resources. Although financial instruments of the EC target mainly local administrations, overall there is limited interest in including Roma communities among the beneficiaries of structural funds.

There are a few reasons that could be at the root cause of the existing situation. The already few Roma human resources have limited power to innovate or to implement their own ideas when hired within the strongly politically-controlled local administration. Communication and cooperation between local administrations and Roma NGOs is limited and rarely productive. Local Roma strategies are not properly funded and remain in most cases nothing more than formal documents. Roma experts hired by the local authorities are supposed to solve Roma-related problems often without having the experience, skills, resources, and power to do it. Strong social stigma that is associated to Roma ethnicity provides a serious obstacle in motivating other relevant experts at the local level to get involved in the process of social inclusion of Roma. This lack of interest on behalf of other employees of the public administrations in dealing with the Roma issues leads to the continuous degradation of their living conditions. The rapid and not tackled spread of the illegal Roma settlements is a relevant example in this respect. The National Agency for Roma has limited power at the level of relevant decisions. Still, it has succeeded in forwarding an action plan for the improvement of the Roma situation and managed to extend its offices at the local level. There are not enough Roma human resources at the grassroots level. As the access to funding became more difficult, the NGOs at the local level closed their doors. The capacity of the Roma NGOs to access structural funds is insufficient. At the moment, there are ten to fifteen active Roma NGOs, most of them in Bucharest or in big cities. Their projects are mostly focused on education, health, and human rights.

4.5 Conclusions

The EU accession process played a very important role in bringing the Roma issue to the political agenda. Even if extrinsic and discontinuous, the EU pressure led to adoption of a national strategy that formed the basis mainly for further EU technical and financial assistance, rather than for national social inclusion policies. The developments were very slow, impeded by formal acceptance of the EU requirements, and unequal, due to a very limited overall policy development and implementation capacity of a public administration that did not undergo serious reform after the communism collapse.

The substantial EU assistance allocated during pre-accession contributed to widening the scope of discussions and interventions. It has made improvement of Roma situation not fully dependent any more on the political high-level good will, but more and more on the technical capacities that have been created inside ministries and local authorities. Not last, the National Council for Combating Discrimination started to act as a guardian of non-discrimination in Romania, sanctioning discrimination deeds. It remains that it strengthens further its capacities to carry out research and identify the hidden discrimination, its effects and ways to combat it. Of most importance was also the development of capacities inside the Roma communities. Despite some limited progress in forming a new Roma elite capable to take forward the Roma issue at the political level and also to contribute to implementation from within the public administration or through NGOs actions, is still something rather desired than properly addressed.

It can be said that the pre-accession process gave the tone for improving Roma situation in Romania and prepared the conditions, but the actual change will only come from sustained internal efforts, having not only the Roma elite but also the Roma as the grassroots level as main engines. The measurement of the social inclusion in the case of Roma from Romania should be done by an independent monitoring mechanism, both from the perspective of evaluating the dynamic of policy's implementation (the strategy for improving the Roma situation, the Joint Inclusion Memorandum, the National Development Plan, the Decade of Roma Inclusion), but also from the perspective of the financial and human resources that are allocated for the desired implementation and goals achievement of these policies. On the other hand, to achieve the maximisation of results in the case of the named policies, the most important aspect to be considered is the harmonising of the policies targeting the Roma population. This task should, hopefully, be included on the agenda of a special body dealing

with the Roma issue within the European Commission. The European Agency for Roma could be, in the same context, the solution regarding the technical assistance that would be needed in the case of states implementing programs aimed at the social inclusion of Roma, from the point of view of the Open Method of Coordination.



Annex

**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 28 May 2009

10394/09

**SOC 375
JAI 339
AG 46
EDUC 106
SAN 158**

NOTE

from :	Permanent Representatives Committee (Part I)
to :	Council (EPSCO)
No prev. doc.:	10121/09 SOC 358 JAI 318 AG 40 EDUC 96 SAN 141
Subject :	Inclusion of the Roma = Draft Council conclusions

Following a meeting of the integrated European platform for Roma inclusion in Prague on 24 April 2009, the Czech Presidency tabled a set of draft Council Conclusions on the issue of "the Inclusion of the Roma".

At its meeting on 27 May 2009, the Committee of Permanent Representatives reached agreement on the text as set out in the Annex.

The EPSCO Council is invited to adopt the draft Council Conclusions at its session on 8/9 June 2009.

**Draft
Council Conclusions
on the**

Inclusion of the Roma

THE COUNCIL OF THE EUROPEAN UNION,

RECALLING

1. the conclusions of the European Council of December 2007¹ and June 2008² as well as the conclusions of the General Affairs Council of December 2008³;
2. the resolution of the European Parliament of March 2009 on the social situation of the Roma and their improved access to the labour market in the EU⁴;

ACKNOWLEDGING

3. that policies for Roma inclusion are most effective when they are targeted, and at the same time aimed at the inclusion of Roma into mainstream society; when Roma are aware of the importance of their active participation and representation in the inclusion process, *inter alia*, through relevant NGOs; and, where appropriate, when policies are actively supported by Roma representatives, in accordance with national legislation and/or mechanisms⁵, taking into account the importance of gender balance in decision-making;

¹ Doc. 16616/1/07 REV 1.

² Doc. 11018/1/08 REV 1.

³ 15976/1/08 REV 1.

⁴ Doc. INI/2008/2137.

⁵ Including, for example, Roma community leaders or representatives of Roma minority self-governments, or Roma representatives in political and administrative structures, where appropriate.

4. that the full participation of Roma in society and equal opportunities for every Roma □ man, woman and child □ is an overall objective which has to be achieved by public policy actors at all levels within the limits of their competence;
5. the vital importance of facilitating the involvement of Roma as full and active partners in the design, implementation and monitoring of all policies concerning them;

WELCOMING

6. the organisation on 16 September 2008 of the first European Roma summit, in which representatives of the EU institutions, the Member States and NGOs participated, and the fact that it brought about a considerable mobilisation of civil society;
7. the organisation and outcome of the first meeting of the integrated European platform for Roma inclusion in Prague in April 2009, which aimed at successfully implementing Roma inclusion policies as well as aligning them with mainstream policies on education, employment, social inclusion, public health, and infrastructure;
8. the commitment of the government of the Kingdom of Spain to organise on 8 April 2010 the second European Roma Summit which will be prepared, *inter alia*, on the basis of the activities carried out within the framework of the platform;
9. the commitment of the Commission to follow up its report of July 2008 on Community Instruments and Policies for Roma Inclusion¹ and to undertake concrete steps to make Community instruments and policies relevant for Roma inclusion more effective;

¹ Doc. 11530/08 ADD 1 + ADD 1 COR 1.

TAKES NOTE OF

10. the Common Basic Principles on Roma Inclusion (annexed) presented and debated at the first meeting of the integrated European platform for Roma inclusion held in Prague in April 2009;

INVITES THE COMMISSION AND THE MEMBER STATES, in close cooperation, and in accordance with their respective competences

11. to take into account the Common Basic Principles, where appropriate, when designing and implementing policies to promote the full inclusion of the Roma, as well as when designing and implementing policies to defend fundamental rights, uphold gender equality, combat discrimination, poverty and social exclusion, and ensure access to education, housing, health, employment, social services, justice, sports and culture, and also in the EU's relations with third countries;
12. to make use of the integrated European platform for Roma inclusion for the exchange of good practice and experience between the Member States and with those countries with a perspective of joining the EU, and in the cooperation between all parties and international organisations concerned by Roma issues;
13. to continue the work on the integrated European platform for Roma inclusion, where appropriate, including consideration of the possibility of further developing its structure;

INVITES THE COMMISSION

14. to continue to provide the necessary administrative assistance to the integrated European platform for Roma inclusion, in order to maximise the impact of its work.

**Common Basic Principles on Roma Inclusion –
as discussed at the 1st meeting of the integrated European platform for Roma inclusion, April
2009**

Roma people are disproportionately affected by social exclusion, prejudice and discrimination. Roma communities have been part of European societies for centuries, often marginalised and sometimes persecuted. Over the last two decades, it is apparent that the socio-economic situation of many Roma people has stagnated or even deteriorated in a number of EU Member States. Many Roma people experience unemployment, low income, reduced life expectancy and poor quality of life. This represents a human tragedy for the individuals concerned as well as an immense loss for society as a whole. Moreover, far-reaching exclusion entails social instability and represents a problem in economic terms.

Therefore, the issue of addressing the problems which affect Roma people is increasingly recognised as being extremely urgent in both ethical and practical terms. The European Union recognises there is a need for more active and effective policies concerning Roma inclusion. The practical delivery of these policies rests above all with the Member States and, in particular, with regions and municipalities. Although the numbers and socio-economic conditions of the Roma in individual Member States vary greatly, there are several common denominators. Moreover, experience from several Member States shows that there are general policy approaches which have proved to be useful and can thus be recommended to others.

Principle No 1: Constructive, pragmatic and non-discriminatory policies

Policies aiming at the inclusion of Roma people respect and realise the core values of the European Union, which include human rights and dignity, non-discrimination and equality of opportunity as well as economic development. Roma inclusion policies are integrated with mainstream policies, particularly in the fields of education, employment, social affairs, housing, health and security. The aim of these policies is to provide the Roma with effective access to equal opportunities in Member State societies.

Principle No 2: Explicit but not exclusive targeting

Explicit but not exclusive targeting of the Roma is essential for inclusion policy initiatives. It implies focusing on Roma people as a target group but not to the exclusion of other people who share similar socio-economic circumstances. This approach does not separate Roma-focused interventions from broader policy initiatives. In addition, where relevant, consideration must be given to the likely impact of broader policies and decisions on the social inclusion of Roma people.

Principle No 3: Inter-cultural approach

There is a need for an inter-cultural approach which involves Roma people together with people from different ethnic backgrounds. Essential for effective communication and policy, inter-cultural learning and skills deserve to be promoted alongside combating prejudices and stereotypes.

Principle No 4: Aiming for the mainstream

All inclusion policies aim to insert the Roma in the mainstream of society (mainstream educational institutions, mainstream jobs, and mainstream housing). Where partially or entirely segregated education or housing still exist, Roma inclusion policies must aim to overcome this legacy. The development of artificial and separate "Roma" labour markets is to be avoided.

Principle No 5: Awareness of the gender dimension

Roma inclusion policy initiatives need to take account of the needs and circumstances of Roma women. They address issues such as multiple discrimination and problems of access to health care and child support, but also domestic violence and exploitation.

Principle No 6: Transfer of evidence-based policies

It is essential that Member States learn from their own experiences of developing Roma inclusion initiatives and share their experiences with other Member States. It is recognised that the development, implementation and monitoring of Roma inclusion policies requires a good base of regularly collected socio-economic data. Where relevant, the examples and experiences of social inclusion policies concerning other vulnerable groups, both from inside and from outside the EU, are also taken into account.

Principle No 7: Use of Community instruments

In the development and implementation of their policies aiming at Roma inclusion, it is crucial that the Member States make full use of Community instruments, including legal instruments (Race Equality Directive, Framework Decision on Racism and Xenophobia), financial instruments (European Social Fund, European Regional Development Fund, European Agricultural Fund for Rural Development, Instrument for Pre-Accession) and coordination instruments (Open Methods of Coordination). Member States must ensure that use of financial instruments accords with these Common Basic Principles, and make use of the expertise within the European Commission, in respect of the evaluation of policies and projects. Peer review and the transfer of good practices are also facilitated on the expert level by EURoma (European Network on Social Inclusion and Roma under the Structural Funds).

Principle No 8: Involvement of regional and local authorities

Member States need to design, develop, implement and evaluate Roma inclusion policy initiatives in close cooperation with regional and local authorities. These authorities play a key role in the practical implementation of policies.

Principle No 9: Involvement of civil society

Member States also need to design, develop, implement and evaluate Roma inclusion policy initiatives in close cooperation with civil society actors such as non-governmental organisations, social partners and academics/researchers. The involvement of civil society is recognised as vital both for the mobilisation of expertise and the dissemination of knowledge required to develop public debate and accountability throughout the policy process.

Principle No 10: Active participation of the Roma

The effectiveness of policies is enhanced with the involvement of Roma people at every stage of the process. Roma involvement must take place at both national and European levels through the input of expertise from Roma experts and civil servants, as well as by consultation with a range of Roma stakeholders in the design, implementation and evaluation of policy initiatives. It is of vital importance that inclusion policies are based on openness and transparency and tackle difficult or taboo subjects in an appropriate and effective manner. Support for the full participation of Roma people in public life, stimulation of their active citizenship and development of their human resources are also essential.
